

Regular Council Meeting
March 10, 2014 6:30 p.m.
City of Oswego, KS 67356

Present: Councilmembers Bill Owens, Dee Brown, Jane Rea, Darren Tynan with Mayor Glenn Fischer presiding.

Absent: Councilmembers Kelly Vance and Susan Bringle.

Also present: City Superintendent Calvin Jurgensen, City Clerk Carol Eddington, Asst. Chief of Police Brandon Conrad, City Attorney Rick Tucker, Deputy Clerk Renee Cochran, Pastor Roger Daniels, Christina Bates, Courtney Bates, Pat Hendrickson, Carole McKinley, Paula Kern, Larry Richardson, Bill Cunningham, Rena Russell, Brenda Richardson, Rodney Kelly and David Yearout.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Pastor Roger Daniels, First Baptist Church, gave the opening prayer and Councilmember Tynan lead the Pledge of Allegiance.

PROCLAMATIONS AND RECOGNITIONS

If I Were Mayor Contest Winner

Courtney Bates from Class 7a attended the meeting and read her winning essay. Bate's essay acknowledged the many responsibilities of a mayor. She stated, as Mayor, her goals would include making sure there were opportunities for citizens, good education and a safe environment. She would also focus on housing, streets and felt for a town to be "successful" it should be clean and nice. Mayor Fischer congratulated her on a job well done and presented her with an individual swim pass for the 2014 season.

PETITIONS AND DELEGATIONS

Stone Hill Estates- Financing Options

Kevin Cowan was unable to attend the meeting to discuss the financing options for the subdivision so this was tabled until next month.

Planning & Zoning Revision-Dave Yearout, Yearout & Associates

Dave Yearout attended the meeting to answer questions and explain some of the changes on the new revision document. The main goal was to simplify the regulations and zone properties as they are being used. Properties along the highway that are currently zoned as commercial but are being used as residential will be zoned residential on the revised document. Labette County provided a database that shows the usage of each property. This database will also be used to generate a zoning map. Yearout stated an "Airport District" was also added so that will be in place if someone wants to do business at the airport.

Yearout stated that were no changes were made to the setback requirements. They will remain 8 feet on the side, 10 feet on the alley and 60 feet from the center of the road. The "Grandfather" clause was also retained. Yearout explained that if someone had been issued a conditional use permit to allow animals the permit is associated with the property not the owner or animals. In addition the property owner would be allowed to replace animals that have been lost or

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destroyed. The only way to lose the grandfather provision is to discontinue the “use” for 6 months or longer.

Council asked Yearout to explain Developmental Rights. Yearout said that statues give property owners the right to build to the standards that were in place when the property was purchased as long as it is within 5 years of purchase for residential property. Commercial property must have already “substantially” begun work when the standards changed to be able to complete the project based on the old standard. Yearout also gave the definition of a PUD- Planned Unit Development. This is an accommodation for developers to allow different uses within the same development.

The Planning and Zoning Commission has recommended the Council approve the document. Councilman Tynan made a motion and Owens seconded to table the decision to allow time to look over the County’s database and finalize the zoning map. Motion carried. Yearout said he would work with the county on the map.

Attorney Rick Tucker arrived at 7:04pm.

ORDINANCES, RESOLUTIONS and AGREEMENTS

Fiber Optic Internet – Craw-Kan – Amended Agreement

At the February 2014 Council meeting, Attorney Tucker was instructed to draft a letter to Craw-Kan explaining his and the City’s position on the requested changes to the agreement. (name city as additional insured on general liability policy and include the fact that they said they would agree to increase the connectivity speed on a temporary basis when necessary) Tucker sent the letter to Craw-Kan and stated that he also called Wilbert when no response was received.

Wilbert said he was drafting a letter to the city stating Craw-Kan was withdrawing their proposed lease offer and agreement stating their construction calendar for 2014 is now full. The letter was included in the packet. Attorney Tucker said although the result was unfortunate he stands behind his recommendations. Council agreed and stated that the school would need to be notified of the results.

CONSENT AGENDA

The Consent Agenda includes minutes from regular and any special meetings since the last regular meeting, accounts payables check registers for the month (copies of the warrants were available for review), payroll checks for the month and utility deposit refund checks for the month.

Appointments – Airport, Library and Tree Board

Airport Board

The Consent Agenda included the reappointment of John Dickinson to the Airport Board. The re-appointment is a three year term, expiring April, 2017.

Library Board

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Angela Solomon and Patricia Hendrickson were re-appointed to the Library Board. They will each serve four year terms, expiring April, 2018.

Tree Board

Brenda Willis was appointed to fill the unexpired term of Bill Cunningham on the Tree Board. The term will expire January, 2016.

Accounts Payables

Clerk Eddington presented additional accounts payables to add to the Consent Agenda.

CDBG Account - G.O. Bond expenses:

Check # 1220 - City of Oswego - \$281,241.92 – Reimbursement of project expenses.

Check # 1221 - Attorney General's Office, Bond Division - \$ 450.00 – Bond Fees

Check # 1222 - R.A. Knapp Construction - \$412,227. – Pay Estimate #2

Anderson Engineering - Subdivision expenses

\$5,300 Test pits at the subdivision

\$28,200 Engineering, Surveying, Preliminary Plat

State Treasurer - Streambank Project – Bonds Expense

\$841.25 and \$858.75.

Storm Warning Siren Maintenance Contract – Washington Electronics

A contract for the maintenance of the Storm Warning Sirens was presented. Clerk Eddington stated that Fire Chief Donnie Allison has reviewed the contract and it is the same as in previous years. There was no price increase and Allison recommended Council approve the contract with Washington Electronics.

Meals on Wheels Proclamation

The City received a letter from the Meals on Wheels program asking if the Mayor or any Councilmember would like to volunteer to deliver meals during the week of March 17 – 20. Councilmember Owens volunteered to participate in the event and the Mayor signed a proclamation in recognition of the program.

Fair Housing Month Proclamation

A proclamation was presented for Fair Housing Month. As part of CDBG funding, the city must conduct a fair housing activity and is encouraged to issue this proclamation annually during the month of April. Fair Housing information will be available at City Hall and the Public Library.

Rea moved and Owens seconded to approve the consent agenda with the additions as presented. Motion carried.

Executive Session – Possible Litigation

Brown made a motion and Rea seconded to go into executive session for ten minutes for consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship with the Mayor, Council members, Attorney Tucker and City Clerk in attendance. Motion carried. Executive Session began at 7:28pm and ended at 7:38pm.

OLD BUSINESS

Code Enforcement - Richard Thompson – 22 N. Commercial

At the September 2013 Council meeting, Council passed Resolution 09-09-13A that set March 9, 2014 as the deadline for the structure to have the repairs completed on this house. As Code Enforcement Officer, Supt. Jurgensen, inspected the home on March 5th and filled out the Minimum Housing Code inspection checklist which was presented to Council. It appeared that although there had been some work to the outside of the house there was little or no work done on the inside.

Jurgensen stated that he had also checked the property on February 6th and informed the property owner that the six month deadline, March 9th was approaching. Thompson stated that he was aware of the deadline. Council asked if the repairs to the outside of the building had been completed and if he felt the building was safe. Jurgensen said that he did feel as though the building was safe and that Thompson had completed most of the requested repairs to the outside.

Brown made a motion and Tynan seconded to request Thompson attend next month's council meeting to state his intentions regarding the repairs to the inside of the building before making a decision in the condemnation proceedings. Motion carried.

Water Project – Streambank/Dam Project

Pay Request – R.A. Knapp Construction

Supt. Jurgensen gave a progress report on the project. Pay Request #2, in the amount of \$412,227.00 from R.A. Knapp was presented. Both Supt. Jurgensen and project engineer, Matt Eblen, have signed off on the pay request. Rea made a motion and Owens seconded to approve the pay request. Motion carried.

Work at the Water Plant

Scott Williamson, with Shafer, Kline and Warren has not provided the cost estimates for this part of the project yet. He is currently working with R.A. Knapp and if necessary a Special Meeting will be scheduled later this month to get the cost estimate to Council for approval. As soon as the figures are received from Williamson, Clerk Eddington will forward them on to Rural Development.

Housing Project

CDBG Housing – Owner Rehab – 3 Commercial

Clerk Eddington stated that after evaluating the monies within the program, Grant Administrator, Susan Galemore, feels the city will have enough left to do a few more houses. Galemore has recommended Council approve the bid on the house at 3 Commercial, for \$18,350.00, from Nance Construction. Tynan made a motion and Rea seconded to approve the bid. Motion carried.

City Sales Tax – Re-evaluate Projects

Council discussed the results of the February 18th vote on the half cent sales tax increase. Since the issue was defeated the list of projects needed to be re-evaluated.

Downtown Buildings- Condemnation Proceedings

The removal of the two downtown buildings was one of the most costly and essential projects that will now not have any funding. Council questioned whether the city was liable for damages that might result due to the unsafe condition of the two buildings. Attorney Tucker said the city is not liable. Council questioned whether a lien could be placed on the owner's property located in another state. Tucker said although there was a slim possibility it would be very difficult and costly. Brown made a motion and Rea seconded to cease the condemnation proceedings on the Professional and Branson Buildings. Motion carried with Owens voting no.

Unfunded Mandate – Street Signs

The state has mandated that the city replace all street signs with higher reflective signs which are much more costly than those they have been using. Council concluded that they would only replace signs as needed.

Unfunded Mandate - Swimming Pool

The Federal government has mandated changes to the swimming pool to meet ADA requirements and the bottom of the pool needs to be repaired. Council discussed that since the pool has the minimum two ways into the big pool they believed that it does meet the ADA requirements. One of the councilmembers stated that they thought ADA required a zero entry for the baby pool. Clerk Eddington said she believed that was correct but will check to make sure. When renovations to the pool had been discussed in the past, the zero entry work was discussed as a solution to the ADA baby pool requirement as well as a fix for the holes in the shallow end that will not hold a patch. Council determined that without the funding the additional half-cent sales tax would have provided, the city has no choice but to continue patching the pool.

Safe Routes to School

The city is working with USD 504 on the Safe Routes to School project. The city's portion of the total project cost is estimated at \$75,000. Currently the project is still in Phase One which is Developing a Plan stage. Mayor Fischer recommended letting the school district know that the city may not be able to proceed with Phase Two which is Implementation and Development.

One Cent Sales Tax Renewal

Eddington said that the one cent sales tax will be up for renewal this fall and could be put on the ballot in August. That way if it doesn't pass then there will still be another opportunity before it expires. Mayor Fischer stated the need for transparency and keeping the public informed. He said citizens may not be aware of the need for Capital Improvement funding and that it was important for them to know that in the past six years the city's mil levy has actually decreased every year except one.

NEW BUSINESS

2012 Write Off of Unpaid Utility Bills

A list of 2012 unpaid utility bills to be written off from current accounts receivables was presented. Clerk Eddington stated this process is recommended by the city's auditor. She stated collection efforts will continue on these accounts through the State set-off program, the debt collection agency or upon any of the customers returning to live in the city. Owens made a motion and Tynan seconded to approve writing off the 2012 amounts. Motion carried.

Commodity Bid Results & Awards

The annual commodity bid results were presented at the meeting for rock, rock hauling, dumpsters, chemicals and galvanized culverts. Supt. Jurgensen mentioned that there was no bid received for rock. Attorney Tucker said that the city could negotiate the price for the year with a provider. Tynan made a motion and Owens seconded to award the bids as presented. Motion carried.

Pool Bathhouse Roof

Clerk Eddington presented a quote from Elliot Seamless Guttering for the application he has proposed to use on the roof of the bathhouse - \$34,290.00. The State Historical Society has reviewed the scope of work and stated that the description of proposed work appears to meet the Secretary of the Interior's Standards for Rehabilitation and meets the requirements of the HTF grant program. The contract between the city and Elliott has also been submitted and approved by the Kansas State Historical Society (KSHS) and Attorney Tucker.

The amount of the quote falls within the grant award amount. The city has a 20% match for this grant which will be \$6,858.00. This will come from the Pool Improvements line item within the Capital Improvement Fund. The city will pay for all of the project costs before being able to submit a drawdown request to the KSHS.

Council questioned whether the work would be done before the pool opens. Eddington said that Elliott plans to begin work before April 1st and should complete the project within 65 days which would be June 4th, 2014. These dates will be inserted into the contract. Rea made a motion and Tynan seconded to approve the contract. Motion carried.

Property/Liability Ins. Renewal

A renewal quote from Al Eshelbrenner, Ryan Insurance, was presented from EMC Insurance. EMC is a long standing municipal insurance program that is used by over 500 cities in Kansas. Clerk Eddington said that Eshelbrenner went out for quotes from several markets as he does every year. EMC provided the best prices and is the only company in this market that gives dividends. The city has received a dividend every year from EMC. The average dividend the city has received for the last four years has been \$2,473.

Eddington did say that EMC increased the values on most of the buildings by about 3% and some buildings by a little more than that due to their estimations of replacement costs (required

by the policy). EMC has suggested the city raise the deductible from \$1,000 to \$5,000 due to the large property schedule. They provided quotes for the two different deductible amounts. The savings would be \$4,636 annually. Eddington said the city had been averaging at least one claim per year, however, there had not been any claims in the last two years. Eshelbrenner said that many of the companies he checked with are going to \$10,000 - \$20,000 deductibles for wind and hail damage. Eddington recommended keeping this in mind at budget time.

Liability Insurance renewal premium for the Airport came in at the same amount as last year and the company, Ace Ins., offered to maintain this premium level for the next three years. Owens made a motion and Tynan seconded to approve the renewal quote for property and liability insurance with the \$1,000 deductible. Motion carried.

INDIVIDUAL REPORTS

Rea – asked about the Planning and Zoning Committee minutes where Dan Chapman thought it might be required to have a member from outside the city limits due to the Strategic Plan. Eddington said that she did not know why Chapman thought the Strategic Plan included outside the city limits and would get with him to clear this up.

- Asked if the Tree Board needed to do a Proclamation for Arbor Day to be eligible for Tree City USA. Deputy Clerk Cochran said yes. Clerk Eddington said there will be one prepared for the April Council Meeting.

- Asked if they were working on the Welcome sign for the South entrance to town. Jurgensen said they had it in the shop.

Owens – asked if any fuel had been sold at the airport. Jurgensen said no but the season for the agricultural spraying will begin soon. He also stated he had recently tested the fuel and the alcohol content is still good.

- Asked about the status of the bridge behind the G&W Grocery store. Jurgensen said the individual working on the project has all but forty feet of the planks ready to go.

- Said there is a low spot north of the post office and dirt needs to be filled in there. Jurgensen said they could take care of that.

- Said Crain field needs dirt. Jurgensen said that the entire field is low and needs to be raised up. They will be getting some dirt from other projects and plan to dump it near Kamp Siesta. They could possibly use that in the future.

Jurgensen – reported that they had the Oregon Street drainage work done and are working on the Water Pit Project. They need to take one sample from the surface and one from twenty feet deep. They will send it for testing.

- Asked if he would be able to put the gates back up after they are finished. He said they needed to keep people out of the water. Owens stated that he did not object as long as there would not be some individuals with a key.

Eddington – Presented a quote for \$4428.20 from Liberty Pyrotechics for 4th of July Fireworks she received from Jon Eck. The quote included a 30% discount. Eddington stated \$4500 was in the budget and recommended approval. Tynan made a motion and Owens seconded to approve the quote. Motion carried.

- Has asked MPR about Health Insurance renewal rates for July 1st. MPR is looking at a 6% increase on the low deductible plan and 2% on the high deductible plan. Eddington checked on the Clerk's list serve and everyone reported seeing an increase - most around 6%. She asked Council if they wanted her to go out for bids. It is a lengthy process and would need time. MPR's Board will meet on the 27th of March and she will check with them to see if they change their increase or not. She will report to Council at the April meeting.

- LCC has requested a donation to their annual fund raiser for tuition. The city has provided a Family Swim Pass in the past. Eddington recommended providing the pass again this year. Rea made a motion and Tynan seconded to provide the swim pass to LCC. Motion carried.

- Read a comment that was made on the Airnav website where our Airport fuel prices are listed. Andy Crabtree said he appreciated the airport and it was much nicer than expected. It was a good fuel stop.

- Reminded Council that the Chamber Dinner was the following evening, Tuesday, March 11th.

15 Minute Public Discussion

There were no comments or discussion from the public that attended the meeting.

ADJOURNMENT

Owens made a motion and Rea seconded to adjourn the meeting at 8:37pm. Motion carried.

Mayor Glenn Fischer

Attest:

Deputy City Clerk Renee Cochran