

Regular Council Meeting
July 14, 2014 6:30 p.m.
City of Oswego, KS 67356

Present: Councilmembers, Susan Bringle, Jane Rea, Bill Owens, Darren Tynan, Kelly Vance, with Mayor Glenn Fischer presiding.

Absent: Councilmember Dee Brown.

Also present: City Attorney Rick Tucker, City Superintendent Calvin Jurgensen, City Clerk Carol Eddington, Police Chief George Elliott, Officer Joe Royer, Deputy Clerk Renee Cochran, Heather Brown, Paula Kern, Larry Richardson, Bill Cunningham, Karen Carpenter, Liz Turner, Carole McKinley, Lewis Riley, Rena Russell, Eldon and Etsuko Perkins, Larry Steeby, Steve McBrien, John Williams, JD Walker, Ed & Stephanie George and Chad Clifton.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Steve McBrien, Assembly of God Church, gave the opening prayer and Councilmember Vance led the Pledge of Allegiance.

PETITIONS AND DELEGATIONS

Oswego Golf Course – Skip Riley

A Public Hearing was to be held first but Skip (Lewis) Riley asked to address the Council regarding the Golf Course first so that he could attend another meeting. Riley said that the greens and fairways have been damaged due to vandalism. The police department is investigating.

Riley also requested that the bid process to purchase equipment for the Golf Course be waived. At the April Council Meeting, Council approved moving forward with a bond issue to purchase equipment for the Golf Course. Riley said he understood the policy was any purchase amounts over \$1000 must be bid out. He stated it has been a difficult process because vendors will not hold used equipment for the amount of time it takes to go through a bid process before bond closing. Eddington said she had spoken with Kevin Cowan, bond counsel, and he said that the bond has to be tied to the equipment that they are purchasing. Cowan also advised the Council can make the determination to waive the bid requirement. Riley said that it wasn't a problem with new equipment since the vendor can just order another item. Owens made a motion and Bringle seconded to waive the bid process for used equipment only. Motion carried.

PUBLIC HEARING

Condemnation – 1211 First St.

Mayor Fischer opened the Public Hearing and asked if anyone was present representing the property at 1211 First St. Since no one was present Mayor Fischer said the hearing would remain open until later in the meeting to allow any representatives time to appear.

PETITIONS AND DELEGATIONS

Hazard Mitigation Plan – Larry Steeby, Labette Co Emergency Preparedness

Larry Steeby attended the meeting to give an overview of the Regional All Hazard Mitigation Plan and answer any questions regarding the plan. The 721 page document is used in identifying mitigation projects prior to disasters occurring in our area. The plan, in years past, has been done

on a county by county basis, however, the new plan was done on a regional basis with the twelve counties in Southeast Kansas all participating. The plan has to be modified and approved every 5 years and it is again time to approve this plan.

Council asked if there were any changes to the plan that would affect the City. Steeby said there were no changes that he was aware of. He said the plan is a requirement of any agency seeking FEMA reimbursement. A resolution to adopt the plan is required and was included in the Council packet. Owens made a motion and Vance seconded to approve the plan by adopting Resolution #7-14-14A. Motion carried with Tynan voting no.

SEK Education Museum – Eldon Perkins

Mayor Fischer excused himself and Council President, Jane Rea, presided over this portion of the meeting. Mr. Perkins said that he plans to close the museum as of July 15th, 2014. He understood from the original agreement with the City that the property would then revert back to the city. He asked that he be allowed seven months to remove items from the building and get it cleaned up before the city takes possession. Bringle made a motion and Tynan seconded to have Attorney Tucker prepare the necessary documentation and allow Perkins seven months to clean out the building. Attorney Tucker suggested setting a date. Bringle amended her motion to set March 1, 2015 as the date for Perkins to be out of the building. Tynan seconded the motion. Motion carried.

CITY ATTORNEY

Airport Land Acquisition

At the special Council meeting held June 25, 2014, Council determined to have attorney Tucker draw up an addendum to the contract between the City and Middleswart that would extend the contract deadline to December 31, 2014. Attorney Tucker said that Middleswart had requested a couple of changes to the addendum. At 6:51pm Rea made a motion and Bringle seconded to go into executive session for ten minutes to discuss the acquisition of real estate with the mayor, Council, City Attorney and City Clerk in attendance. Motion carried. Executive Session ended at 7:02pm. The meeting resumed with no further discussion regarding the land acquisition.

Mowing Assessment Ordinance

AN ORDINANCE MAKING AND LEVYING A SPECIAL TAX UPON ALL LOTS AND PARCELS OF GROUND IN THE CITY OF OSWEGO, KANSAS FOR THE COST AND EXPENSE OF MOWING IN SAID CITY THROUGH MAY 13, 2014 was presented for approval. The ordinance covers unpaid mowing charges through May 13, 2014. Tynan made a motion and Owens seconded to approve the ordinance. Motion carried. Clerk assigned the ordinance number 1319.

PUBLIC HEARING

Condemnation – 1211 First St.

There being no one in attendance to discuss this issue the Mayor closed the Public Hearing at 7:04pm. A RESOLUTION FINDING THAT THE STRUCTURES LOCATED AT: *Lot 10 and the West ½ of Lot 11, Block 2, Cowell's Addition, City of Oswego, Labette County, Kansas,*

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COMMONLY KNOWN AND REFERRED TO AS *1211 First St.*, OSWEGO, KANSAS, ARE UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURES BE REMOVED AND THE PREMISES MADE SAFE AND SECURE was presented for approval.

Staff reported that the property is still in Dantic's name and no work had been done to the property. The property owners did not appear or present evidence. Rea made a motion and Bringle seconded to proceed with condemnation proceedings by adopting Resolution 7-14-14B. Motion carried.

CONSENT AGENDA

The Consent Agenda including minutes from regular and any special meetings, accounts payables check registers for the month, payroll checks and utility deposit refund checks for the month was presented. (Copies of the warrants were available for review). Bringle made a motion and Rea seconded to approve the consent agenda. Motion carried.

OLD BUSINESS

Nuisance Violations - Brown – 627 Ohio

Supt. Jurgensen reported that Brown continues to make progress on the property.

Condemnation – Richard Thompson – 22 N. Commercial

Condemnation on this property began over a year ago. Council had given Mr. Thompson until July 13, 2014 to have the house brought up to code. A letter reminding Thompson of the approaching deadline was sent with no response. Supt. Jurgensen inspected the home again on July 10th and the house still does not meet the minimum housing code requirements. Bringle made a motion and Vance seconded to proceed with the condemnation process. Motion carried with Tynan and Owens voting no.

Neosho River Dam/Streambank Project – SKW Pay Request

An invoice from Shafer, Kline & Warren, was submitted in the amount of \$22,992.50 for design and inspection fees. The invoice and drawdown request was submitted to Rural Development and Christie McReynolds approved the request. Rea made a motion and Bringle seconded to approve the pay request for SKW. Motion carried.

Neighborhood Revitalization Plan

The current NRP expires October 1, 2014. At the June Council meeting Council determined to change the wording on what the city's proceeds would be used for and make it a more generalized statement of revitalization efforts versus specifying the proceeds would be used solely for the development of sidewalks. In addition to the wording changes, the new plan changes consist of: Updates to valuation; updates to current projects and updates to the various dates of the plan.

Each taxing entity was contacted and provided with a copy of the proposed renewal to the plan. Clerk Eddington said that she and Mayor Fischer met with County Commissioners on June 30th. They asked that the County be the ones to distribute the tax rebate to property owners instead of

the City. Council questioned whether the City would have the right to review the rebates? Eddington said the County provides a detailed report with the distribution check that shows the breakdown of the property owners, their taxes and the amount rebated. This would continue to be checked thoroughly by staff when it is received. Eddington said she had checked with other cities and reported they have never had any problems with the County handling their plan in this manner. The County's request was incorporated into the wording of the revised plan and Council agreed with the revisions.

A public hearing is required as part of the renewal process. Rea made a motion and Vance seconded to set the public hearing for the August 11th Council Meeting. Motion carried.

2015 Budget

Clerk Eddington asked Council to allow Cheri Peine, former City Clerk, an additional ten hours to assist her with the budget. Eddington said that more time was needed due to the amount of time it has taken to analyze the 2013 actuals. The 2013 tax revenues were less than expected and there were some unexpected expenses. 2013 end of year balances need to be determined before moving forward with the audit.

Rea made a motion and Vance seconded to allow Eddington ten more hours to have Peine assist with the budget process. Motion carried.

NEW BUSINESS

FEMA – Closeout Memorandum

Clerk Eddington said that the city had received a closeout memorandum from the Kansas Dept. of Emergency Management. This form is for the Streambank Project and is required by FEMA. Eddington said she contacted Joe Wheeler, with KDEM, since he is the one that assisted the City with the appeal to FEMA. He informed her that signing the document will in no way affect the City's appeal of FEMA pulling their funding for the project. He also said it would not affect any future appeal if the City does not win the first one. He recommended the Mayor sign the document and put a statement by the signature block saying the City does not agree. Attorney Tucker reviewed the close out document and Mr. Wheeler's comments and did not see any problem with signing the document. Tynan made a motion and Rea seconded to sign the document with the stipulation that it was noted that the City adamantly disagree. Motion carried.

Transfers for 2013

The ending balances in 2013 were not what had been projected. The city received less in property taxes than the figures the County had given us to use in the budget for 2013. There were some unusually high expenses as well as some unexpected expenses. After consulting with the auditor the following transfers were suggested to adjust some of the ending balances for 2013:

- To help make up for the property tax shortfall, reverse the \$20,000 transfer out of the General Fund to Capital Improvement Fund for the City Hall remodel and make adjustments to the yearly payback transfer. The payback was set up for a 3 year payback at 4%. Change to a 4 year payback at 1% and the payment will be virtually the same amount.

- The unexpected expense of the Senior Citizen's Center roof repair (\$10,698.90), taken out of the General Fund, can instead be taken out of Capital Improvement. Make up a repay (from General into CI) for a period of two or three years.
- Transfer the unusually high fire truck repairs (\$4,748.82) out of Municipal Equipment instead of General, Fire.
- Transfer \$8,368 from Health Ins. Premium Fund to the Employee Benefits fund to help cover the increase in health insurance premiums in 2013. This is what the Health Ins. Premium Fund was set up for in the first place.

Council questioned why there was a shortfall of tax revenue. Eddington said that she had a call in to the County to discuss this. Eddington said if the transfers are approved, the auditor recommended they be formally approved by the Council in the form of a motion. Owens made a motion and Rea seconded to make the adjustments to 2013 with the transfers as presented. Motion carried.

Riverside Park Event Policy

The City has received requests over the years from the public for use of the city's park (funerals, a large fund raising event, a very large company picnic, etc.) that would necessitate blocking off areas of the park or closing the park. Mayor Fischer asked if the Council would like to continue to consider these requests on an individual basis or if they would prefer to adopt a policy. A policy for holding weddings in the park was established a couple of years ago and could be modified to include special events.

Eddington reported that she had contacted other cities with large parks and none of them ever close down their parks for private events. Fischer suggested only partially closing the park by blocking off the west end of the park and leaving the east shelter and pool area open. Chief Elliott said that parking is always an issue especially when there is an event already scheduled for the Community Building.

Eddington checked with the City's insurance agent regarding organizations that may wish to have a bounce house or something similar. He recommended the city request they provide liability insurance and have the city named as an additional insured. He said the city is covered under our liability insurance but if the company or group did not have insurance, all of the liability would fall onto the city.

Mayor Fischer asked that the Council think about it and contact staff with any suggestions they may have. It will be discussed at the Department Head Staff meeting to see if they can come up with a plan to present at the next Council Meeting.

Signage @ Hwy 59/160 Intersection

Chief Elliott said there continues to be a problem with people running the stop sign at the intersection, some resulting in serious accidents. The City has received complaints asking that something be done about this intersection. A traffic study on the intersection was recently performed by KDOT. Chief Elliott spoke with George Dockery at KDOT on July 10th. Dockery said that the results of the traffic study warranted no further action on KDOT's part. Elliott said

that Dockery disagreed with the findings of the study, however, the state won't pay for it because the survey doesn't support the need. Elliott pointed out that the study does not show the dangers of what could happen. Elliott said that Dockery has contacted representatives at the state but was told if the city wants to install anything else we would be required to obtain a permit and pay for the signage ourselves.

A quote for flashing beacons that can be attached to the existing stop signs was presented and discussed. The quote was for solar beacons and electric beacons. Staff recommended purchasing four solar beacons at a cost of \$7,192. They will be mounted on both sides of the east and west bound stop signs. Elliott felt additional signage on the north and south was not necessary.

Eddington said there is a line item for highway expenses within the Municipal Equipment Fund that could be used for the purchase. Rea made a motion and Tynan seconded to go ahead and purchase the four solar lights and see if we can recoup the expense at a later date. Motion carried. Elliott said that he would get the lights up as quickly as he could.

Executive Session – Personnel Matters of Non-Elected Personnel

Rea made a motion and Bringle seconded to go in to executive session to discuss non-elected personnel for ten minutes with the Mayor, Council and City Attorney present. Motion carried. Executive session began at 7:43pm and ended at 7:54pm.

Questions on Agenda Item #9 – FYI

Council had no questions or discussions on the financial information and reports provided.

INDIVIDUAL REPORTS

Vance – asked who is responsible for mowing the grass at the house that burned down. Jurgensen said the city will mow it if the property owner doesn't.

Rea – said there are black dogs running loose around the park. Elliott said he would check in to it.

- said they had a good turnout at the "Fly-in/Cruise-in" at the Airport. They had 30 planes before she left that day. Eddington said that Charles Stone contacted the City Office and said they had around 42 by the end of the event.

Elliott – said he has not been able to find Richard Thompson to issue him a citation for allowing raw sewage to run out under one of his rental houses. The address the city has is not a good one. He noted other cities haven't been able to locate him as well.

Jurgensen – will be getting the bridge planks for Crane Park tomorrow.

Eddington – the Pool Bathhouse grant should be received this month.

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- Marvin Wahl had contacted her about the City maintaining the sign at Schmoker Park. Bill Cunningham previously had a key but turned it back in to the Rotary. After some discussion it was understood that the City will be putting up information.

- the Lions Club are considering putting a porta-potty at Schmoker Park as a club project. Council asked that a representative attend next month's Council Meeting to provide additional information.

- wanted Council to be aware that the damage done to the Golf Course greens and fairways are not covered under our insurance policy. She said it is a Specialty Insurance. Elliott said they were offering a cash reward for information regarding the vandalism to the greens and Officer Royer is collecting evidence.

15 Minute Public Discussion

Carole McKinley – said there is Johnson grass on the property across from Diamond Coach. Jurgensen said he would look in to it.

Eddington – said she forgot they still need to set a Special Meeting to discuss the budget and set a date for the public hearing. The meeting was set for July 28th at 6:30pm.

ADJOURNMENT

Owens made a motion and Tynan seconded to adjourn the meeting at 8:05pm. Motion carried.

Mayor Glenn Fischer

Attest:

Deputy City Clerk Renee Cochran