

Special Council Meeting  
September 26, 2016, 6:30 p.m.  
City of Oswego, Kansas

Present: Councilmembers Darren Tynan, David Newby, Kelly Vance and John Davis with Mayor Bill Cunningham presiding.

Absent: Councilmembers Caleb Strickland and Scott Grassl

Also Present: City Superintendent Calvin Jurgensen, Deputy Clerk Renee Cochran, Deputy Chief Brandon Conrad, Elisabeth Rucker, Glenn Fischer, Adam Kiser and Amanda Robinett.

**Planning Commission Recommendation – Vacating Streets, Alley and Rezoning City Property**

The City Council determined to give the property (block 6, Spruill's Addition) between the city's public works barn and 4<sup>th</sup> Street to a new seed business – A&A Seed. In order to build the new 70' x 150' building the property would need to be rezoned for industrial use and the alley within the block would need to be vacated as the seed company would build over that area. It was also determined that there were streets created in the original platting of the addition that had never been developed that should be vacated. The city agreed to do the legal work to take care of these issues in lieu of granting a utility credit to A&A Seed as a business incentive.

The Planning and Zoning Commission held a public hearing on September 19<sup>th</sup> to receive public comments about rezoning the property and vacating the streets and alley. Mayor Cunningham presented the Planning Commission recommendations:

1. Vacate platted 3<sup>rd</sup> St. between Jefferson St. and Adams St. and vacate platted Jefferson St. between 3<sup>rd</sup> St. and 4<sup>th</sup> St retaining the right of way for a utility easement.
2. Vacate platted alley within the block.
3. Re-zone property between public works barn and 4<sup>th</sup> St. from R1-A Conditional Use to IP-1, Light Industrial.

Glenn Fischer, an adjacent property owner, was in attendance and asked to speak. Mayor Cunningham stated that this was not a public hearing and since he was not on the agenda to address council it was not proper procedure to receive comments, however, if he would keep it brief he would allow it. Fischer said that he had attended the public hearing and had voiced his concern that moving the drainage ditch that runs between the two properties might direct more water onto his property. As he has an established vineyard, he did not want additional water to be forced on to his grape vines. Fischer said that after discussing the concern with Supt. Jurgensen they both agreed that this should not be an issue. However, he asked to make sure that his concerns were noted in the event a problem arises that had not been anticipated. Fischer also stated that he would have liked to have had the opportunity to purchase the property himself. He felt that it would have been a better use of the tax payer's resources to sell the property to him, an established business owner, rather than give a valuable piece of property away.

Mayor Cunningham asked if the Council would like to respond. Councilmember Newby asked Supt. Jurgensen about the waterway. Supt. Jurgensen said that after looking at the expected placement of the building he no longer believed it would be necessary to move the drainage ditch which was Fischer's concern. He stated that he and Fischer had looked at the project and agreed that there shouldn't be an issue if the present drainage ditch isn't moved. Davis made a motion and Tynan seconded to approve the vacation orders to vacate the streets as presented, retaining the right of way for a utility easement for Jefferson Street only, vacate the alley within the block, and to approve the ordinance to rezone the property from R1-A Conditional Use to IP-1 Light Industrial. Motion carried. Clerk assigned the Ordinance #1370.

### **Surveyor Bids**

Two quotes for surveying, \$910 William Cook and \$1200-\$1800 Cornerstone Surveying were presented for Council approval. Now that the city has moved forward with the Planning Commission's recommendation a survey will need to be done to generate a new legal description for the city's property and the property going to A&A Seed. In looking at the aerial view of the property it appears the Public Works Barn may be in the vacated street area or even onto the next block. A survey and new legal description will provide the information needed for the City Attorney to draw up the deed.

Council asked about the surveyors. Supt. Jurgensen said they had used Cornerstone Surveying at the airport and have not had any problems. Clerk Cochran said the city has also used William Cook and he was the only one that had checked back a couple of times to ask about the project. Newby made a motion and Tynan seconded to approve the quote of \$910 for William Cook to do the survey. Motion carried.

### **Nuisances**

#### **222 Illinois**

Supt. Jurgensen reported that this property had already been cleaned up so no further action was needed.

#### **224 Second St – Cleanup Resolution**

A resolution to have the city cleanup 224 Second St was presented for Council approval. Council viewed photos of the property that were taken earlier in the day. Clerk Cochran said that the deadline to clean up the property was not until October 1<sup>st</sup> which falls on the upcoming Saturday, so no action could be taken until the following Monday, Oct. 3<sup>rd</sup>. The Council could pass the resolution now, contingent upon the property not being cleaned up and then serving them with the resolution on Monday, Oct. 3<sup>rd</sup> or it could wait until the regular Council meeting on Oct. 12<sup>th</sup>. Mayor Cunningham said he did not see any point in waiting. Davis made a motion and Vance seconded to approve the resolution contingent on the work not being done by Oct. 3<sup>rd</sup>. Motion carried. Clerk assigned the Resolution #9-26-16 A.

### **Water/Sewer Vehicle Purchase**

At the regular September Council meeting Supt Jurgensen presented a request to purchase a used 2011 F-150 that he had found at Vails Auto. Council was concerned about the amount of miles on the vehicle and Councilmember Strickland offered to look into finding some options for a new vehicle. Supt. Jurgensen said that after Strickland looked in to it the new vehicles were more than anticipated, so he provided some used options. After some discussion Supt. Jurgensen said he still felt like the 2011 F-150 at Vails would be the best option. The cost was within the \$14,463 amount that has been set aside, it would be purchasing local and if there were any problems he knew Vail would make it right. Tynan made a motion and Davis seconded to purchase the 2011 F-150 from Vails Auto. Motion carried.

### **Bid Results – 408 Merchant Auction**

Mayor Cunningham attended the auction for 408 Merchant and said Steven Charles had bid \$26,000 for the property which was much more than anticipated. Clerk Cochran said that she had spoken to Chesnutt who said the bidder also pays the auctioneer's 6% commission so the total price was \$27,560 with the commission. Councilmembers were very pleased and Davis said it was encouraging to hear that people value their city's downtown property. Davis made a motion and Newby seconded to accept the bid from Steven Charles for \$26,000. Motion carried. The City Attorney will draw up the deed.

### **Appoint Code Enforcement Officer**

Mayor Cunningham said that he had looked in to finding someone to fill the position of Code Enforcement Officer among the city's employees. He stated Supt. Jurgensen's work load did not allow

him to devote the time needed to keep on top of all the properties that need attention. He submitted for appointment Tracy Brannin. Council discussed Brannin's work history. Cunningham said she currently works in the City Office, has previous management experience and has served as the city's Court Clerk, which would be an asset. He added that based on the upkeep of her property, she obviously understands and values keeping property properly maintained.

Some Councilmembers stated that they didn't want to deter anyone from moving in to town due to the oppressive enforcement of the city's nuisance regulations. Councilmember Newby reminded them that all those decisions come before the Council. The Council determines whether to send a violation notice or pass a resolution to clean up a property. Newby also pointed out that the Council can decide to terminate an appointment if they determine the officer isn't working out. Newby made a motion and Davis seconded to appoint Tracy Brannin as Code Enforcement Officer. Mayor Cunningham called for a vote with Newby and Davis voting yea, and Vance and Tynan voting no. In the event of a tie the Mayor is the tie breaker. Cunningham voted yea. Motion carried.

### **Tri-County Poker Run/ Toy Drive**

The Poker Run was put on the agenda in the event any new information was received from the event coordinators. Clerk Cochran said that the City Office had not received any updates and Mayor Cunningham said he had not been contacted or heard anything from the public.

There being no further business, Newby made a motion and Vance seconded to adjourn the meeting at 6:49 p.m. Motion carried.

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F.W. Cunningham, Jr., Mayor

Attest:

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Renee Cochran, Deputy City Clerk