

Regular Council Meeting
March 14, 2016 6:30 p.m.
City of Oswego, KS 67356

Present: Councilmembers Bill Owens, Darren Tynan, Caleb Strickland, David Newby and Kelly Vance with Mayor Bill Cunningham presiding.

Absent: Scott Grassl

Also present: City Clerk Carol Eddington, City Supt. Calvin Jurgensen, City Attorney Rick Tucker, Deputy Clerk Renee Cochran, Officer Toby Wertz, Elizabeth Rucker, Liz Turner, Bob Guilfoyle, Mike Reed, Lance Smith, Gary Tomey, Larry Richardson, Jan Owens and Paula Kern.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Councilmember Vance gave the opening prayer and City Clerk Carol Eddington led the Pledge of Allegiance.

PETITIONS AND DELEGATIONS

Craw Kan Easement Request - Bob Guilfoyle

Bob Guilfoyle attended the meeting to answer any questions regarding a request for Craw Kan to use the city street right of way to install internet cable along Ohio St. north to Barker Drive and then east to the Hospital. The Hospital was struggling with accessing patient records due to the speed of their internet and have contracted with Craw Kan for the upgraded internet. Guilfoyle provided a map showing where they would be laying the line. When Council asked if they would be cutting the asphalt on Ohio, Guilfoyle said that would not be necessary as they will do a directional bore – in most areas. Council stated they were concerned about citizen complaints. He assured them that they will do a good job and would work to make sure everyone was satisfied with the results. Guilfoyle also pointed out that this will give the city a fiber presence in town. Council asked when Craw Kan would be able to start providing service to citizens or other businesses. Guilfoyle thought it may be a couple of years since they have a couple of large projects right now. Council reviewed the easement which had been approved by Attorney Tucker. Tynan made a motion and Caleb seconded to approve the easement to Craw Kan. Motion carried.

Councilmember Newby entered the meeting at 6:43 p.m.

Library Year End Report – Liz Turner

Liz Turner, Librarian for Oswego Public Library, attended the meeting to present the 2015 Year End Library Reports, their 2016 Budget, and to answer any questions. Turner stated she was proud of what they have been able to accomplish even though they were a small library. In 2015 they circulated 17,535 adult materials and 3,487 children materials; borrowed 2,793 books/ DVDS from other libraries and lent 1,259 to other libraries. Turner stated that they had to cash in a CD to put on a new roof last year. She also reported they receive a grant for \$800 each year from the State to help with their projects.

Clerk Eddington said that the library is no longer included as part of the city's annual audit. With the changes in the Kansas Municipal Accounting and Auditing Guide a few years back, the auditors made this determination. However, the city does have fiduciary duties to oversee a

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component unit (which is what the library is). Council discussed that in the past Library Board Member Paula Kern and Councilmember Bill Owens has provided the oversight by auditing the library. Mayor Cunningham asked if they would be willing to do that again. They both agreed and plan to meet next Tuesday to audit the books. Council commended Turner on her hard work and expressed their appreciation for all she does to make the library successful.

Summer Ball Concession Stand Fire – Lance Smith

Lance Smith from the Recreation Commission attended the meeting to discuss the fire that damaged the concession stand at the Little League field. Smith said there was a 90% loss of items due to the fire and smoke. According to the Fire Chief's report the fire started in an electric outlet (even though there was nothing plugged in) and then the breaker failed. Smith said that Jason George, a licensed electrician who is insured and bonded, has agreed to donate his services, along with many other volunteers. Smith said their first ballgame is April 11th so they need to act quickly to have everything back up and running by then. If Council will allow, they can get the volunteers started as soon as possible.

Supt. Jurgensen said that he went out with the insurance adjuster and he determined that the bottom half needed to be gutted. Clerk Eddington said that the city should receive a formal report from the insurance adjuster of what needs to be done. She reported on the figures that the adjuster is proposing to the insurance company - \$12,224 total on the building with a \$2,733 on hold (amount they will not pay out unless city expenses go beyond the initial amount paid out) and \$4,367 total on contents with a \$1,897 on hold.

Considering the short time frame, Owens made a motion and Newby seconded to approve allowing the volunteers to begin working on the building as soon as possible. Motion carried. Council also directed that the materials should all be purchased locally, if possible. They instructed Smith to keep all tickets and turn them in to the City Clerk along with a list of those that will be making purchases. Anything other than what is on the adjusters list that the group believes should be repaired or purchased would have to come before the Council in order to be paid for by the city. Clerk Eddington will contact Denton's & Trotnic to let them know which individuals are approved to charge items and reiterated that the city will need to have a signed receipt for all charges. Smith said that the scoreboard controller was damaged and needs to be replaced, however, it is so old, they are no longer made. They will probably have to look at replacing the scoreboard. Bill Owens said he had a hot dog roller he would donate. Smith thanked the Council and said they would begin working on the building as soon as possible.

CITY ATTORNEY

Charter Ordinance – Change in Election Dates

A CHARTER ORDINANCE EXEMPTING THE CITY OF OSWEGO, KANSAS, FROM THE PROVISIONS OF K.S.A. 14-201, RELATING TO THE ELECTION OF OFFICERS, THEIR TERMS OF OFFICE, TRANSITIONS TO NOVEMBER ELECTIONS, THE APPOINTMENT OF OFFICERS, AND NOMINATION PETITIONS; AND, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCE NO. 14 was presented for approval.

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Clerk Eddington reported that the charter ordinance was necessary for the city to come in to compliance with the new laws enacted by State legislature. The ordinance reflects that municipal elections will be held in November of odd numbered years with newly elected officials taking office in January of the following year. Council asked what would be the result if Council decided not to pass the ordinance. Attorney Tucker said the city needs to have their ordinance in compliance with State law. The elections will be held in November and council members serve until a successor is elected. Newby made a motion and Vance seconded to approve the Charter Ordinance that states municipal elections will be held in November of odd numbered years. Motion carried with Tynan opposing. Clerk assigned the Charter Ordinance # 17.

Charter Ordinance – Charter Out of Primary

A CHARTER ORDINANCE EXEMPTING THE CITY OF OSWEGO, KANSAS, FROM THE PROVISIONS OF K.S.A. 25-2108a, RELATING TO THE HOLDING OF PRIMARY ELECTIONS WITHIN SAID CITY AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS THERETO, AND REPEALING CHARTER ORDINANCE NO. 9 was presented for approval.

Clerk Eddington stated that the city chartered out of holding primary elections many years ago. Since that charter ordinance stated that the elections were held in April, it must be replaced with a charter ordinance stating the city elections are now in November. Only a charter ordinance can repeal an existing charter ordinance. Owens made a motion and Newby seconded to approve the Charter Ordinance chartering the city out of primary elections. Motion carried. Clerk assigned the Charter Ordinance # 18.

Mutual Aid Agreement – Correctional Facility/Fire Dept.

The Oswego Fire Dept. and the Correctional Facility Mutual Aid Agreements were presented for Council review. The agreements are reviewed every year for any necessary changes. Clerk Eddington stated that the agreements were reviewed by Chief Strickland and Attorney Tucker. The only change recommended was that the previous Fire Chief, Donnie Allison, was still listed as the responsible party. This needs to be changed to the current Fire Chief, John Strickland. Owens made a motion and Vance seconded to approve the agreements with the correction as stated. 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 were presented. (Copies of the warrants were available for review).

Appointments

Mayor Cunningham submitted the following for appointment:

Library Board – Reappoint Mike Reed, term expiring 2020; appoint Kristen Redburn to the Library Board, term expiring 2020.

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Planning & Zoning Commission – Appoint Derek Hellwig to replace Scott Grassl, term expiring May 2018.

Tree Board – Appoint Trevor Blankinship to replace Jane Rea, term expiring January 2018.

Airport Board – Reappoint Clifford Nading, term expiring April 2019.

Golf Course Cereal Malt Beverage License

The golf course submitted their 2016 Cereal Malt Beverage License application for approval. The Police Chief, Fire Chief and Attorney Tucker have all signed off on the application.

Mayor Cunningham asked if there was any discussion or corrections to the Consent Agenda. Strickland made a motion and Owens seconded to remove the accounts payables from the Consent Agenda so that they could be discussed separately and to approve the remaining Consent Agenda. Motion carried.

Council asked how much had been approved and spent to outfit the new Police Vehicle. Clerk Eddington said she would have to check with Chief Elliott as not all of the bills have come in yet. Council asked that be included in information for the next meeting. After some additional discussion Strickland made a motion and Tynan seconded to approve the expenditures as presented. Motion carried.

OLD BUSINESS

Condemnations – 638 Merchant, 710 Illinois, 1206 1st St and 710 Michigan

At the February 8th meeting, Council determined to go out for demolition bids on all four properties. The bid opening was held March 10th at 10:00 a.m. The results were:

- Beachner Construction - \$13,100
- B-3 Construction – \$7,400
- Moates Excavating - \$13,050
- G&G Dozer - \$18,292
- Triple H Services - \$11,500

Staff recommended awarding the bid to B-3, the low bidder. Council briefly discussed that Beachner, who attended the bid opening, complained because B-3 did not include references. Clerk Eddington said that Beachner was told that B-3 has consistently done work for the city. The city knows their work and would have already received references from them. Owens made a motion and Tynan seconded to award the bid to B-3. Motion carried with Strickland abstaining. Clerk Eddington said that property owners will be notified that B-3 intends to begin work on March 31st or the following Monday, thus allowing them one last opportunity to remove items from the property.

Downtown Demolition Grant

Clerk Eddington reported that the project manager, Justin Underwood, had informed the city that no matter what they tried there is no substantial brick on the apartment building west wall to attach the metal skinning to. Not only is the brick and mortar unable to support the metal siding but the wall itself is unstable. When the contractor pressed his foot against the wall it made the entire wall move. The contractor offered another possible solution but it would be very costly,

labor intensive and he is afraid it would do more harm than good as the added weight may end up causing the wall to give way.

When Grant Administrator Galemore passed this information along to Salih at KDOC, he told Galemore that in light of this new information, he would support the city if they decide not to skin the building. Clerk Eddington said that in order to change the scope of the project (remove skinning the building), a formal request must come from the Governing Body. Salih would then take it to the Board that would make the final determination. Galemore said she specifically asked Salih if the city could get the demolition of the building included in the grant but he said no. The contractor said they would just bill the city for time and materials for the work done to the building so far and the work to close up the opening on that side of the building (as instructed by Salih).

Council asked what the city's liability was if they didn't do anything. Attorney Tucker said that the city could be liable since the building is not safe. Clerk Eddington said that a Resolution that would begin condemnation proceedings had been prepared. Council reviewed the Enforcing Officers Report and photos of the interior of the building. Eddington said that the residents said they were moving and have put in a request to have the water turned off. Council asked staff to check to see if there is a lien on the property and whether the residents have moved out. The Council also asked for something in writing from the contractor saying the building isn't secure enough to attach the siding to in order to send it in with the letter to CDBG. Owens made a motion and Tynan seconded to send a letter to the State to let them know that the city would like to remove the skinning of 325 Merchant from the project due to the contractor's report. Motion carried. It was also the consensus of the Council to schedule a special meeting on March 28th at 6:30 p.m. to discuss whether they want to start condemnation proceedings.

At 8:00 p.m. Mayor Cunningham called for a ten minute break. Meeting resumed at 8:11 p.m.

Fire Barn & Garage Building Repairs

At a previous meeting Council asked staff to obtain a quote or two on what the costs would be to repair the Fire Barn and Garage building including the roof. Clerk Eddington reported that when the contractor for the Downtown Demolition Grant came for the pre-construction conference, he inspected the two buildings and said he would prepare an estimate but she has not received it yet.

Wednesday Bulk Pick-up Policy

A new policy for Wednesday special bulk refuse pick-ups was presented for approval. Clerk Eddington reported that after Dept. Head and Staff meetings, consensus was that the unlimited Wednesday pick-ups is the most efficient method to keep the town clean. Discussion was held on charging for the pick-ups but the group felt that many individuals in town would not pay to have items hauled off, leaving it to build up until the city-wide clean up when items are picked up for free. Eddington stated this is the problem that Chetopa is running into now that they have started charging for pick-ups.

The new policy asks that people continue to call the city office when they have items to be picked up. However, if there is a pile of stuff out by the street for two weeks, the city will assume it is junk and haul it off. Clerk Eddington said the city will inform the public of the new policy through the newspaper, website, FaceBook, newsletter and possibly on the utility bill itself. Strickland made a motion and Tynan seconded to approve the policy. Motion carried.

Kamp Siesta – Adding Water & Electricity to New Camping Sites

Supt. Jurgensen provided Council with a cost estimate to install water and electricity to eight new sites at Kamp Siesta. Jurgensen priced out doing four pads at an estimated cost of \$9,961. To add an additional four sites it would cost \$1,842 for a total cost of \$11,803 for all eight. Adding eight sites would bring the total number of camping sites to 42. All new sites will be 50amps and would be pull-through sites. Clerk Eddington said the expense could come out of Sales Tax Parks which currently has \$74,261.93 in the fund.

Councilmember Newby said that the Fair Board would like to know how much the city would be able to put toward the project as they are working on getting donations of labor and Westar is donating some of the materials (except for the conduit). They have some people that could run the rock saw to keep the rental expense down to a couple of days. Jurgensen said the cost to rent the saw for a week was \$3,900. Council asked if the saw work could be done in two days. Jurgensen said he thought it could be done which would reduce the cost greatly. The Council agreed that they wanted to do everything they could to support the Fair Board. Owens made a motion and Strickland seconded to provide the remaining materials and trenching for the project, rent a rock saw for two days and expense the cost out of the Sales Tax - Parks fund. Motion carried.

Council discussed that with the recent upgrades at Kamp Siesta they would like to look into the rental fees and asked for it to be put on the agenda for next month.

NEW BUSINESS

Property & Liability Ins. Renewal

A quote from EMC Insurance for the renewal premium of \$69,000 was presented. Clerk Eddington reported that each year our insurance agent, Al Eshelbrenner, Ryan Insurance, seeks quotes from different insurance markets to provide the city with the best price. EMC has provided the best quote for many years now. EMC is a long standing municipal insurance program that is used by over 500 cities in Kansas. There are a couple of other markets that can compete with EMC's premium but they do not give any dividends. Last year, the city received a dividend check for \$9,511.23 (most of the time it is around \$5,000.). Eddington said when you factor this in, the other markets are more expensive.

Owens made a motion and Newby seconded to approve the premium quote from EMC Insurance for \$69,000. Motion carried.

Sales Tax Increase

Council discussed whether they wanted to place a sales tax increase question on the ballot this year. Clerk Eddington said that the County Clerk wants these special questions for the August election instead of the November election if at all possible. With the impending tax lid, the condition of the fire department equipment and other issues, Eddington said it is something to be considered. Currently the City has a 1 cent sales tax for specific purposes – 75% streets and 25% parks. Council reviewed a comparison of surrounding cities sales tax rates. Altamont, Edna and Oswego all had the lowest rate of 8.75%. Edna and Chetopa are putting a tax question on the August ballot – Chetopa is a renewal and Edna is an increase of 1 cent. Altamont's sales tax is perpetual and can be used for any capital improvements. Clerk Eddington estimated that a ½ cent sales tax would bring in around \$90,000 annually.

Council discussed some of the needs of the fire department. The tanker truck frame is cracked and repair parts are increasingly difficult to find. The Fire Dept. has a huge area and responds to calls in all of the surrounding townships as well as assists in neighboring towns. They have been using old or borrowed equipment to try to make do but there are safety concerns. To replace just one of the aging pumper trucks will cost hundreds of thousands of dollars or more. The baby pool needs to have a zero entry to be ADA compliant. Council member Vance said that the big pool is ADA compliant now but the bottom of the pool is still a problem. Clerk Eddington also reported that the old Oswego Independent and other downtown buildings are in disrepair and may need to be condemned. The city can always apply for grants to help with project expenses but the city will not be able to provide matching funds now that the tax lid is going into effect. After further discussion it was the consensus of the Council to add the issue to the Special meeting agenda planned for March 28th. The Mayor and Council member Strickland plan to attend the Fire Department's meeting on the 16th to get more insight on what equipment and vehicles are needed.

Health Ins. Renewal

Clerk Eddington reported that MPR has provided projected health insurance premium rates for the next plan year (July 1, 2016 – June 30, 2017) and asked if Council wanted to go out for bids. The last time the city went out for bids and hired someone to do an analysis, it cost around \$2,400. The city budgeted for a 10% increase. The city has two plans, the PPO-B is slated to go up 8% with the HDHP Plan to increase by 2.5%. Currently, 7 employees are in the PPO plan and 8 employees in the HDHP plan. Council did not take any action.

Commodity Bid Awards

Council reviewed and discussed the results of the annual bids for rock, dumpsters, culverts and water treatment chemicals. Bids were opened March 8th at 2:00. Bid prices are good for April 1, 2016 through March 31, 2017. Supt. Jurgensen recommended the lowest bidder in each category; Brenntag – Water Treatment Chemicals; Hucke Const. - Rock and Rock Hauling; Downing - Dumpsters; and Cleaver – Culverts. Owens made a motion and Tynan seconded to award the bids to the lowest bidders as recommended. Motion carried.

Donation to LCC Auction – Scholarships

A donation request from LCC for their annual Scholarship Auction was presented. Clerk Eddington reported that the last few years the city has donated a pool party and the golf course has donated a 12-play card. The golf course has agreed to the same donation this year. Newby made a motion and Tynan seconded to make the same donation as last year. Motion carried.

Swimming Pool Party

Council discussed whether they want to have another free swimming pool party this year. Last year, the city celebrated the 80th anniversary of the swimming pool on June 19th with a free swim from 7:00 p.m. to 11:00 p.m. It turned out to be a great community event with donations from all of the businesses for prizes and giveaways as well as involvement from the Chamber and Rec Commission in paying for a DJ for the evening. 300 people attended the event. Clerk Eddington said the city's expenses consisted of paying for the life guards and an ad for the newspaper (\$385.60) with \$250 brought in with concessions. Both the Chamber and Rec Commission have asked the city if there are plans to do the same thing this year as they are willing to participate in the same manner again. It was the consensus of the city to go ahead with the pool party. Council also thought it would be nice for an organization to offer a meal at the shelter near the pool.

COMMITTEE REPORT QUESTIONS

Airport Board Minutes

- Councilmember Strickland asked questions about items on the Airport Board minutes - the as-builts for the Apron Project? Supt Jurgensen said as-builts with measurements have not been received. Clerk Eddington said she is holding their final check until they are received.

- he asked about the suggestion to offer a fuel discount during the ceremony for the new apron. Jurgensen said it was discussed to offer a 3-5 cent per gallon discount for the weekend as a draw.

- he asked if it was the city's policy to have ceremonies for new businesses. Clerk Eddington said that the airport consultant suggested having an event for Kingsley since it was the first business at the airport. Supt. Jurgensen said that the Chamber is planning an event.

- he asked about replacing the beacon. Supt. Jurgensen said it is a safety issue as sometimes it just quits working. A KDOT grant could help with the expense of replacing the beacon. Their grants are 90% grants with a 10% match which can include in-kind labor.

Planning Commission Minutes

Councilmember Owens asked about the petition to vacate a portion of 7th Street. Clerk Eddington said John Hine has requested it be closed. The Commission has held the Public Hearing but did not want to make any recommendation to the Council until they did an on-site visit to make sure they understand all of the aspects of the issue. The Commission will discuss it again at their next meeting.

INDIVIDUAL REPORTS

Jurgensen— said they are going to need to have Layne Christensen do some work on a pump at the water plant that will cost around \$6,000. The pump in the clear well at the river is down. It is going to require a boom truck to pull the pump. Then they will have to inspect it and make repairs. Council asked if he got quotes from other companies. Jurgensen said he didn't know of any other companies that do this type of work and it is their pump so they would have to do the repair anyway.

Strickland – asked about the water line to Vail's & Regional Vet. Supt. Jurgensen said they are lacking about 400 feet of finishing. Conditions are too muddy right now to work on it.

- proposed reducing the price on Stone Hill Estates. Clerk Eddington said she had been in contact with Janice Duloherly. Duloherly told her all inquiries said the price is too high for them. Duloherly stated that finding the right person to appreciate the horse barn has proven difficult. Supt. Jurgensen said the pecan grove should add to the value to the property as well. Clerk Eddington stated that Duloherly said property is going for about \$2,500 an acre and then factoring in the horse barn, she would suggest a price closer to \$132,500. The consensus was to add this issue to the Special Meeting agenda on March 28th.

Newby – asked why there were credit card fees for the airport when there were no fuel sales. Supt. Jurgensen it was part of the agreement. He is trying to get customers on a cash basis. The credit card is costing more in fees especially when someone is only buying 4 or 5 gallons.

Vance – noted that Chief Elliott, Officer Royer and Clerk Eddington have a lot of unused vacation hours. Clerk Eddington said that Elliott and Royer were on vacation that week and she has time scheduled off in May.

Owens - asked about clean-up week. Staff said it was the week after the City Wide Garage Sale which is May 7th.

Mayor – said the city had been awarded the Tree City USA again.

- said the golf course had some damage from four kids on motorcycles and 4-wheelers. The individuals have been apprehended.

Eddington – said the city has been experiencing problems with the new Office Supply Company. They are not honoring their prices, are bringing lower grade items than quoted and are not providing supplies in a timely manner.

PUBLIC DISCUSSION

Mayor Cunningham asked if there were any comments from the public.

Paula Kern - asked when the airport fuel contract was up. Supt. Jurgensen said it is awhile yet. Council asked staff to find the date and bring to the next meeting. Kern also asked when the new special bulk pickup begins. Clerk Eddington said April 1st.

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Gary Tomey – thanked whoever fixed the road south of the river. Suggested putting a trash can at the river. Supt. Jurgensen said they had tried that but people start fires in them, steal them or fill them with fish guts. Tomey asked who maintains the roads at the water pit. Supt. Jurgensen said they worked on the road last year but shortly after it was torn up. Tomey suggested charging a user fee and council said it was something to consider.

Larry Richardson – suggested they check into recycling plastic bottles.

ADJOURNMENT

There being no further business Owens made a motion and Strickland seconded to adjourn the meeting at 9:50 p.m. Motion carried.

Attest:

Mayor F. W. Cunningham, Jr.

Deputy City Clerk Renee Cochran