

Regular Council Meeting
June 13, 2016 6:30 p.m.
City of Oswego, KS 67356

Present: Councilmembers Darren Tynan, Caleb Strickland, Scott Grassl, Kelly Vance and John Davis with Mayor Bill Cunningham presiding.

Absent: David Newby

Also present: City Clerk Carol Eddington, Police Chief George Elliott, City Attorney Rick Tucker, Deputy Clerk Renee Cochran, Fire Chief John Strickland, Officer Joe Royer, Elizabeth Rucker, Roger Daniels, Larry Richardson, Gary Tomey, Carol McKinley, Pat Hendrickson, Clarence Matlock, Shane Therrien, Clint Hanigan, Mark Johnston, Justin Hurley, Bill Farris and Paula Kern.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Roger Daniels, First Baptist Church, gave the opening prayer and Councilmember Strickland led the Pledge of Allegiance.

PETITIONS AND DELEGATIONS

Use of Street Right of Way - Cable One

Clarence Matlock, Cable One, addressed Council about Cable One's request to utilize the city's street right of way to install an internet service line from their existing fiber line on the highway up Vermont Street to Tomahawk Trail. Matlock said currently they are planning on using Westar's poles and running the line aerially, however, due to height or other possible restrictions they may need to bury the service line.

Attorney Tucker said that he thought a simple easement would be best regardless of whether the company uses the Westar poles or has to dig a trench. Tucker also recommended the company provide the city verification from Westar stating they don't have a problem with Cable One using their poles before the city issues the easement. Mr. Matlock agreed to the easement and said he would provide the verification from Westar. After some additional discussion Vance made a motion and Davis seconded to grant an easement to Cable One upon receiving verification from Westar that they approve of Cable One using their poles. Motion carried.

Temporary CMB Application – Fair Board

Clint Hanigan attended the meeting on behalf of the Fair Board to request approval of a temporary Cereal Malt Beverage license for the week of the fair. Last year, Council approved the Fair Board's request to designate the entire arena as the beer garden. Hanigan said this year they are planning to use the same space but would like to change the times from 4:30 p.m.-11:00 p.m. to 6:00 p.m. – 11:30 p.m.

Clerk Eddington reported that the CMB application has been reviewed and approved by the Police Chief, Fire Chief and City Attorney. Tynan made a motion and Davis seconded to approve the application. Motion carried with Vance opposing.

Fire Dept. Vehicle Purchase – John Strickland

Fire Chief Strickland said that he has found a Ford F250 truck to replace the Forestry truck that has a blown motor and is too old to repair. It is a used vehicle with 90,000 miles on it for \$19,300. Chief Strickland said he checked into financing and Commercial Bank has a 2.00% interest rate and Labette Bank would be 2.75%. He is hoping to find the other truck that is needed and place both on the same lease/purchase agreement and set it up with the same payment amount as the lease purchase that was paid off this year. Tynan made a motion and Grassl seconded to approve the purchase of the vehicle for \$19,300. Motion carried.

CITY ATTORNEY

Ordinance – Mowing Assessments

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 5, 2016 was presented for approval. The ordinance covers unpaid mowing charges through May 5, 2016. Tynan made a motion and Vance seconded to approve the ordinance. Motion carried. Clerk assigned the Ordinance number 1362.

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).

Mayor Cunningham asked for any additions or corrections to the Consent Agenda. As there were none, Tynan made a motion and Davis seconded to approve the Consent Agenda as presented. Motion carried.

OLD BUSINESS

325 Merchant Condemnation

At the May meeting, Council passed Resolution 5-9-16A allowing another 30 days for the owner of the building to have it torn down or the city would do so. The deadline set out in the resolution is June 15, 2016. Clerk Eddington reported that to date, there has been no action taken by the owner to alleviate the dangerous structure condition of the building and the city has not received any word from the owner. If the Governing Body determines to go out for bids on the demolition of the building, the bid opening could be set for Wednesday, July 6th, which would allow the bid to be awarded at the July Council meeting.

Council asked about how the project would be funded. Clerk Eddington said there is an unused balance of \$88,718.23 from the bond issue for the downtown demolition project. She said there are no other monies set aside for this project and the bond issue amount is already in the budget. She said Supt. Jurgensen has suggested the city fill in the basement of the structure in order to save on the cost of the demolition but Jurgensen was not present for additional discussion.

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Council discussed the concern for the safety of the surrounding businesses and citizens if the building were left to deteriorate. After further discussion Grassl made a motion and Davis seconded to go out for demolition bids now and award the bid at the July meeting. Motion carried with Strickland opposing.

Fire Barn/Garage Repairs

At last month's meeting Council determined to have specifications generated for the repairs of the Fire Barn and Garage buildings. Council examined drawings provided by Kyle Denham, PLJBD, that were prepared as part of the specifications. Clerk Eddington said she asked him about bidding out the roof work separately as someone suggested but he said that the replacement wall over the garage doors will tie directly into the roof so it would be better if it was bid out as one project.

The engineer's cost estimate is \$36,250 with \$17,500 for roof repairs and \$18,750 for the beam work, wall and doors. Fire Chief Strickland said that he was hoping to have a big single door instead of the two the building has now but the change would increase the cost of the project and wasn't really necessary. Council discussed how the project would be funded. Clerk Eddington said that there is money in the Capital Improvement Fund that can be used for building repairs. However, since there is no specific line item for that, a repayment schedule would need to be set up during budget time this year.

After further discussion Council determined to table the issue until Chief Elliott and Supt. Jurgensen were present to answer some additional questions. Councilmember Strickland said he would like to meet with them to discuss the project and inspect the buildings prior to the next meeting.

Town Hall Meeting on Sales Tax Question

The Town Hall Meeting will be held on June 21st at 7:00 p.m. at the Community Building. Council reviewed a copy of the flyer that has been distributed around town. Mayor Cunningham encouraged the members of the Governing Body to attend.

Clerk Eddington stated that Council had discussed the possibility of having another Town Hall Meeting in July and asked whether they wanted to consider setting a date now, as discussing it at the July meeting would be too late to get the word out. Council consensus was to wait until after the June Town Hall Meeting to decide whether another meeting is needed.

NEW BUSINESS

Street Project – Bid Award

The bid opening for the 2016 Street Project was held on May 18th at 10:30 a.m. Blevins Asphalt - \$174,759.25 was the low bidder. Supt. Jurgensen has stated the city has used Blevins Asphalt in the past without any problems and recommends accepting the bid.

Clerk Eddington reported that the city has \$277,349 in the Sales Tax – Streets Fund. Supt. Jurgensen is now working on a list of streets that he would like to have micro-surfacing done on later this year as well if funds are available. He is considering spending approximately \$80,000 on the micro-surfacing. Tynan

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made a motion and Vance seconded to approve the bid from Blevins Asphalt for \$174,759.25. Motion carried.

Riverside Park Playground Equipment

Supt. Jurgensen found the Expression Swing online and would like to place one in Riverside Park. He saw it when researching prices of spring riders as one of them is broken. The Expression Swing is a new type of swing that has become very popular. It allows the parent and the toddler to swing face to face. The selling price listed on Game Time's website is \$1,195. Supt. Jurgensen was hoping to receive a quote from Game Time but it has not come in yet. Clerk Eddington said the price of the spring rider he was looking at is around \$700.

Council liked the new swing and agreed that the spring rider needed to be replaced. Mayor Cunningham said he would like to see the city purchase two swings so that one could be placed in Schmoker Park. Clerk Eddington reported that the cost for the playground equipment can be expensed out of the Parks and Recreation Fund. Currently there is \$5,088 in the account and the budget for the year is \$3,970, none of which has been spent. Any cost above this amount, can be expensed out of Sales Tax, Parks. Vance made a motion and Grassl seconded to approve the purchase of two swings and a new spring rider and expense it as needed. Motion carried.

Request from High School – Use Swimming Pool

Justin Hurley, OHS Football Coach, was in attendance to answer questions about his request to use the swimming pool for athlete conditioning. He plans on using the pool from 8 – 9am one day a week from June 17th through the first week of August. He said using the pool would be a different way of working out and would help the athletes recover from other workouts during the week. Clerk Eddington said she had discussed the request with Pool Manager Heather Duke, who said she was willing to be available while they are using the pool. She could do some written managerial duties while there that would have to be done anyway, so there should be no extra cost to the city.

The coach expects no more than 25 athletes. Only 25 are allowed in the pool for one guard on duty. However, if there are more, Elijah Elliott is one of the athletes and also a lifeguard. He would be able to help the pool manager cover additional swimmers. Vance made a motion and Tynan seconded to allow the school to use the pool as requested at no charge. Motion carried.

Labette Community College – CTE Agreement

The annual CTE agreement with Labette Community College was presented for approval. Through this program, city employees can take classes through the college tuition free. Clerk Eddington stated that the state reimburses LCC so it benefits both the city and the college. Tynan made a motion and Grassl seconded to continue with the program and approve the agreement. Motion carried.

Code Enforcement – Nuisance Violation at 404 Wisconsin

A Nuisance Violation for having junk in the yard at 404 Wisconsin was discussed. The Code Enforcement Officer has sent a courtesy letter to the property owner with a deadline of June 13th

to have the items removed. A weed letter was also sent. Clerk Eddington said the items have not been removed and Council viewed photos of the property that were taken earlier in the day by Chief Elliott. Tynan made a motion and Davis seconded to proceed with sending a violation letter. Motion carried.

Councilman Strickland asked why this was the only property being written up as there are others in town that are in violation. Attorney Tucker said that violations are complaint driven. The city had received a complaint about this property. Mayor Cunningham asked Attorney Tucker to elaborate on what the Code Enforcement Officer is allowed to do in the course of his duties. Attorney Tucker said they had the legal right to go onto someone's property. Tucker read the section of the city's Code Book that deals with code enforcement of nuisance violations. Attorney Tucker also said that the Code Enforcement Officer can write up a property that is in violation. Also, other city staff can submit a property for him to check out that appears to be in violation. He said the Code Enforcement Officer needs to be dedicated and diligent in their duties. The officer does not have to be the City Superintendent, but must be a city employee. Tucker said that the officer needs to take photos and be very clear in their write up to the property owner what the violations are that need to be abated. Documentation and photos need to be done each time the Code Enforcement Officer inspects the property for compliance thereafter as well.

INDIVIDUAL REPORTS

Eddington – invited all council members to attend the 2016 Legislative Wrap-up Webinar, conducted by the League of Kansas Municipalities, on Wednesday, June 22 at 10:30 am. She expects it to be around an hour and said she was hoping they would have some details on the exemptions to the tax lid legislation.

Cunningham– asked if everyone has paid for their purple wave items. Clerk Eddington said yes but they haven't picked up their items from the storage unit yet.

Eddington – said a flyer for the city's swimming pool party had been distributed as well as one for the 4th of July celebration. She said the City, Chamber and Fire Dept. are all working hard to make improvements this year by including new booths and moving it to a more shady area by Kamp Siesta.

- said those involved with the Ballfield Concession Stand appreciate the donation of the left over money from the insurance proceeds. Lance Smith says they have several items that they would like to purchase with the money.

Davis – thanked Clerk Eddington and Supt. Jurgensen for the tour of the city and orientation. He thought that it would be beneficial to all citizens to know what facilities the city has.

Elliott– said he will be gone for a couple of days for some training in Wichita. He will be doing range qualifications later in the month. He was asked about doing a Concealed Carry Class and Elliott said he isn't doing them anymore.

Eddington - said the Pool Manager was going to be gone for ten days due to a commitment made four years ago so the Assistant Manager is filling in. Since that is a long stretch and the Assistant Manager needs to be gone for some teacher certification Chris Duke, the pool manager's husband and a lifeguard at the pool, will be filling in for a couple of days.

- said she had received some comments from people in the community that asked her to pass along to the Council. An Oswego-born individual, who was here visiting family again, asked why the city allows people to junk up their property. They were concerned about the direction in which the city is headed by allowing this. The other individual wanted to thank the city leaders for their decision to build the Community Center. They grew up in Oswego that had come back for a funeral dinner and they appreciated having such a nice place to meet.

- said she has just begun working on the 2017 column in the budget as now she has 5 months worth of revenues and expenses to go by. She will be on vacation the last week of June as that is when her husband is off due to plant shut down, thus making it tough to get the preliminary budget done by the July meeting.

PUBLIC DISCUSSION

Mayor Cunningham asked if there were any comments from the public. Gary Tomey asked if he could have some shale from the river for landscaping. He would like 1-3 loads, plans to have someone haul it for him and is willing to pay a small amount. Mayor Cunningham said they would discuss it with Supt. Jurgensen and get back with him. Tomey also asked about the demo costs for 638 Merchant. Clerk Eddington said she would look it up and give him a call. Additional questions and comments from the public were received.

Mayor Cunningham – said he wanted to thank the Tree Board for planting flowers in the downtown planters.

ADJOURNMENT

There being no further business Vance made a motion and Davis seconded to adjourn the meeting at 8:20 p.m. Motion carried.

Attest:

Mayor F. W. Cunningham, Jr.

Deputy City Clerk Renee Cochran