

Special Council Meeting
May 20, 2014 6:30 p.m.
City of Oswego, KS 67356

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

Absent: Councilmembers Kelly Vance and Darren Tynan.

Also present: City Attorney Rick Tucker, City Superintendent Calvin Jurgensen, City Clerk Carol Eddington, Deputy Clerk Renee Cochran, Assistant Police Chief Brandon Conrad, Heather Brown, Jill Blankinship, Pat Hendrickson, Paula Kern, Larry Richardson, Bill Cunningham, Brenda Richardson, Karen Carpenter, Marna George, Angela Solomon, Liz Turner, DeRhonda Newby, Bob Conway and Susan Galemore.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Rick Tucker, City Attorney gave the opening prayer and Councilmember Owens lead the Pledge of Allegiance.

PETITIONS AND DELEGATIONS

CDBG Housing Update – Bids – Susan Galemore

Susan Galemore, Housing Grant Administrator, presented the results of the project bids received for the house at 1412 4th St. (owner-rehab) and the house at 112 Iowa (city-owned). Galemore recommended accepting the low bid of \$23,900 from Bob Nance Construction for the 1412 4th St. house. Galemore reported that she contacted the homeowner and they are willing to do the necessary work to bring the total rehab bid down to \$20,000. The homeowner will have 30 days to get the work done before the contractor would begin work. Brown made a motion and Owens seconded to approve the bid from Nance Construction contingent on the homeowner completing their portion of the work to bring the bid award down to \$20,000. Motion carried.

Galemore also recommended the city accept the low bid from S & A Construction, in the amount of \$39,980, for the work to be done at 112 Iowa. Grant funds will cover \$25,000 of the rehab costs and the city will pay any amount over that. The city purchased the property for \$22,220.50 and would have \$37,200.50 in the house. Council did not feel they would have any trouble getting that out of the property.

Galemore said the \$39,980 bid was the base bid and would bring the house up to building code standards. She also added three alternate options to the bid specs that might make the property more marketable: \$1,344 to fix the sidewalk, \$560 to move a wall to extend the living room and \$450 to sheetrock the ceiling. After some discussion, Rea made a motion and Brown seconded to approve the bid with S&A Construction including the alternates of moving the wall to extend the living space and adding sheetrock to the ceiling for a cost of \$1,010. Motion carried.

Downtown Building Demo Grant – Susan Galemore, SEKRPC

Susan Galemore, grant administrator for this grant as well, stated that the city received notification that it has been awarded the grant to help pay for the demolition of the downtown buildings (319 & 321 Commercial and 705 4th). The grant amount is \$122,934 and requires a 50% match from the city. The Kansas Dept. of Commerce (KDOC) has informed the city that it

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must enter into a contract with the State for the grant within 90 days of the official award date of May 1st – which would be July 29th. Then the city would have one year – May 1, 2015 – to be under contract with contractor and two years – May 1, 2016 – to have the project completed.

Clerk Eddington said KDOC ranked the city’s project highest of all of the applications due to safety and environmental concerns. Refusing the grant could jeopardize future grant applications. Galemore agreed. Council questioned whether it would be necessary to start condemnation proceedings over again. Attorney Tucker said that since the proceedings had been completed he would need to look over the paperwork to see whether the city could just move forward to demolition.

Eddington said she has contacted Kevin Cowan, Gilmore & Bell. The city could issue general obligation bonds but would have to provide a way to pay for the bonds. Cowan suggested imposing ad valorem taxes to fund the debt service. After authorizing the general obligation bonds, the city could then call for an election on the sales tax issue again. If the sales tax passes that could be used to fund the debt service rather than imposing the ad valorem tax.

Galemore said an environmental assessment will need to be done within six months. She estimated it would take a minimum of ninety days to complete and the deadline to have it submitted is by November 1st. No action was taken and council requested the issue be put back on the agenda for next month.

Oswego Library Funding – Karyn Carpenter

Karen Carpenter, Oswego Library Board, addressed the Council to thank them for their support and discuss funding within the 2015 budget for the Library. Carpenter said that they have been working to raise additional funds through donations and grant money but feel without an increase in the mil levy they will be forced to cut services. Carpenter stated that according to the Charter Ordinance the Library is to receive 3 mils and they are proposing a 5 mil levy. Attorney Tucker suggested studying the proposal before making a decision. Mayor Fischer agreed and asked that it be added to next month’s agenda.

Mayor Fischer requested a five minute recess at 7:48 p.m. The meeting resumed at 7:53p.m.

APPOINTMENTS

Staff Appointments

The Mayor presented a list of staff appointments as follows for Council approval:

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|---------------------|---|
| City Clerk | Carol Eddington |
| City Superintendent | Calvin Jurgensen |
| Police Chief | George Elliott |
| Fire Chief | John Strickland |
| City Treasurer | Peggy Strickland |
| City Attorney | Rick Tucker |
| Municipal Judge | Fred Johnson |
| Enforcing Officer | City Supt. Jurgensen & Police Chief Elliott |

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Zoning Officer City Supt. Jurgensen

Owens made a motion and Brown seconded to approve the appointments as presented. Motion carried. Mayor Fischer administered the Oath of Office to the staff.

Election of Council President

Each year, the Council elects a president. The president fills in for the Mayor at meetings when he is unable to attend and would fill in the remaining term of the Mayor if he is unable to do so. Mayor Fischer said that he tries to keep the President of the Council informed in order to be better prepared. Fischer said Jane Rea, current Council President and all of the staff are doing a great job. Brown made a motion and Bringle seconded to re-elect Jane Rea as Council President. Motion carried.

Annual Appointments – Bank and Newspaper

Mayor Fischer appointed Labette Avenue as the Official Newspaper, Labette Bank as the official depository for General and Special Grant Accounts, and Commercial Bank as the official depository for the Petty Cash Account. Individuals eligible to sign the checks for these accounts were also listed on the appointment sheet. Owens made a motion and Brown seconded to approve the Mayor's appointments for bank, bank signers and official city newspaper. Motion carried.

CITY ATTORNEY

Sign at the River

Superintendent Jurgensen reported that the ordinance sign is now in place at the retaining wall constructed as part of the stream bank project. The new concrete slab constructed on the north side of the river has a dangerous drop off onto another concrete slab. Supt. Jurgensen said he has painted a wide stripe around the edge of the slab and plans on installing a railing. It will take another couple of weeks to get the railings in place and asked if a warning sign should be posted. Attorney Tucker suggested putting up barricades until the railings are in place but that the railing needs to be in place as soon as possible. Council agreed and Mayor Fischer asked Jurgensen to get the barricades in place until the railings are installed.

Wolf Property

Attorney Tucker said he had reviewed a Notice of Suit the city received from Vanderbilt Mortgage and Finance for the house at 220 First St. owned by Robert and Lori Wolf. The mortgage company had the city included as a Defendant since the city had interest in the property due to the reversionary clause in the property transfer agreement. The property was given to Wolf as part of the free land for housing giveaway program. The reversionary clause was if the owners did not build a house on the property by a certain time, then the property would revert back to the city. This was not the case as a home was built there to the required specifications.

Attorney Tucker said he responded to the attorney for the plaintiffs to let them know the city has no interest in the property. They requested that he fill out a Disclaimer of Interest form and he

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wanted to consult the Council before doing so. Owens made a motion and Rea seconded to have Tucker sign the Disclaimer of Interest document. 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 and an appointment to the Airport Board was approved at the regular Council Meeting on May 12, 2014.

OLD BUSINESS

Condemnation – Christy – 1211 First St.

Clerk Eddington reported that the city was in the process of condemnation proceedings on the property at 1211 First Street with the owner of record, Holly Dantic, when Mr. Christy advised that he was the actual owner of the property, even though he had never filed the deed. After checking with the League of Kansas Municipalities attorney, they advised the city that since there is a new owner, the city would have to begin the condemnation process all over again.

Mr. Christy attended the November 2013 Council meeting and asked Council for time to make the necessary repairs to the property and get the deed filed so the property would be in his name. The Council granted Christy six months to make repairs to meet the Minimum Housing Code with a deadline of May 15, 2014.

Eddington reported that Mr. Christy was sent a letter on March 27, 2014, reminding him of the time frame in which he agreed to make repairs to the property and asked him for an update on the progress he has made. The letter also notified him that the item would be on the agenda for the May Council meeting. Supt. Jurgensen reported that no work has been done to the property.

Mr. Christy contacted the City Office after the May Council packet was sent out and stated that he still plans to do the work. Clerk Eddington checked with the Register of Deeds and the property is still in Dantic's name. Attorney Tucker recommended moving forward with the condemnation and advised the city to send information on the condemnation to both Dantic and Christy. A Resolution setting the July Council meeting date, July 14, 2014, as the date for the public hearing was presented. Brown made a motion and Bringle seconded to approve Resolution 5-20-14A to move forward with condemnation proceedings. Motion carried.

Nuisance Violations

11 Commercial St. – Spencer

A courtesy letter was sent to the property owner of 11 Commercial due to a complaint of old toilets out in the yard. The letter allowed Spencer until May 6th to have the nuisance violation abated. Jurgensen reported that the toilets have recently been removed.

627 Ohio – Brown

The city received a complaint on the condition of this property. There is junk, building materials, and the lot and house have become completely overgrown with brush, weeds and

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trees. After inspecting the property, Supt. Jurgensen sent a courtesy letter to the property owners, Robert & Lenora Brown, informing them of the violations that exist on the property and allowed them ten days to take care of these violations. The letter also informed them that the issue would be discussed at the May 12th Council meeting if the conditions had not been abated. Supt. Jurgensen reported that the lattice work has been set out by the street for pick up but the other violations still exist. Council noted that the address on the second letter to the Browns needed to be corrected. Council directed the letter to be sent out with the correct address and brought back before Council next month.

Water Project – Streambank/Dam Project

Engineer Inspection & Punch List

Matt Eblen, Shafer, Kline & Warren, conducted an inspection May 2nd in order to develop the punch list. The Mayor and Supt. Jurgensen did the walk through with Eblen. Jurgensen said that the contractors have taken care of all the items on the engineer's list. Mayor Fischer asked whether the city crews have begun the weekly watering of the trees. Jurgensen said yes.

Work on the actuators at the water plant were not included on the list. This work will not be done until late summer/early fall as the actuators must be fabricated since suppliers do not keep these on the shelf. Scott Williamson, also of Shafer, Kline & Warren, will be the one to do the inspection of the work at the water plant.

Zoning Regulations Revision, Subdivision Regulations, Manufactured Home & RV Regulations

The Council met with the Planning and Zoning Commission and Zoning Consultant, Dave Yearout, on Monday, May 5, 2014. Councilmembers had some questions from the texts of the revised regulations that were answered by Yearout and the Planning Commission. Consensus of both the Council and Planning Commission was to remove the section within the Zoning Regs that referred to the annual inspection and permit requirements for manufactured homes. Eddington said Yearout told her he has removed that section and any references to it but Council did not want to move to approve the document until they had reviewed the updated document. The Mayor asked Clerk Eddington to check with Yearout to make sure no other revisions were made and then send the updated document to Council for review for the next Council Meeting.

Also discussed at the May 5th meeting was the fact that some of the properties on the map were zoned incorrectly. Clerk Eddington worked with Yearout to get these corrections made. After having problems with the data sets Yearout presented, he has finally sent her a data set that he assured her had all of the properties listed. Eddington has saved the document and has had to make a couple of corrections to property zoning but feels the data set is now correct. This is the information she will take to the County Mapping Dept. herself to have the map generated. Council wanted to review the zoning map. Eddington will try to set up an appointment with the GIS mapper the next time he is in town – hopefully before the next Council Meeting.

Pool Bathhouse Roof

George Elliott, Elliott Roofing, has finished the Pool Bathhouse Roof Project. Eddington reported that photos have been sent in to the State Historical Society and close-out paperwork and reimbursement request will be completed soon. Katrina Ringler, with State has asked for a list from Elliott of the work that was done; proof of payments to him from the city; a filled out completion report and additional photos of the “cured” roof.

The State withholds 10% of the project cost until all of their required items are met. The bid for the project was for \$34,290.00. Since the contract called for a 15% payment at the time the project started, the city has already paid \$5,143.50. There were no change orders during this project. The final payment amount is \$29,146.50. Katrina Ringler advised that the city inspect the job and as long as it meets the requirements of the contract, she recommends approval of payment in full. The city will not be reimbursed until after final payment has been made to the contractor. The grant is a 20% match. Our matching funds will come from the pool building improvements line item within the Capital Improvement Fund.

NEW BUSINESS

Park Shelters, Parks Barn Roofs & Community Building Canopy

Eddington reported that the Park Shelter roofs and the roof at the Parks Barn are in need of repairs. The estimated cost for this work is \$19,675.00. The city has \$33,398.81 in the parks fund generated from the parks portion (25%) of our 1 cent sales tax. Chief Elliott and Supt. Jurgensen have both looked at the buildings and recommended this work be done. However, after including this information in the packet, it came to light that there is a problem with the canopy at the Community Building.

Supt. Jurgensen reported that it appears that the canopy at the front of the Community Building is also in need of repair. After observing the condition of the canopy he contacted Laforge and Budd, the original contractors, to inspect the canopy. Councilmember Rea said that it is possible the damage could be due to wind damage and the cities insurance may cover the repairs. Rea said Pat LaForge wants to take a look at it before making a determination. Since the monies to repair the roofs of the Park Shelters and Parks Barn will come out of the same funds as the Community Building’s canopy the Council tabled the issue until next Council Meeting.

Schmoker Park Sign

Janelle Goins, Farmers Market coordinator, has requested a new sign at Schmoker Park advertising the Market. The original sign (donated by the Parks and Community Foundation) is in need of repairs and the days that the Market is open are incorrect. Goins contacted Wright Signs in Parsons who has provided the design for the sign. The cost for the sign is \$700. Jurgensen said he has sent an email to the Parks and Community Foundation asking them if they were interested in participating in the cost of the new sign but has not received any response yet. Council said they wanted to know the response of the Parks Foundation before making any decision. Mayor Fischer questioned whether the word “Memorial” was actually included in the official name of the park and asked Jurgensen to check in to it with Rita Schmoker.

Hay Bid Results

The city went out for bids to mow the hay on the following city properties: Airport, Oswego Industrial Park areas (Bud Coons Blvd and North Hwy 59) and Oswego Property at 11500 Rd (Jennings). The only bid received was from Rocky and Everett Becket.

Supt. Jurgensen said that the bid is by the total acres of the property and the bids for the Airport and Industrial Park areas are lower due to the fact that there is only so much baleable area. Bringle made a motion and Brown seconded to accept the bid. Motion carried with Owens voting no.

Neighborhood Revitalization Plan – Renewal

Clerk Eddington said that the current NRP which began October 1, 2009 will expire October 1, 2014. She pointed out that it would be advisable to get an early start since the renewal process can be very time consuming, especially if the Council wishes to make any revisions to the plan. Eddington stated the renewal must be done every five years and provided Council with a review process schedule.

The Council reviewed the areas included in the plan and it was noted that Riverview and Woodcliffe were not included. It was suggested that now that these areas have homes beginning to age they could possibly be included in a revision. Eddington said that she believed state statues will not allow the entire city to be included in the NRP. Rea said we would need to know what percent of the city can be included before renewing. Eddington said she would check in to it.

Eddington reported when the plan was up for renewal in 2009 there were no changes although an amendment was made in 2012. Currently fourteen properties are involved in the program and there is a balance of \$72,726 in the fund at the end of March. For the past 5 years, the program has brought in \$34,356.38. The balance for this fund has been allowed to build up with the intention of developing sidewalks. Council discussed whether the funds could be used for something other than sidewalks. Eddington has sent an email to Kevin Cowan asking him that question. When asked, she confirmed that these funds were the only sidewalk money that has been set aside for the Safe Routes to School Program.

Inoperable Vehicles

Clerk Eddington said Asst. Chief Conrad has made personal contact with the owners of inoperable vehicles. The owners were informed that a violation exists, given a copy of the Code and told that if they did not comply by the May Council meeting date, the code violation would be acted upon at that time. Conrad reports that there are only three owners who are still in violation. Attorney Tucker recommended the Police Department send out the letters of violation and if the owners do not comply by the deadline in the letter, the Police Dept. should file charges through Municipal Court instead of bringing it before the Governing Body. Council Agreed.

INDIVIDUAL REPORTS

Rea – said the Tree Board’s tree sale went well. She did not know yet how much was made since some items had been returned.

Eddington – said Pastor Mallardi wants to use the West Shelter at the Park for a meal and concert on Saturday, July 19th from 5:00 – 10:00pm. The meal is for mission workers while they are in the area. He expects 40 – 50 people to attend the meal and the public is invited to attend the free concert. Clerk Eddington asked the Council if they wished to charge for special events in the park since there is a provision for a Special Event Permit. The city currently charges for weddings in the park. She discussed the parking with Chief Elliott as it will be a Saturday evening and in the summer, there is a lot of traffic in the park. Elliott said that he would speak to Pastor Mallardi and get the parking squared away. The city will set out a couple more trash cans on the west end for that evening. Council determined not to charge for special events other than weddings.

- stated Danny Ross had a 201,000 gallon water leak. The city’s policy is to charge the customer only what it costs the city to produce the water after the first 50,000 gallons. It is also city policy to allow up to six months to pay for a water leak. This is an unusually high leak. The total bill for this leak is \$1,363. (Ross usually only uses 2,000 – 3,000 gallons of water per month) Ross said that they are on a fixed income and is asking for a longer extension period – 12 months if possible. Clerk Eddington gave the Council several different scenarios of how the bill and extension could be figured. After some discussion, Owens made a motion and Bringle seconded to allow Ross a twelve month extension and to charge everything over 4,000 gallons at the city’s cost. Motion carried.

- said that the city needs to have a water rate study done now that the new bond issues are in place. Ranson Financial will do a rate study for free through a KDHE program. Ranson will do a sewer rate study at the same time for a fee of up to \$2000, however, the representative from Ranson said that since much of the same data is used for both studies, she doubts that it will cost that much to do the sewer rate study. Eddington had checked with the Kansas Rural Water Association for a recommendation on individuals that perform rate studies (before speaking with Ranson). KRWA recommended a gentleman who does a more extensive rate study analysis. He just did a study for Chetopa and adjusted their entire rate structure. The quote received from him was \$4000 (just for the water utility). Supt. Jurgensen said after attending some training provided by the USDA he learned that the state will begin taking into consideration whether a city has had a rate study done and they are charging appropriately for their water when considering these cities for grant awards. Currently the water and sewer fees are tied to one another. It makes sense to analyze both utilities at the same time. Brown made a motion and Owens seconded to contract with Ranson Financial to do both studies with a maximum expense of \$2,000. Motion carried.

- reported she is beginning to work on the 2015 budget. Former Clerk Peine is willing to assist Clerk Eddington with the budget since she has had very limited experience with the budget process. Peine felt that a total of three days time would probably be sufficient to assist with the

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budget preparation. During the audit, the city's auditor said that they charge anywhere from \$1,500 on up to prepare a city's budget. Eddington said Peine's former rate of pay was \$25 per hour. Rea made a motion and Brown seconded to hire Peine to assist with the budget preparation at her former rate of pay for up to 24 hours. Motion carried.

- said the city has received a refund check from EMC for \$5,300. EMC is the city's property and liability insurance company. They are the only property and liability insurance company that does this.

15 Minute Public Discussion

Brenda Richardson – thanked Supt. Jurgensen and the city for their support and help with the Community Gardens. Expressed appreciation for the library and all their services.

Paula Kern - also expressed appreciation for the library.

ADJOURNMENT

Brown made a motion and Rea seconded to adjourn the meeting at 9:31pm. Motion carried.

Mayor Glenn Fischer

Attest:

Deputy City Clerk Renee Cochran