

Regular Council Meeting  
October 14, 2015 6:30 p.m.  
City of Oswego, KS 67356

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

Absent: Kelly Vance

Also present: City Clerk Carol Eddington, Supt. Calvin Jurgensen, Police Chief George Elliott, Deputy Clerk Renee Cochran, Heather Brown, Larry Richardson, Carole McKinley, Paula Kern, Rodney Kelly, Pat Hendrickson, Fred Hammack and Bob Conway.

### **OPENING PRAYER AND PLEDGE OF ALLEGIANCE**

Bob Conway, First United Methodist Church, gave the opening prayer and Councilmember Owens led the Pledge of Allegiance.

### **CITY ATTORNEY**

#### **Ordinance – Mowing Assessment**

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 AUGUST 21, 2015 AND NUISANCE ABATEMENT IN JUNE 2015 was presented for approval. The ordinance covers unpaid mowing charges through August 21<sup>st</sup> and nuisance abatement charges through June. Owens made a motion and Tynan seconded to approve the ordinance. Motion carried. Clerk assigned the Ordinance # 1350.

#### **Deeds – Sale of Property**

At the council's request a deed was drawn up by Attorney Tucker to transfer ownership of 319 Commercial to Cheynea Clifton (with a reversionary clause) and one on 402 Ohio, (the Old Hospital/Museum) to Rodney Kelly. Council reviewed and approved the deeds. Tynan made a motion and Strickland seconded to approve Mayor Cunningham signing the deeds to transfer ownership of the two properties. Motion carried.

#### **Hoag Water District – Invoice**

An invoice from Hoag Water District in the amount of \$1,750 for a water meter installed in 1970 was discussed. Clerk Eddington reported that she had spoken with Tom Epler and previous City Clerk, Cheri Peine, to get some history. They both said that they understood the water district agreed to provide water at the airport free of charge at that time. Then in 2003, the September 8<sup>th</sup> minutes reflects that the water district locked up the hydrant after noticing an ag sprayer using the water for their spraying business. The minutes include a discussion with the water district about a new agreement between the city and the water district. The water district agreed to unlock the water and allow the city to install a water meter with Hoag providing up to 1,000 gallons free each year and the city paying for the rest. Supt. Jurgensen said that he remembered putting the water meter in at the airport. Clerk Eddington stated that currently the city is reading the meter each month and pays Hoag \$10 per 1,000 gallons of water used at the airport. In turn, the city charges the sprayers for the water that they use.

Regular Council Meeting  
October 14, 2015 6:30 p.m.  
City of Oswego, KS 67356

Council asked about the water district's meter. Supt. Jurgensen said there was no water meter there when the city installed their meter. There was just a pipe that was removed during the installation. Clerk Eddington said that when she spoke with Mr. Epler, he did not remember that the meter belongs to the city or the new agreement in 2003. Eddington also said she did not find any agreement between the city & Hoag, just the Council meeting minutes. All of this information and the invoice were sent to Attorney Tucker. Attorney Tucker recommended sending a letter to Hoag denying the invoice, offering to meet with them, stating that it was not fair to expect the city to pay an invoice from 1970 and informing them of the facts as reflected in the minutes. He said he would send the letter he just needed to know what the Council wanted included.

Mayor Cunningham asked for volunteers to meet with Mr. Epler. Members Owens and Tynan volunteered. Owens made a motion and Tynan seconded to write a letter to Mr. Epler denying the bill, offering to meet with him and include what Attorney Tucker has recommended. Motion carried. Chief Elliott also volunteered to meet with them if Epler chooses to do so.

### **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 if there were any additions or corrections. Rea said that the minutes of the August 24<sup>th</sup> Special Meeting included in the consent agenda had already been approved at last month's meeting and needed to be removed. Clerk Eddington said that in addition to the appointments listed in the Consent Agenda Mayor Cunningham would like to add Jill Blankinship for appointment to the Housing Committee. The term would expire October 2018.

### **Appointments**

*Planning & Zoning* - Mayor Cunningham submitted the appointment of Scott Grassl to replace Roger Vance on the Planning and Zoning Commission. The appointment will expire May 2018.

*Housing* – Mayor Cunningham submitted the appointment of Mike Fitzsimmons to the Housing Committee. The appointment will expire October 2018.

*Tree Board* – Mayor Cunningham submitted Jamie Gott for appointment to the Tree Board to fill the unexpired term of Brenda Willis, which expires January 2016. Instead of reappointing Gott in two months, the expiration date has been set for January 2019 as it is a three year appointment.

*Public Building Commission* – Mayor Cunningham submitted Teri Feagan for appointment to the Public Building Commission to fill the unexpired term of Donnie Allison. This term expires January 2018.

Regular Council Meeting  
October 14, 2015 6:30 p.m.  
City of Oswego, KS 67356

Strickland asked that the Golf Course Bond expenses be added to the packet each month. After some additional discussion Rea made a motion and Tynan seconded to approve the consent agenda with the additions and corrections requested. Motion carried.

Councilmember Newby entered the meeting at 6:55 p.m.

## **OLD BUSINESS**

### **Downtown Demolition Grant**

Clerk Eddington reported that she had sent an email to Susan Galemore after the special council meeting on October 5<sup>th</sup>, to present questions Council had for the State about the apartment building. Eddington had asked if the state is going to require the city to skin the building. Eddington said she had spoken with Attorney Tucker and it was his opinion that the city is not responsible to skin the building just because they tore down the building next to it. The apartment building was already open to the building that was removed. When Galemore responded to her email, Eddington did not get a definitive answer from either Salih or Galemore.

Council discussed other possibilities such as purchasing the building and then condemning it so the city would own the property after it is cleared off; just condemning the building, etc. Eddington said that the city would have to follow CDBG regulations regardless of whether they purchase the building or condemn it because grant funds are involved. Council asked about using city funds to purchase the building and reapplying for a grant in the future. Eddington said that could be done but there were no guarantees of being awarded the grant. Administrator Galemore thought it would be a long shot. If the city purchases the building to condemn it they would need to do an environmental assessment which would take several months. If asbestos is found it could be very costly depending on the type of asbestos and how much is found. It was the consensus of the Council to set up a special meeting with Grant Administrator Galemore to ask more questions and see if she can give the Council some definitive answers.

### **CDBG Housing Rehabilitation Grant – Bids**

Bid results were presented for two more houses at 615 Illinois and 602 Wisconsin that have qualified for participation in the housing grant. Grant Administrator Galemore has recommended accepting the lowest bid on each property; 615 Illinois - Ewing Construction for \$19,750 and 602 Wisconsin - S&A Construction for \$18,394. The expense of the projects will be completely funded by the grant. Owens made a motion and Rea seconded to approve awarding the bids to the lowest bidders on each property as recommended by the grant administrator. Motion carried.

### **Industrial Ground Farm Lease**

Council determined to table this subject until next month's Council meeting.

## **NEW BUSINESS**

### **Brush Letters**

Council discussed complaints that the city received about letters that were sent to individuals who had brush piles on their property. Clerk Eddington explained the circumstances and said

that corrective measures had been taken to ensure this exact situation doesn't happen again. Eddington said individuals should have received a "courtesy" letter (by regular mail). Instead individuals received a letter by personal service (delivery by a police officer) which gave the impression of a "violation" letter. In addition some of those receiving the letters felt the piles were not "large" or had not been on the property for a long time as stated in the letter. Eddington said the courtesy letter had been revised so it doesn't read like a violation letter and will be sent by regular mail in the future. The Code Enforcement Officer (City Superintendent) and City Staff have all been made aware of the problems with how things were handled and what needs to be done for future notices. Owens made a motion and Strickland seconded to send everyone who received a letter an apology letter. Motion carried.

### **Condemnations – Dangerous Structures**

Supt. Jurgensen developed a list of houses that need to be condemned. In conference with the Mayor and taking into consideration location and condition, these four were determined to be of the highest priority: 638 Merchant, 710 Illinois, 710 Michigan and 1206 1<sup>st</sup>.

The Council reviewed the Statement of Code Enforcing Officer and photos of each property. Mayor Cunningham said that he thought all four properties needed to be condemned and by doing all at the same time the city should be able to get a better price from the demolition contractor. Council asked how the project would be funded. Eddington reported that the city budgets for condemnations each year and there is a balance of \$5,205.11 remaining in the expense line item available for 2015. Additionally, the city transfers any unused budgeted amount from the condemnation line item in General to the condemnations line item in Capital Improvements at the end of the year to slowly build up enough to assist in condemnations when necessary. Currently \$10,771 is in that line item in Capital Improvements. Eddington said that since the Resolutions would not be published until next week, the public hearing would have to be set up for the December 14<sup>th</sup> Council Meeting.

Council agreed to proceed with all four condemnations. After some discussion, it was determined that information be placed in the next city newsletter informing people the city will be doing condemnations and if they have a building that needs to be torn down, they could possibly get a better price for this work by having it done by the same company since they will already be in town. Council asked if the city is ever reimbursed for their expenses. Eddington said not normally, the expense is usually assessed to their property taxes. Council discussed that it could be beneficial then, if the property owner did not intend to take care of the property or demolition expenses, to deed the property to the city – before the city has to go through the time and expense of the legal condemnation process. The city could just have the structure razed. The property could then be offered to someone for building a new home. Newby made a motion and Rea seconded to approve the Resolutions to proceed with the condemnation of the four properties and to include in the letter a question as to whether the property owner would be interested in deeding the property to the city. Motion carried.

Regular Council Meeting  
October 14, 2015 6:30 p.m.  
City of Oswego, KS 67356

### **Governing Body Training Opportunity**

Clerk Eddington reported that the City of Edna is working with WSU to provide training for their Council on October 27<sup>th</sup> from 10:00 a.m. to 4:00 p.m. and they have invited surrounding cities to attend as well. The training is for free and covers Kansas Open Records or Open Meetings Act and other important topics. Clerk Eddington said Mayor Cunningham is planning on attending and asked if anyone else would like to attend so she could turn in the reservations. Chief Elliott and Councilmember Tynan said they would plan to attend.

### **LKM Regional Suppers**

The League puts on Regional Suppers each year for city officials to meet with the League and other area city officials as well as Legislators to discuss issues important to cities. The closest one to us is in Fort Scott and is set for November 12<sup>th</sup>. Clerk Eddington asked Council if they would like to attend. This is an opportunity to have some input into forming the League's priorities for the upcoming 2016 Legislative season. Eddington asked anyone interested to let her know before the November 5<sup>th</sup> deadline.

### **Water Tower Space Lease Agreement**

The topic was tabled until next month's council meeting.

### **Hay Bids**

Council discussed a recommendation from Supt. Jurgensen to send out hay mowing bid notices for the 2016 growing season. He would like to change the contract to a three year agreement instead of a one year agreement. The bids would be due in time for approval at the December Council Meeting and the contract term would be January 1, 2016 to December 31, 2018. Tynan made a motion and Rea seconded to go out for hay bids with a three year contract. Motion carried.

### **Downtown Building Assistance Program**

Mayor Cunningham asked the Council to consider developing a program to offer downtown business owners assistance with materials needed to fix up the exterior of their buildings. The funds would come from the Downtown Revitalization Program. Mayor Cunningham would like to include the stipulation that the available funds be used at Oswego merchants only. Currently, the Fund only has a balance of \$1,607.55 and there will be no further monies going into the fund until a property owner downtown participates in the program.

The Mayor suggested dividing the money between business owners wishing to make improvements. Councilmember Newby proposed matching dollar for dollar the amount the property owner spends by having them apply for a reimbursement by submitting receipts. Clerk Eddington reported that when she asked other cities what kind of a program they have, they all said that they have an application process – some were first come first serve, others had a deadline when all applications had to be in and a committee rated each application to determine monetary award. Many of the cities had a matching funds type program whereby they required so much invested by the property owner themselves. Council determined to table the subject allowing time for them to consider a program.

## **INDIVIDUAL REPORTS**

**Jurgensen**– said the airport pavement is done. The bill will be paid after the city receives approval from the FAA.

**Rea** – asked about the house on 2<sup>nd</sup> & Wilson. She said they have a Welding & Fabrication sign in their yard. She asked if they are zoned for a welding business there and whether they had gotten approval for the sign. Clerk Eddington said the city needs to determine whether they are just advertising a business or actually have a business at that location. She said if they do have that type of business at that location, that would be a zoning issue violation.

- said there have been issues with a Beagle running loose at the corner of North & Oregon. The dog was attacking Marlys Trower as she was riding her bike to the park. Chief Elliott said he would talk to Trower about it and proceed from there with the owners of the dog.

**Elliott** – said the Kern's would like to donate body armor to the police department. He would like approval from the Council to accept the donation. It was the consensus of the Council to have Chief Elliott move forward and let them know when he has details on cost, etc.

**Owens** - said Supt. Jurgensen did a good job on getting the basketball goal set up at Crain Park. He also commended the chip & seal job that was done on the alleys downtown.

**Eddington** – asked Council to be thinking about what they want to do about the city van. She said it is no longer reliable and she is not comfortable sending her staff out to training in it as training is always held in a large city, travel is usually at night and they are always alone. The city will have to begin paying mileage for travel or use a more reliable vehicle for training travel.

## **PUBLIC DISCUSSION**

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

Several comments were made about the brush letters that had already been addressed earlier in the meeting. They also asked whether there was a burn ban. Chief Elliot said there is currently no burn ban.

**Richardson** – asked if there are check valves on the water meter lines. He was concerned about ag sprayers using water at the airport and possibility of the chemicals getting into the lines. Supt. Jurgensen said that the ag sprayers have check valves on their planes.

**Kelly** - asked if the beauty shop will be attached to his building which will be next door. He said the roof is bad on his building and it may have to be torn down at some point. Supt. Jurgensen said the new building will not be attached to his building but it will be up next to it.

Regular Council Meeting  
October 14, 2015 6:30 p.m.  
City of Oswego, KS 67356

- said he is looking in to putting an indoor bow range in the old museum building and an indoor pistol range in the basement of the building. Chief Elliott said the he would be willing to volunteer some time to make sure that it is safe and all the paperwork is done.

**ADJOURNMENT**

There being no further business Owens made a motion and Strickland seconded to adjourn the meeting at 8:30 p.m. Motion carried.

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Mayor F. W. Cunningham, Jr.

Attest:

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Deputy City Clerk Renee Cochran