

Special Council Meeting
August 22, 2016, 6:00 p.m.
City of Oswego, Kansas

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

Also Present: City Clerk Carol Eddington, City Superintendent Calvin Jurgensen, Deputy Clerk Renee Cochran, Paula Kern, Pat Hendrickson and Carole McKinley.

New Business Prospect - A&A Seed Company

Adam Kaiser and Amanda Robinett have approached the City about finding a building site in town to start a new seed business. Kaiser had been working for a local company whose owner is retiring and will no longer be selling seed. Channel Seed, the seed distributor, offered the contract to Kaiser. The contract states they must have 5,700 sq. ft. of storage space. They plan to construct a building 150' x 72' with 18 foot sidewalls, an attached office building 20' x 30' with 8 foot ceilings, and are looking for a piece of property that can accommodate buildings of that size.

The couple had originally been looking at the property the city owns between Boss Industries and the old John Deere building. However, when the Mayor spoke with Vince Horton of Boss Industries, he indicated Boss Tank may need more land in the future for expansion, as their business is doing well. After looking into other options in town, the block the city owns to the south of the Public Works Barn was suggested as a possible site. The prospective business owners agreed that this would work well as it would have some visibility from the highway and good access for truck deliveries.

They have met with OEDC several times to discuss their business plan. Council reviewed minutes from the August 18th OEDC meeting: Kaiser met with the committee to answer questions about the business plan, review requested financial references and discuss the property. Chairman Blair said that Chesnutt had valued the property at \$5,000 - \$7,000 and Steve Lynn agreed. When asked what Kaiser wanted the city to do for them, whether he was looking to purchase the property at a reduced rate or asking the city to gift the property, Kaiser said he wanted the city to give them the property. When asked about when they expect to start construction Kaiser said sometime between the end of October and the second week of November as Channel wants them to be ready to receive shipments of seed by late January or early February. There was discussion that a reversionary clause would be required, if the building was not completed within one year it would revert back to the city. Kaiser said he understood and agreed.

The Committee asked Supt. Jurgensen if there was room for the buildings on that property. Jurgensen said that there is a drainage ditch through the property that will have to be re-routed. Also, there is an alley through the block that would have to be vacated. Jurgensen said there are no utilities in this alley, so it could be vacated without the city retaining a utility easement. That way, the property owner could build over it once it is vacated. There are also a couple of streets platted that the city might want to look at vacating – one on the north side of the property (3rd Street) and one on the east side (Jefferson St.). The city would have to retain a utility easement if Jefferson Street was vacated as there are utilities there. Clerk Cochran said she was checking in to getting a quote for the cost to survey the property since the city will need a legal description for the deed and it appears as though the Public Works Barn may be in the area platted as 3rd Street or possibly partially on the property being considered.

It was also discussed that the property would need to be rezoned as it is currently zoned Residential with a Conditional Use. City Clerk Eddington checked with Zoning Administrator Dave Yearout, who said it should be rezoned as Light Industrial for this type of business. Making the zoning changes and vacating the streets require a Public Hearing which will involve legal costs normally paid for by the property

owner. The Committee determined to leave it up to the Council as to who would pay those costs. However, it was suggested that if the city took care of moving the drainage ditch and the legal fees for vacating plus changing the zoning, that could take the place of the \$500 utility credit given as a business incentive, especially in light of the value of the property.

The OEDC discussed how a new business moving into the area might affect the surrounding businesses. They determined that it shouldn't have a negative effect on other businesses and will generate new property tax (although it would not generate much, if any, sales tax). After much consideration it was determined to recommend to the city that they give the property to Adam Kiser and Amanda Robinette, with a reversionary clause stating that the property would revert back to the city after one year if the building has not been constructed.

The Council discussed the business prospects information and OEDC's recommendation. Mayor Cunningham said he had spoken with the previous owner and confirmed that he was indeed retiring and did not have any concerns regarding Kaiser's job performance. Newby made a motion and Grassl seconded to approve OEDC's recommendation to give the property to Adam Kaiser and Amanda Robinett and in lieu of a future \$500 utility credit the city will move the drainage ditch and provide the legal fees to rezone the property and vacate the alley and streets as discussed. Motion carried.

City Clerk Eddington said she had received two quotes for surveying, \$910 William Cook and \$1200-\$1800 Cornerstone Surveying. She said the Planning and Zoning Committee will be meeting Sept. 19th so the public hearing could be set for then to hear public comments on rezoning the property and vacating the streets and alley. Vance made a motion and Strickland seconded to have a public hearing to rezone the property to Light Industrial and vacate the streets and alley, retaining a utility easement on Jefferson Street, before getting a survey done with the city paying the expenses. Motion carried.

404 Wisconsin Condemnation of Garage

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF OSWEGO, KANSAS, AT WHICH THE OWNER, HIS OR HER AGENT, LIENHOLDERS OF RECORD, OCCUPANTS AND OTHER PARTIES IN INTEREST OF STRUCTURES commonly known as 404 Wisconsin. IN SAID CITY MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS UNSAFE OR DANGEROUS STRUCTURES was presented for approval. Clerk Eddington said the structure is now vacant as the occupant moved out after the structure was posted as uninhabitable following the minimum housing inspection. It is an outbuilding, not the main house. An electric cord has been strung from the house to this outbuilding to supply electricity causing a fire hazard. The roof leaks, the walls and ceilings are falling down and it is filled with junk.

Nuisance Abatement Resolution

A RESOLUTION AUTHORIZING THE ENFORCING OFFICER TO ABATE THE CONDITIONS CAUSING THE VIOLATION OF CHAPTER 8, ARTICLE 1 OF THE CODE OF THE CITY OF OSWEGO, KANSAS TITLED HEALTH NUISANCES for 404 Wisconsin was presented for approval. Council had been waiting to see if the cleanup of the property could be done at the same time as the condemnation. After an inspection of the property it was determined that the main house was still structurally sound and the garage in the back was the only building that could be condemned. Since the demo company will not be completely clearing the lot the cleanup will have to be done by either the property owner or the city. The Resolution gives the property owner an additional ten (10) days to clean up the property. After that the city will do the work and charge the cost to the property owners at \$100 per hour.

Strickland made a motion and Davis seconded to approve the Condemnation Resolution and Cleanup Resolution for 404 Wisconsin. Motion carried. Clerk assigned the Condemnation Resolution # 8-22-16 A and Cleanup Resolution #8-22-16B.

Auction – 408 Merchant

Clerk Eddington said the auction to sell the property at 408 Merchant will be at 10:00 a.m. on Sept. 24th. Supt. Jurgensen said he had some equipment he would like to add to the sale, two push mowers, two or three weed-eaters and a rototiller. Newby made a motion and Tynan seconded to include the items in the auction. Motion carried.

Cleanup Resolution – 618 Illinois

A RESOLUTION AUTHORIZING THE ENFORCING OFFICER TO ABATE THE CONDITIONS CAUSING THE VIOLATION OF CHAPTER 8, ARTICLE 1 OF THE CODE OF THE CITY OF OSWEGO, KANSAS TITLED HEALTH NUISANCES for 618 Illinois was presented for approval. Clerk Eddington said that both the girlfriend and mother of the property owner, Samuel Pease, had called the City Office stating they were not able to meet the deadline to clean up the property and asked for a ten day extension. Council discussed that the resolution already allows the property owner another ten days before the city would clean up the property. Vance made a motion and Davis seconded to approve the resolution to clean up 618 Illinois with no extension beyond the ten days already included in the resolution. Motion carried. Clerk Assigned the Resolution # 8-22-16 C.

Adjourn

There being no further business, Strickland made a motion and Davis seconded to adjourn the meeting at 6:55 p.m. Motion carried.

F.W. Cunningham, Jr., Mayor

Attest:

Renee Cochran, Deputy City Clerk