

Regular Council Meeting
February 13, 2017 6:30 p.m.
City of Oswego, KS 67356

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

Absent: Mayor Bill Cunningham

Also present: City Clerk Carol Eddington, City Superintendent Calvin Jurgensen, Chief George Elliott, City Attorney Lucas Nodine, Deputy Clerk Renee Cochran, Elizabeth Gravett, Larry Richardson, Paula Kern, Pat Hendrickson, Carole McKinley, Dawn & Jim Diediker, George Dockery, Kristy Kelley, Wayne Gudmonson and Steve McBrien.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Pastor Steve McBrien, Assembly of God Church, gave the opening prayer and David Newby led the Pledge of Allegiance.

PETITIONS, DELEGATIONS AND PUBLIC HEARINGS

Meet and Greet Reception

Police Chief George Elliott introduced Darren Eichinger, the new Labette County Sheriff. Elliott said he is looking forward to working with Sheriff Eichinger and believes he will be an asset to the community. Tynan called for a ten minute break to meet and welcome Eichinger. The meeting resumed at 6:40 p.m.

Emergency Operations – Brandy Grassl

Brandy Grassl, Labette County Emergency Management Coordinator, attended the meeting to explain the different roles and ways to be better prepared in times of a disaster or emergencies. Grassl said that it was very important to have a plan and talked about COOP – Coordination Of Operations Planning. The county has an emergency plan and the city has passed a resolution to adopt and be part of that plan.

Grassl stated that a big part of Emergency Management is really Resource Management. She said in a disaster situation that you must first use your own resources until they are exhausted. Next, the resources should come from the county until those resources are exhausted. Then finally, if additional resources are still needed a request can be made to the state but they must go through the coordinator. City requests cannot be made directly to the state they need to go through the county. This eliminates the problem of duplicated requests from different personnel.

Grassl also spoke about the CODE RED program which is a reverse 911 call system. Citizens can sign up for the system which has GPS capabilities to notify you if your home address is in danger even if you are not at home. The county has the ability to get a message out in three minutes or less. You can specify the type of alerts you want to receive such as weather, flood, Amber alerts, etc. There is also an app available for your mobile phone.

KDOT – Wayne Gudmonson & George Dockery

Wayne Gudmonson, District Engineer for Southeast Kansas and George Dockery, Area Engineer for KDOT attended the meeting to inform council about a new road project for the junction of

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Hwy 59 & 160 just east of Altamont. The project will include a round-a-bout at the intersection with plans to start next week on surveys and the design. There are also plans to start on a project to replace the bridge just east of town and one south of town. The funding for both projects is from Federal money that is available on a use it or lose it basis. Council asked about the problem with large loads getting through a round-a-bout since there are several businesses in the area that haul large loads. They stated that would be taken in to consideration in the design process and said the facts show that round-a-bouts save lives and reduce serious injuries.

Sewer Issue – 323 Iowa

Council President Tynan asked that this item be moved up on the agenda to allow the Diedikers, who were in attendance, to address the Council about the issues with their sewer line. Clerk Eddington reported that Dawn & Jim Diediker have had sewer problems since February 2012, the entire time they have lived in their house. They would usually have it snaked out once a year when it completely stopped working. About a year ago Mediacom dug up around the area of their line and since then they have had even more trouble. Diedikers were finally able to get someone from Mediacom to come work on their problem. On Friday, January 27th, a Mediacom contractor came out and tried to locate their line. When it was finally located they discovered it was not connected to the main. After verifying the line was indeed from their house, the city made the tap connecting them to the main.

Their line is made of some kind of fiber-board type material and the city recommended the Diedikers replace the old line. Diedikers are asking for a refund of the sewer charge they have paid for the past 5 years. They have not used the sewer system and have had constant troubles without anyone discovering the problem. Clerk Eddington said the amount they have paid for sewer service since 2012 is \$1,356.93. Diedikers stated they could use the refund to help pay for replacing their line. Newby made a motion and Vance seconded to refund sewer charges in the amount of \$1,356.93 to the Diedikers. Motion carried.

CITY ATTORNEY

City Fees Resolution - Revised

A revised Fees Resolution was presented for Council approval. Attorney Nodine made revisions to the fees charged for diversions in Municipal Court. The cost for a diversion was separated in to two different fees; Diversion Fee - \$200 and Diversion Application Fee - \$30. Strickland said that he would like to look at making some additional changes to the fees resolution. Clerk Eddington said to let her know what he was looking at changing so that she could do some research and then take it to the Department Head/ Mayor meeting. Grassl made a motion and Davis seconded to approve the revisions to the Fees Resolution. Motion carried. Clerk assigned it Resolution #2-13-17A.

City Attorney Fees and Services Compensation

A contract for City Attorney Services was presented for Council approval. Prior to the meeting City Attorney Nodine, Chief Elliott, Clerk Eddington and Council President Tynan met to go over the proposed contract and discuss the city's budget constraints. After the first full month of invoicing for court cases it was apparent that the city's budget constraints were going to require

another solution. Clerk Eddington contacted Attorney Nodine to discuss the problem. He said that he understood and suggested the city pay him a set amount per month to make budgeting easier for both sides. It would also alleviate a lot of administrative time for him just in keeping track of time spent on city issues in order to bill that way. Attorney Nodine also suggested a contract between both parties to make it clear what is expected and what is not expected, while still recognizing that the position is an appointed position and the contract does not supersede the appointment.

The contract amount is \$17,000 per year for business as usual. If something changes, such as a lawsuit, etc. then that will need to be negotiated. Attorney Nodine stated that this is what most cities do - set a monthly fee. It will also help his office to be able to budget for their expenses. Chief Elliott said he plans to meet with the City Judge to see if they can cut back on the time required for the city to attend Municipal Court by scheduling trials every other month. Grassl made a motion and Vance seconded to approve the annual contract for \$17,000. 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). Tynan asked for any additions or corrections. As there were none Newby made a motion and Davis seconded to approve the Consent Agenda as presented. Motion carried.

OLD BUSINESS

Park Signs

Council viewed a photo of what the Riverside Park sign would look like on the back side. Clerk Eddington reported that the quote approved last month for the Riverside Park sign stated “both sides” but there was no discussion on what the back would look like. She also wanted to let Council know that she had clarified with Wright Signs that the quote amount includes the city doing the wooden background for both the Danny Elliott sign and the Riverside Park sign. She was cautioned by Wright Signs that the city would need to make sure that treated wood is used and then sealed well after staining in order for them to last a long time. Wright signs will attach the lettering and signs once the wood background is ready.

Condemnations

- **123 Union St. – Richard Thompson, owner**

Chief Elliott reported that he met with Mr. Thompson at the house on January 19th and they went over the list of items that need to be corrected. Chief Elliott reiterated that he had 60 days to get everything repaired. He also told him that this was just a list to address the issues under the Dangerous Structures Code, not what work would need to be completed in order to comply with the Minimum Housing Code and allow for the occupancy of the residence. The 60 day timeframe is up March 20th.

- **2212 4th St. – Judy Collins Wilson & Jvette Collins, owners**

Clerk Eddington reported that the owners signed the form allowing the city to go ahead and demolish the structures on the property and clean it up without proceeding with the legal condemnation process. Strickland said he thought the owners were interested in giving the property to the city. Eddington said that the Council had not previously been interested in property that had a lot of back taxes owed and were going to tax sale. Currently \$723.05 is owed. Strickland said the railroad is looking for property along the railroad's right of way.

- **2108 4th St., - Larry & Jan Wimp, owners**

Last month Council tabled this condemnation to allow Wimps time to get an estimate from B-3 and determine whether or not they were going to tear down the structure themselves. Clerk Eddington reported that they received the estimate and decided that they cannot have the building torn down at this time. The Wimps indicated they were willing to sign the form to allow the city to tear it down however there is also a lienholder on the property. When they contacted the lienholder they would not sign the consent form.

The lienholder had been notified of the condemnation proceeding and public hearing as required by law but no correspondence was received from them. The recommendation is to proceed with the resolution in the condemnation process which allows for another 30 days before the city can go out for demolition bids. Both of the properties can then be put out for bid at the same time to receive a better price.

Council discussed the possibility of the railroad paying for the condemnation expenses in exchange for either of the properties since they are both located along their right of way. Strickland offered to contact the railroad to see if they would be interested in working out a deal. Davis made a motion and Newby seconded to proceed with the condemnation by passing the Resolution. Motion carried. Clerk assigned the Resolution# 2-13-17B.

Broken Window – Jennings Horse Barn

At last month's meeting Council discussed a quote of \$960 submitted by the company that originally installed the windows (4 x 4 tempered, insulated glass window with grills). The quote included replacing the window, adjusting the door to make it square again (they think this is what caused the window to break) and replacing some trim on another door. The Council decided to wait until they could get an estimate from Raymond Yoder with Labette Window & Siding. Supt. Jurgensen obtained a quote from Labette Window for \$184.96 installed. Jurgensen said he would also ask them about straightening the door at the same time. Newby made motion and Davis seconded to accept the quote from Labette Window & Siding for \$184.96. Motion carried.

NEW BUSINESS

Purchase of Analyzer for Water Plant

A quote of \$12,975 was presented from Swan Analytical Instruments for an analyzer for free, combined and total chlorine. Supt. Jurgensen said that the city does not need all that is priced on the quote. He said the city's cost would be \$6,982 for the equipment that was

needed. Council asked how many quotes Supt. Jurgensen had received. Jurgensen said this was the only quote he requested. He had priced similar equipment elsewhere and this was the most affordable with advantages other machines don't have. He pointed out this will allow them to have a backup when equipment goes down. Clerk Eddington said the expense can come out of water surplus or Municipal Equipment. Vance made a motion and Grassl seconded to approve the quote of \$6,982 for the analyzer with the funds coming from the Water Fund. Motion carried.

Project Prom Donation Request

A request for donation from Project Prom was presented. Clerk Eddington said that for the past several years, the city has donated \$200. Currently \$850 is budgeted for donations which also includes the donation expenses for the Martin Luther King Celebration. Strickland made a motion and Vance seconded to approve a \$200 donation to Project Prom. Motion carried.

LCC Foundation – Donation Request

Council discussed a request from the LCC Foundation & Alumni Association for a donation, sponsorship or advertisement in support of their 2017 Auction for Scholarships. The last few years, the city has donated a pool party for up to 40 people - a value of \$75. Clerk Eddington said the golf course has donated a 12-play card but she has not received a response as to whether they want to do that again this year. Newby made a motion and Strickland seconded to approve the same donations as last year. Motion carried.

End of 2016 Transfers

A list of year end transfers was submitted for Council approval. The first set are transfers the city does yearly based upon available cash and budget authorization and are for specific purposes.

The second set of transfers were generated after Clerk Eddington analyzed the amount of remaining budget authority in each fund, whether there is enough cash balance to make a transfer and the cash balance needed to begin the 2017 year according to the 2017 budget. These transfers move the disposable cash from Water, Sewer, Refuse & General to Municipal Equipment and Capital Improvement. Moving monies into these funds will help the city handle large expenditures in the future without affecting the budget and subsequently, the mil levy and tax lid. Clerk Eddington stated that the only reason the city was able to transfer these amounts was because the city was fortunate enough to have a couple of very good years as far as expenses. That will not always be the case but for now, the city can take advantage of it. Eddington checked with the city's auditors during this process and they said these transfers were perfectly fine. Many cities are doing similar transfers due to the tax lid.

It was discussed that even though Municipal Equipment and Capital Improvements don't require budget authority to use the funds, the Council still has to approve expenditures

from these funds unless it is already earmarked. Davis made a motion and Grassl seconded to approve the transfers. Motion carried.

Painting Caboose

Council discussed that the caboose needs to be painted and that it would be good to get it done in time for the city's 150th Birthday Celebration this year. Clerk Eddington said she looked in to companies that do this type of painting and received two referrals. One (Tank Spec Corp) gave a quote of \$10,927. They painted the caboose in Columbus. After inspecting the caboose, they determined that it does not need to be sandblasted before being painted. They said that the color red is one of the quickest colors to fade so they use a product called polysiloxane coating. The quote states they would spot treat with a rust-inhibitive epoxy and then do a full coverage of the rust-inhibitive epoxy before finishing with the polysiloxane – in the existing color scheme. They were to bring in a sample of the paint they would be using but that did not happen.

Clerk Eddington said the city also checked with a local business, Triple H Services. Clayton Hiben said they would be able to do the work and submitted a quote in the amount of \$3,255.00. They would use a High Gloss Metal Finishing Enamel paint from Sherwin Williams. His quote states removing the rust, applying one coat of primer and two coats of paint and repainting the lettering. A color sheet and paint sample, provided by Mr. Hiben, were examined. Council liked the idea of using a local business, especially since it would mean a cost savings.

Clerk Eddington said the expense could be taken out of Capital Improvements, atrazine money or out of Sales Tax-Parks. Council suggested sending a letter to the Hobart Young family who donated the caboose to see if they would be interested in helping with the cost. Strickland asked about using the funds from the Downtown Facade Program. Clerk Eddington said it would depend on how much was left over after the grant funds were distributed and whether they wanted to leave anything in there for another round. Newby made a motion and Strickland seconded to accept Hiben's bid and expense the cost out of the funds from the Downtown Facade Program or out of Sales Tax Parks, if the other is not available. Motion carried.

INDIVIDUAL REPORTS

Jurgensen – said he is planning on putting some additional lighting up at Kamp Siesta. The city already has 5 poles and Westar said they would provide the lights (old lights they removed from downtown). Jurgensen said with anchors, wiring and concrete he thought the project would cost between \$200 & \$300 per pole.

Strickland – thanked Supt. Jurgensen for getting the basketball court by G&W repaired. He noticed there has been a lot of activity there. Other Councilmembers agreed and were glad it is being used.

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- said he received compliments from some of his acquaintances who recently used the airport. The Koch Brothers liked the anchors and runway and thought the facility was nice especially for a small town.

Vance – said they are trying to get the word out about the drive though “Celebration of Jesus” at Riverside Park on April 15th, 5-7 pm. The plan is to do a larger one at Christmas if it works out.

- there is going to be a Community Easter Cantata at “the Church” for the Good Friday Service.

Eddington – said the Golf Course submitted an application for a CMB license just today so the Police Chief, City Attorney and the Fire Chief haven’t had the chance to review them yet. She asked if Council wanted to approve issuing the license contingent upon their approval so the golf course wouldn’t have to wait until after the March meeting for the license. Strickland made a motion and Tynan seconded to approve the license contingent on it passing all the required checks. Motion carried with Vance opposing.

- let the Council know that the budget balance and the cash balance still available at the end of 2016 allows for the city to allocate the extra amount budgeted for the Library - \$6,476. At budget time Council had determined to give the library the additional money if there were funds available at the end of the year. Strickland made a motion and Vance seconded to allocate an additional \$6,476 to the library. Motion carried.

- said there is going to be a 2.6% rate increase from WCA for the transfer station, which will increase the city’s refuse expense. The maximum they can raise it each year is 3% under the current agreement.

- was contacted about using the kitchenette at the Community Building for a Relay For Life fundraiser in March. They plan to play bingo and the Mayor has recommended letting them use the building at no cost. Newby noted that civic organizations are allowed one free use of the community building free per year. Even though it is not a local civic organization, Relay for Life benefits everyone. Newby made a motion and Davis seconded to let them use the building this time rent free. Motion carried.

- let Council know there was no increase to the employee’s life insurance premiums for 2017.

- said there are three council seats up for election that will be held in November of this year – Vance, Newby and Grassl. She also said that the filing deadline is June 1st and filing must be made at the County Clerk’s office.

ADJOURNMENT

Council President Tynan asked if there were any comments from the public on city business. Paula Kern asked what happens when a property with a lien on it goes to tax sale? Attorney Nodine said the lien would be cleared although it sometimes takes a while for the title to clear.

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As there was no further business Vance made a motion and Grassl seconded to adjourn the meeting at 8:43 p.m. Motion carried.

Council President Darren Tynan

Attest:

Deputy City Clerk Renee Cochran