

Regular Meeting
June 13, 2011 6:30 p.m.
City of Oswego, Kansas

Present: Councilmembers Ty Lewis, Jane Rea, Dee Brown and Darren Tynan with Mayor Glenn Fischer presiding.

Absent: Councilmembers Bill Owens and Terry Edwards.

Also present: City Clerk Cheri Peine, Deputy Clerk Carol Eddington, Superintendent Kevin Frogley, Police Chief George Elliott, Fire Chief Donnie Allison, Attorney Rick Tucker and Ed Weir.

OPENING PRAYER

Attorney Rick Tucker opened the meeting with a prayer.

PETITIONS AND DELEGATIONS

Bobby Ray – Parking in Hillcrest Addition

Ray was not in attendance. Chief Elliott reported that he has not received any further complaints about parking problems since the signs have been posted and they have spoken to the property owner that was parking in the street.

When asked about the property line, Supt. Frogley stated that it is flagged.

Ed Weir – Flag and Lighting @ Mathews Park – 4th & Union

Mr. Weir requested to speak to the Council about putting lighting in place for the flag, however, he stated that he went by there after dark and there is a street light that shines on the flag already. Mayor Fischer suggested he check with Jeanne Dalton, with the VFW Auxiliary, on proper flag etiquette in regards to lighting.

Ed Dosh – Court Appointed Attorney Fees

Mr. Dosh has asked for an increase in attorney fees, for court appointed attorneys, either by paying hourly and for copies and mileage or increasing the set fee. The fee has been a flat \$150 for many years now. After some consideration, Tynan made a motion and Brown seconded to pay court appointed attorneys a flat \$200 per case. Motion carried.

Parks and Community Foundation – Park Improvement Projects

Clerk Peine said that Bill Cunningham was unable to attend the meeting this evening so he asked her to present information on behalf of the Foundation.

The Foundation would like to do three different projects in Riverside Park:

Fish pond – they would like to re-do the fish pond and make it look like it did many years ago when the outer edge was covered in native stone. This would most likely require rebuilding the pond from scratch.

Fountain West of the Pool – years ago, the round, raised flower bed on the other side of the street, west of the swimming pool was a fountain. The Foundation would like to have a fountain built there again.

West Shelter House – they would like to revamp the shelter so that it looks more like the other shelter houses in the park – a new roof and native stone pillars. The Foundation will seek a grant from the Parsons Area Foundation and would like for the City of Oswego to consider contributing as well. Clerk Peine said this could be discussed at budget time.

Ordinances

Junk Motor Vehicles on Private Property

“AN ORDINANCE AMENDING SECTION 8-203 OF THE CITY CODE. NUISANCES UNLAWFUL; DEFINED; EXCEPTIONS, and any other ordinances in conflict therewith” was presented. This ordinance says it shall be unlawful for someone, who has already received a motor vehicle nuisance letter, to move said vehicle to another location in town in an effort to avoid prosecution.

Lewis made a motion and Rea seconded to approve the ordinance as presented. Motion carried. Clerk assigned it Ordinance #1271.

Storage Pods

“AN ORDINANCE RELATING TO THE PLACEMENT OF TEMPORARY STORAGE PODS WITHIN RESIDENTIAL DISTRICTS OF THE CITY OF OSWEGO, KANSAS” was presented. It was noted that the wording in paragraph “c” was changed from a “minimum” of 30 days to a “maximum” of 30 days.

After some discussion, it was determined that the city office will ask people when they move to town whether they will have a pod and let them know the time limit as well as have the police and public works employees let the city office know when they notice a storage pod sitting at a house so the city can send out a notification of the time limit.

Rea made a motion and Lewis seconded to approve the ordinance with the change in the wording and to have City Hall notify people that they can have a storage pod for 30 days only. Motion carried. Clerk assigned it Ordinance #1272.

Annual Reviews – Executive Session

Brown made a motion and Lewis seconded to go into an executive session for 10 minutes to discuss non-elected personnel, with the Council, City Attorney and Mayor present. Motion carried. Executive session began at 7:11 p.m. and ended at 7:23 p.m.

Appointments

Mayor Fischer listed his appointments for the year:

City Clerk – Cheri Peine

City Superintendent – Kevin Frogley

Chief of Police – George Elliott

Fire Chief – Donnie Allison
City Treasurer – Nikki Lewis
City Attorney – Rick Tucker
Zoning Code Enforcement – Kevin Frogley

Tynan made a motion and Rea seconded to approve the Mayor's appointments. Motion carried.

City Attorney – Lawsuits

City vs. Turner

Peine reported that she has not heard anything from Attorney J.B. King. Attorney Tucker said he would contact him before the next regular meeting.

Tennis Courts

Attorney Tucker reported that he ran out of time and has not had the chance to work on this. He assured the Council that he will have information for the next regular meeting.

CONSENT AGENDA

The Consent Agenda includes minutes from last month's regular meeting and any special meetings held since then, accounts receivables report, monthly revenue report for all funds, monthly expense reports (accounts payable and payroll), petty cash listing, fund balance, revenue and expense reports for water, sewer, refuse and golf course, water loss report, expense report for general fund by department breakdown and total budget used, and monthly reports on franchise fee, sales tax receipts (both city & county sales tax), overtime, vacation, water, growth (households in/out), building permits, and municipal court.

Rea made a motion and Lewis seconded to approve the Consent Agenda. Motion carried.

OLD BUSINESS

Airport Grant Update

Airport Entrance Road

Clerk Peine reported that the FAA has agreed to include paving the parking lot in the project. The parking lot was to be rocked. The additional work is estimated to be \$5,000 with the city paying about \$250, plus 5% of any additional design fee.

Slurry Seal Runway Project

A copy of the contract for the slurry seal with Ameriseal of Ohio, Inc. was included in the packet. Attorney Tucker said he checked over the contract and it was ok. It was noted that the contract amount is not included in the contract. Rea made a motion and Tynan seconded to approve the contract for the slurry seal as long as it refers to the letter from the FAA that does include the amount. After some discussion, Rea withdrew her motion.

Peine noted that the contract does refer to the Contract Documents which includes details on the scope of the project as well as the contract amount. Attorney Tucker also felt the necessary information was covered in the contract by referring to the contract documents.

Rea made a motion and Brown seconded to approve the contract agreement. Motion carried.

Water Projects Update

Phase I – Rural Development Distribution Repairs

Change Order

Change Order No. 1 has been submitted by Shafer, Kline & Warren in the amount of \$51,278.48. This is a portion of one of the alternatives included in the total project bid. Supt. Frogley wanted to include the City Of Oswego's portion of service lines from the city mains to the water meter. \$49,963.50 is approximately 1/6 of the total contractor's cost for installation of these service lines. Rural Development has agreed to permit change orders for approximately \$50,000 worth of contingencies each month if the contingency funds are not otherwise used.

The remaining amount of \$1,314.98 in this change order is for repairs to a storm drain at 3rd & Nevada. The storm drain was underground, the contractor cut into it and it had to be repaired. The drain was covered up and wasn't on the drawings, however, it was in the street easement so Attorney Tucker advised it was probably the city's responsibility.

Brown made a motion and Tynan seconded to approve Change Order #1 in the amount of \$51,278.48. Motion carried.

Pay Requests – LaForge Const & Shafer, Kline & Warren

LaForge Construction submitted Pay Estimate #2 in the amount of \$789,222.24. The Pay Estimate wasn't signed by the Engineer so Clerk Peine contacted them to make sure they have okayed it. Danny Coltrane assured her that it is ok and that they do not usually sign it until the meeting with the contractor (which will be held this Wednesday).

Rea made a motion and Tynan seconded to approve the Pay Estimate #2 for \$789,222.24. Motion carried. When asked, Supt. Frogley stated that the project takes up a big part of his time.

Shafer, Kline & Warren submitted an invoice for \$36,040.81. Rea made a motion and Lewis seconded to approve paying the invoice. Motion carried.

Phase II – Rural Development – Intake, Streambank and Dam Repairs

Shafer, Kline & Warren reported that Terracon conducted soil borings near the dam the week of May 16th. A temporary construction easement from Albert Strickland for a work area on the north side of the dam, has been obtained and filed with the Register of Deeds. Supt. Frogley reported he has received no project updates recently.

Sewer Fund Update

Clerk Peine reported that the major increases in expenses over the last four years is in salaries, electric and lift station repairs. The loss in revenue due to the correctional camps is 6%. Even with cutting expenses as much as possible, the fund is still experiencing a loss.

Mayor Fischer appointed a committee to research the issue and bring back a recommendation to the Council next month. The committee consists of Councilmembers Rea and Brown and Mayor Fischer.

Inspection of Wastewater Treatment Facilities Report

KDHE Environmental Scientist, Greg Taylor, inspected the wastewater treatment facility. This is a routine inspection. There were no major deficiencies noted but he reminded city staff that all wastewater bypass events need to be reported as required. Mayor Fischer asked Supt. Frogley about the reports and he said he will do them.

Taylor recommended in his report that the city begin a public awareness campaign addressing the problem of infiltration, letting citizens know that their roof, basement, yard and area drains cannot be connected to the city sewer collection system. When asked by the Mayor, Councilman Lewis said he would do an article on infiltration for the City Update section of the newspaper.

Smoke testing was suggested in the report as a method of identifying illegal connections or deficiencies in the collection system. Clerk Peine reported that the city is already on Kansas Rural Water Association's list to do smoke testing.

The report also discussed the need for proper training for employees. Mayor Fischer asked if our employees received the necessary training and Supt. Frogley assured him that they receive the required training and certifications.

Housing Update

CDBG Housing Rehabilitation & Demolition Grant

Information was mailed directly to property owners in the specified target area. The city must submit pre-applications for this grant.

HOME Grant

Susan Galemore, Southeast Kansas Regional Planning Commission, is working on the application due the end of June.

2003 Housing Trust Fund Grant

Clerk Peine contacted the Kansas Housing Resource Corp. about utilizing the funds, from the 2003 grant project, in locations outside of the Hillcrest Addition. Christine Reimler, with Kansas Housing, told Clerk Peine that they are no longer concerned with this grant and will not be monitoring it any longer.

Golf Course

Included in the packet are: a financial report for the month of May, a revenue/expense comparison report for previous years and year to date as well as a cash report showing cash on hand as of May 31, 2011.

City Hall, Police & Fire Departments Rehab Update

The meeting with structural engineer Neil Tappana was cancelled due to him responding to situations in Joplin after the tornado hit. He is scheduled to be here at 3:00 this Thursday, June 16th.

Break

Mayor Fischer called for a 5 minute break at 8:45 p.m.

Refuse – Large Item Pick-up

Discussion was held on ways to alleviate someone taking advantage of the free Wednesday bulk pick-ups. Since the problem lies with one residence and they are in violation of some other city codes, consensus was for the city to address those issues with the property owner first and that may have an effect on their Wednesday trash amount. The issue will be on the agenda again next month.

NEW BUSINESS

Health Insurance Reimbursement Fee

In order to save on health insurance premiums, years ago, the city chose to go with a high deductible plan. Since then, the savings on premiums paid versus the amount that was budgeted for was put into a Health Insurance Premium Fund and the city determined to reimburse employees for some of their out of pocket expenses since the deductible and coinsurance amounts were so much higher than they had been.

The health insurance plan deductibles did not change this year and the fund is doing well with the amount of reimbursement the city set out last year (\$250 toward the deductible once it has been met and \$500 toward the coinsurance once the employee has paid out \$500). Staff recommended no changes to the rate of reimbursement for the coming plan year. Tynan made a motion and Rea seconded to stay with the same rate of reimbursement. Motion carried.

Branson Building – 705 Fourth St.

Parts of the building are falling down and the sidewalk has been barricaded off for a very long time. The owner is an absentee owner and the building has been up for tax sale but no one will purchase it. Mayor Fischer feels the city needs to make enough repairs to the building to alleviate the problem of materials falling onto the sidewalk – then the barricades can be removed.

Chief Elliott stated he understood that the owner had passed away a few months ago. The city has applied three times for a grant to demolish the building but has been denied. In the city's code book, there is a provision for taking care of an "immediate hazard" without prior consultation with the owner. The roof of the front overhang needs to be fixed, the balance of the materials that have been falling need to be replaced with plywood to close up the building. Mayor asked Chief Elliott and Supt. Frogley to look at it in the next couple of days.

City Property Tour & Orientation

June 23rd at 5:30 p.m. was the date set to finish the city property tour.

Sale of Diving Boards and Stands

Ron Wood, Mayor of Chetopa, is interested in purchasing the diving boards from the city. They were purchased in 2004 for \$2,994 for both and used for only two seasons. The company they were purchased from said that the boards would cost \$4,285 each to purchase them today. After some discussion, it was determined that Mayor Fischer will see if he can sell them to the City of Chetopa for between \$3,000 and \$6,000 (including the stands).

Vehicle Identification Number (VIN) Verifications Fee Increase

Fees for VINs will increase this July and next July according to the Kansas Motor Vehicle Enforcement Agency. Currently \$10 is collected for each VIN and \$1 of that is sent to the State. Beginning July 1st, the fee will increase to \$15 and \$1.50 will be sent to the State. As of July 1, 2012, the fee will increase to \$20 and \$2.00 will be sent to the State.

Swimming Pool Hiring Policy

Recently it was brought to our attention that the city may be in violation of a Department of Labor law in regards to lifeguard training. Staff contacted the DOL office to speak to the compliance specialist about seasonal workers since there are some different regulations governing them. After doing some research herself, the agent advised the city should be paying for the training if the person has been determined to be an employee of the city prior to the training. All of the kids helped clean up the pool a week or so before the pool opening and were paid for their time, therefore, they officially became employees at that time. Lifeguard training was held the week after the pool opened. This means all guards who took that training will be paid for their time and travel. Other guards received training earlier in the year from LCC under the city's turnaround program with them which designated them as an employee at that time.

The total of this training and travel will be a significant amount for the city to try to absorb. Mayor Fischer announced that changes will be made to the city's hiring policy for swimming pool employees before next season. He appointed Councilmembers Lewis and Tynan to serve on a committee with him to review the policy and make recommendations to the Council.

Years ago the manager began getting supplies at SAM's Club while they were in Joplin doing other things since the prices and selection at SAM's were so much better than from the company that was delivering concessions to the city. It was brought to staff's attention that this year the manager and assistant manager made a trip over to Joplin solely for the purpose of getting concessions and that they should be paid for their travel time. That is correct. Staff has spoken to the pool manager and he is checking on prices with vendors who deliver as well as G & W to compare prices of items while taking his (or the asst. manager) travel time into consideration. Mayor Fischer said that for the rest of this year when the pool needs supplies from SAMS's, someone (as in Dept. Heads,

himself or other staff members) who is already going to Joplin will be picking up the order if at all possible.

Agreement with Labette Community College

The yearly agreement for purchase of services between the city and Labette Community College was included in the packet. LCC does not charge tuition to city employees or the city in exchange for use of city facilities for classrooms, etc. Rea made a motion and Tynan seconded to approve the agreement with LCC. Motion carried.

INDIVIDUAL REPORTS

Allison – reported that 5 firemen went to assist on the night of the tornado in Joplin. They spent 9 hours searching for victims. Mayor Fischer asked that they receive a note of appreciation.

Elliott – reported that his new officer, Joe Royer, starts work this week.

Rea – stated that the boot block proceeds scheduled to go to Project Prom were sent to the American Red Cross for the Joplin Relief Effort instead. Project Prom will hold another boot block at a later date for their fund raiser.

Peine – the water meter at the airport was locked up last week by a member of the Hoag Water Dist. They said people were using the water and not paying for it, however, they did not contact the city prior to locking up the water meter and no one else has a key, therefore, the individuals who have planes in the hangars cannot use the water. Staff will contact the gentleman who locked up the meter to see if an agreement can be reached. Information will be brought back to the Council.

-reported that Perry Sorrell, with Bartlett Co-op, called the city office and said that there were many compliments on the Community Building from those in attendance to an event they held out there and he wanted to let the city know that.

Fischer – asked that the Council consider scheduling an extra meeting each month since there is usually an average of one special meeting per month anyway. The item will be on the agenda for discussion next month.

-noted that the trash crew purchased more visible yellow shirts on their own and he feels they should be reimbursed for them. Supt. Frogley said he has ordered new t-shirts for the employees.

-would like for an ad to be placed in the Joplin Globe advertising Oswego as a good place for people to move to. Council agreed. Mayor Fischer will work with former mayor Bringle on this.

-asked that some ceiling fans be installed in the Council room to help keep things cool since the air conditioner has to be shut off in order to hear each other.

-feels that the city needs to do a better job of publicizing Riverside Park. Possibly signs at the entrance of the park, Schmoker Park, or where the mural was at the four way stop, etc. Brown will check into the mural idea. Mayor asked everyone to think about it and it will be on the agenda next month for discussion.

ADJOURNMENT

Lewis made a motion and Rea seconded to adjourn the meeting at 10:04 p.m. Motion carried.

Mayor Glenn Fischer

Attest:

Deputy City Clerk Carol Eddington