

Regular Meeting  
November 14, 2011, 6:30 p.m.  
City of Oswego, Kansas

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

Also present: City Clerk Cheri Peine, Deputy Clerk Carol Eddington, Superintendent and Fire Chief Donnie Allison, Attorney Rick Tucker, Max Sumpter, Sherlyn Oplotnik, Marna George, Cecilia Jennings, Larry Richardson, Brian and Judy Collins, Bob Shields, Lee and Linda Revell, Jan Owens, Christina Bates, Phil Hays, Danny Ross, Rocco Mallardi, Gordon Kern, David Newby, Dan Chapman, Rick Williamson, Dennis Castle, Travis McKinzie and Billy Gray.

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

Pastor Phil Hays, Oswego Christian Church, gave the opening prayer and Dee Brown led the Pledge of Allegiance.

### **PROCLAMATION**

Mayor Fischer presented Lela Mier with a proclamation at her home today with her granddaughter present. The Mayor expressed admiration for Lela as she just turned 105 and she is still living at her own home and reads several papers a day.

### **PETITIONS AND DELEGATIONS**

#### **Oswego Planning Commission – Zoning Text Amendment – Farm Animals**

The Planning Commission held a public hearing in conjunction with their October 17<sup>th</sup> meeting. At the end of the public hearing, the Planning Commission voted to recommend to the Council that no changes be made to the existing zoning regulations. Under current regulations, property owners may continue to seek a conditional use permit to have farm animals on their property; grandfathered locations will continue as they are; and all current conditional use permits will remain with the property along with the same conditions that were approved.

Councilmember Owens inquired why the city had to take this action since nothing changed, and since it was initiated by the Planning Commission. Peine explained that the Planning Commission, the City or any citizen may initiate a zoning text amendment, such as the Planning Commission did in this situation; however the Planning Commission can only recommend the final outcome to the Council for action. Since the zoning text amendment process was followed through, public notice, public hearing, etc. and a recommendation was made it must be approved by the City Council. She checked with the city's zoning consultant on this matter and he advised the Council should take action on the Commission's recommendation.

Brown made a motion and Owens seconded to approve the Planning Commission's recommendation to make no changes to the current regulations. Motion carried.

## **USD 504 – Water Rate Reduction Request for Football Field**

Mr. Terry Karlin, Supt. of Schools, sent a letter to the Governing Body requesting the city consider applying the same cost of water to the football field that we are charging for the water at the baseball fields. After some discussion, it was determined to table the question until the Governing Body can take a look at some hard figures on the city's costs and budget, as well as the school's average usage.

## **City Attorney Litigation Updates**

### Tennis Courts

Attorney Tucker reported that the defendants have responded and now the parties will meet with the Judge in December.

### City vs. Turner

The parties have agreed to settle for \$125,000. It was noted that legal fees will come out of that amount.

## **Ordinances**

At the last meeting, the water distribution loan ordinance was approved as Ord. No. 1281 and the mowing ordinance was approved as Ord. No. 1280. However, when they were published, the numbers were switched. Clerk Peine consulted the city's bond counsel on the water bond ordinance and since there was not sufficient time to republish the ordinance in order to meet the closing date, he recommended leaving the numbers as they were published and asking the Council to approve the change for the record at the November Council meeting. Owens made a motion and Lewis seconded to switch the numbers in the minutes as noted. Motion carried.

## **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.

Also included in the Consent Agenda were appointments:

Housing Committee – Don McLeod to fill the unexpired term of Ed Williamson.

Tree Board – Jane Rea to fill the unexpired term of Lisa Hawkins.

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

## **OLD BUSINESS**

### **Nuisance Abatements**

Holtz – 404 Wisconsin

Supt. Allison reported that this property has been written up before. He said that since these items were written up, the camper shell has been removed, however, now tires need to be added to the list of violations that have yet to be removed. Rea made a motion and Brown seconded to send the letter of violation. Motion carried.

### **Water Project Updates**

#### Phase I – Rural Development – Distribution Repairs

Supt. Allison reported that the project is going well. LaForge has a specific crew working on street cuts now. They are cutting back and digging down further and putting street grade concrete in the street cuts. When asked, Allison reported there would be no increase in cost to the city for this work.

Two pay estimates were presented for approval:

LaForge Construction – Pay Estimate #6 - \$431,874.77

Shafer, Kline & Warren – Pay Estimate #11 - \$11,190.70

Councilmember Owens asked about the retainage amount on the application for payment – it says 10% of completed work, however, the figure is not 10% of the total completed figure on the report. Clerk Peine will check the contract to see what it says and ask LaForge at the construction meeting held later this week. Rea made a motion and Brown seconded to approve the pay request from LaForge as long as it complies with the contract in regards to the retainage amount. Motion carried. (Note: Once 50% of the work is completed, retainage drops to 5% of the contract amount plus change orders – which does match up to the figure on the pay request. LaForge had not changed the 10% to 5% on the pay estimate.)

Brown made a motion and Rea seconded to approve the pay request from Shafer, Kline & Warren in the amount of \$11,190.70. Motion carried.

#### Alternate Work/ Project Contingencies

With most of the mains installed, the city is at a point where decisions should be made as to what alternates should be included in the project with the left over grant funds. Clerk Peine went over the project budget, expenses and alternate bids.

Alternate #1 is to replace the water mains in Woodcliffe Heights Addn. - \$111,324.75.

Alternate #2 – Correll Addition (Oregon St. area) - \$81,348.50. Alternate #3 – the Industrial Park Area for \$64,022.00. Alternate #4 – the remaining service lines for \$252,511.50 plus \$25,000.00 allowed for contingency (any unforeseen expenses).

Alternate #5 – Neosho River Crossing, which is replacing the old water line over the bridge by the water plant - \$15,291.25.

Supt. Allison stated that the city really needs to purchase a backhoe with a hi-ram for whenever they have to do a water tap in some of these areas. Hopefully, there will be funds left over in the project for this purchase.

Staff recommended the Council determine whether to include the Woodcliffe Heights Addition soon in order to let the contractor know before he moves his equipment out of town. After some discussion, Lewis made a motion and Tynan seconded to include Alternates #1, #4 and #5 in the project. Motion carried.

There is also the cost to replace the sidewalk south of the courthouse and General Services. Labette County said they will share in the cost of the sidewalk south of their building (by ½ which equals \$2,165), however, General Services declined to pay any portion of the cost of the sidewalk to the south of their building. The remaining cost to the city for the sidewalk is \$8365.00. Brown made a motion and Owens seconded to approve moving forward with the sidewalk repair. Motion carried.

### **Sewer Fund**

Clerk Peine noted that there was a loss in the fund for the month of October.

### **Housing Projects**

#### HOME Grant

Jane Rea and Clerk Peine will attend a workshop for the HOME grant program on November 29<sup>th</sup> in Topeka. Susan Galemore with the Southeast Kansas Regional Planning Commission (SEKRPC) will also attend. Action needs to be taken on the following documents in preparation for the project:

2011 Homeowner Rehab Grant Agreement

Administration & Inspection Agreement with SEKRPC

Lead Assessment Agreement with SEKRPC

Rea made a motion and Brown seconded to approve the grant agreement with the Kansas Housing Resources, Corp. Motion carried.

Rea made a motion and Lewis seconded to approve the agreement with SEKRPC for administration and inspection services. Motion carried.

Edwards made a motion and Brown seconded to approve the agreement with SEKRPC for lead assessment. Motion carried.

### **Golf Course**

Included in the packet are: a financial report for the month of October, a revenue/expense comparison report for previous years and year to date as well as a cash report showing cash on hand as of 10/31/11. Next month's reports will reflect the new amortization schedule for their bond payments and the change in monthly transfer amounts.

### **City Hall, Police & Fire Departments Rehab Project**

Clerk Peine has checked with Bond Counsel, Kevin Cowan, who informed her that the city could issue general obligation bonds without any notice or protest requirements. The city already has the payment amount budgeted for and there would be no tax increase for this project.

If the city were to go with a design build project, it would provide a considerable cost savings in that it would not require as much work as going out for bids on the project. Terry Hardman, who did the preliminary drawings, said they would prepare new preliminary drawings after meeting with staff and/or the committee to determine the layout; prepare an estimate of the work to be done – a lump sum price for the design and the work. They would provide a scope of work and what work is to be included as well as certified drawings signed off on by an architect.

After further discussion, it was determined that Clerk Peine will work on getting proposals from architects.

### **Agreement with Fair Board**

Attorney Rick Tucker drafted the agreement and it was included in the Council packet. There has been no response received from the Fair Board as yet.

Water usage at the fairgrounds was not addressed in the agreement and it was noted that the city has never charged the Fair Board for the water usage at the fairgrounds. With the potential for many more events to be held out there, the Council may want to discuss a maximum amount of water provided free of charge. Peine will provide details on the water consumption during the annual fair for the past five years at the next meeting.

It was noted that the Fair Board is paying to have a survey done on the property in order to obtain a legal description for the agreement.

### **Inoperable Vehicle – Preston**

Dottie Preston submitted a letter to the Governing Body asking for another 4 month extension to have their semi moved. They have been working on the semi and have had people look at it, however, no sale has been made. Brown made a motion and Rea seconded to extend their final date to move the truck to the same date as the other property owner that was given an extension (Mary Anne Shields) – that date is January 10<sup>th</sup>, 2012. Motion carried.

### **Refuse – Wednesday Bulk Pick-up**

Staff recommends 2 – 3 Wednesday pick-ups annually and then charging after that. Clerk Peine said that the office staff can keep track of this between calls received and reporting from the sanitation crew. Staff also feels that Spring Clean up Week should continue to be offered, without counting toward an individuals three pick-ups, to encourage citizens to maintain their property in a clean and neat manner.

Staff explained there is a policy in place now for someone who is cleaning out a home and has a lot of items to dispose of. They can have extra poly-carts or a dumpster set at the property until they are finished with the clean up. The fee for this is based upon the size of container and number of times it is emptied.

Brown made a motion and Lewis seconded to allow citizen's three, free bulk pick-ups annually and to charge \$15 per pick-up after that. Motion carried.

Mayor Fischer called for a 10 minute break.

## **NEW BUSINESS**

### **Executive Session**

Rea made a motion and Brown seconded to go into an executive session for 5 minutes with the Mayor and Council present. Motion carried. Executive session began at 8:20 p.m. and ended at 8:25 p.m.

### **City Administrator Position**

Mayor Fischer said a hiring determination needs to be made, however, he is proposing another option for Council to consider: hire an outstanding individual who is in college as a management trainee to work with the department heads (like an intern); then they can work into the City Administrator position requiring them to stay with the city for 3-5 years after they graduate from college. Mayor Fischer proposes to pay them less than a department head but more than other city employees. No further discussion was held.

### **Budget Amendment**

Clerk Peine does not anticipate needing to have any budget amendments this year.

### **KanCap Training – November 29<sup>th</sup> in Chetopa**

Oswego hosted this training last year. KanCap training is highly recommended for Governing Bodies and city staff working within the water and wastewater departments. Supt. Allison and Asst. Supt. Jurgensen plan to attend the training. Registration is required by November 25<sup>th</sup>. Mayor Fischer encouraged all to attend that could.

### **Service Award Policy**

The last amendment to the Service Award Policy provided for a cash gift in lieu of a gift from the League's choices. The amount of the service award was set at a max of \$100 for 10 year award, \$200 for a 20 year award and \$300 for a 30 year award. The city now has an individual who has reached 40 years of service with the City, however, 40 and 50 year awards were not addressed in the policy. Rea made a motion and Tynan seconded to approve up to \$400 for a 40 year service award and \$500 for a 50 year service award. Motion carried.

### **City of Oswego Employee Pay Plan**

The Department Heads are concerned about the overall pay scale of the city and being able to draw the best employees with the type of experience needed, or may be needed as employees consider retirement. Staff would like to request a review of the pay scale be

made in preparation for the 2013 budget process to see if any adjustments in salaries should be made.

Council asked for copies of the pay scale, benefits, job descriptions and leave policies before the next Council packet goes out so they have time to review the information.

### **Culverts & Rock Prices to Customers**

Since the city has begun charging for labor and equipment costs for replacing culverts, they have only installed one last year and one this year. The cost is just too high for individuals to afford. Unfortunately, this is causing some problems with culverts being clogged/broken down, which causes water to run over the streets in places. Freezing and thawing of this water causes damage to the streets. Staff recommends Council consider going back to charging customers the city's cost for the rock and culvert only. Owens made a motion and Brown seconded to accept staff's recommendation and decrease the charges for culverts. Motion carried.

Clerk Peine suggested the city add a power point presentation onto the City of Oswego's website like one prepared by the City of Augusta, KS that discusses property owner responsibilities in regards to culverts, alley, mowing, etc.

### **Recycling**

Councilmember Edwards presented information on a recycling program subsidized by Pepsi and Waste Management. The kiosks are similar to large pop machines in size and they collect bottles and cans for recycling. Proceeds go to training and jobs for disabled vets as well as programs for children. Participation in the recycling program consists of obtaining a card and gaining points on that card each time you recycle. These points can be used at various places for discounts. She is in the process now of seeing whether Oswego will qualify to have them.

### **INDIVIDUAL REPORTS**

**Allison** – reported that B-3 demolished the house at 612 Illinois and the one on 7<sup>th</sup> St. plus one for Marvin Hoobler and a garage at Tim Downum's.

**Brown** – reported that the Trunk or Treat event held downtown on Halloween was a huge success. They gave away 320 juice boxes. She suggested that the city strategically place polycarts in the downtown area next year. Staff will make a note for next year.

**Rea** – reported that the porta-potty at the airport was laying on its side over the weekend. Supt. Allison will call Gideon. She asked if the city was any closer to having fuel at the airport. Clerk Peine reported that there was no funding money left for now, however, the city will submit again.

**Lewis** – suggested that the city give a free tree to anyone who builds a home. Mayor Fischer thought that was a good idea – a free, colorful tree, such as maples. Staff will

speak to the Tree Board – there may be some grant monies available through the Arbor Day Foundation.

**Tynan** – has noticed that there are a lot of people making u-turns in the middle of the blocks on Commercial St. Staff will pass this along to the Police Chief.

**Owens** – asked why there is such a difference in cost between the fee for a Conditional Use Permit (\$125) and the fee for a variance (\$25)? Clerk Peine will provide him with information on this.

- asked about sending a weed letter on the new hospital property since it doesn't appear to have been mowed all summer.

- would like to see the total debt service included with the budget information. Peine assured him that it is part of the budget information.

- had someone report to him that the women's rest room in the park was not functioning on the day of Oswegofest. Peine reported it was working at the beginning of the day.

**Peine** – passed along a note of thanks received from Mrs. Leake expressing gratitude to the city for leaving the water on in the rest rooms in Riverside Park – those that walk in the park really appreciate it.

- reported that Greg Taylor, with the State, did an inspection of our water and wastewater operations and a copy of the report was laid out for each councilmember.

- also reported that in the last 20 years, the City of Oswego has received just shy of 6 million in grant funds for various water and sewer projects through Rural Development.

- advised the Council that Karyn Carpenter will be attending a "Public Square" meeting this coming Saturday, in Great Bend, and was wondering if anyone from the city wanted to go with her?

**Fischer** – discussed the Strategic Planning meeting held last Saturday. He had positive and negative feelings about it and would like to hold another planning session to discuss specific issues that were not addressed that day. He would like to use a local facilitator. Clerk Peine will type up the results of Saturday's planning session and get the information out to the Council.

## **ADJOURN**

Tynan made a motion and Brown seconded to adjourn the meeting at 9:38 p.m. Motion carried.

---

Mayor Glenn Fischer

Attest:

---

Deputy City Clerk Carol Eddington