

Regular Meeting  
March 11, 2013 6:30 p.m.  
City of Oswego, Kansas

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

Absent: Councilmember Jane Rea

Also Present: Larry Richardson, Chris Duke, Susan and Tom Bringle, Kelly Vance, Paul Fisher, Rocco Mallardi, Police Chief George Elliott, Fire Chief and City Superintendent Donnie Allison, Attorney Rick Tucker, City Clerk Cheri Peine and Deputy City Clerk Carol Eddington.

### **OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Rev. Rocco Mallardi, St. Paul's Lutheran Church, opened the meeting with a prayer. Council President Ty Lewis led the Pledge of Allegiance.

### **PETITIONS AND DELEGATIONS**

#### **Paul Fisher – Senior Citizens Building Roof**

Mr. Fisher said the roof is leaking. They asked someone about repairing it but were told that the roof needs to be replaced. The city owns the building and pays for the insurance, however, the Senior Citizens pay for the building maintenance. Mr. Fisher said they do not have the budget for this type of repair. Mayor Fischer stated that the city has not budgeted for this either.

Mr. Fisher is seeking bids from Plumbers Square and Elliott Roofing. He has not received the one from Elliott Roofing yet. Elliott said he will be submitting a bid. Council felt that they could not discuss the issue until they knew what kind of cost they were looking at. It was determined to table the issue until next month's Council meeting. Mayor Fischer asked Paul to find out what the Senior Citizens' Board can contribute to the project and submit that to the city for the next Council meeting as well. He said he would.

#### **Larry Richardson – Storage Pod**

Larry Richardson moved in a storage pod onto his property at 901 First St. Upon finding out about it, City Superintendent Allison, who is also the Zoning Administrator, sent him a letter notifying him that he is in violation of the city ordinance. The ordinance, passed in June of 2011, states that storage pods are allowed in the driveway or along the roadway as a temporary venue for the storage of household furnishings or construction supplies during a move or renovation as part of a temporary storage solution (maximum of 30 days). Any person violating the ordinance shall, upon conviction, be punished by a fine of not more than \$500 or by imprisonment of not more than 30 days, or by both.

Larry Richardson asked for 90 days to see what he can do to make the storage container legal. City Staff informed him that there are no provisions to make the container legal. They are not allowed in residential districts at all except for the explicit uses and time frame set out by the ordinance. When asked what the intended use of the container was, he did not really answer the question, but did say that there were some shelves in it. Richardson said that he had to make the storage container look more like a building to appease his wife. Owens made a motion and Tynan seconded to allow Richardson two weeks to come up with a building permit application

Regular Meeting  
March 11, 2013 6:30 p.m.  
City of Oswego, Kansas

and if it is not approved by Supt. Allison, then the storage pod has to be moved. Motion failed with a 3 to 2 vote. Mayor Fischer informed Richardson that the storage pod must be moved.

### **Tennis Courts Update**

Clerk Peine reported that the city has received the settlement from the court case with Crossland in the amount of \$46,000. Installing the Performance Court system has been tentatively scheduled for around April 15<sup>th</sup>. The cost for this system is \$42,000. The balance of the settlement will be used to reimburse the city for attorney fees for handling the case. Supt. Allison asked if Peine would check and see if they need water for the resurfacing work. He will see that it is available if they need it.

### **Fire Department Agreement with Oswego Correctional Facility**

Attorney Tucker has looked over the agreement and recommended some minor changes. Supt. Allison said that he is fine with Tucker's changes. It was determined to finish the conversation after Attorney Tucker joined the meeting.

### **CONSENT AGENDA**

Councilmember Owens asked why people were not taking the city van when traveling. Supt. Allison reported that the van's windshield wipers do not work. The city had it in the shop for quite a while and it was determined that the computer system (which is what runs the wipers) is shot. It will cost \$1,500 for a new computer system. The shop installed a used one but that did not work. Owens stated that the van needed to be replaced. Mayor Fischer noted that when the Superintendent goes out of town, he takes one of his department's vehicles.

Owens also asked if the other financial reports in the informational only section needed to be approved. Clerk Peine said that the only items that must be approved by the Council are the minutes and the bills. Owens made a motion and Lewis seconded to approve the Consent Agenda. Motion carried.

### **CDBG Housing Grant**

Clerk Peine said the funds will not be released until June. For a CDBG grant, the City must appoint a Housing Rehabilitation Advisory Board. Staff recommends appointing the Housing Committee members as the Advisory Board. An ordinance entitled "AN ORDINANCE CREATING HOUSING REHABILITATION AND CITIZENS ADVISORY BOARD TO SERVE THE GOVERNING BODY OF THE CITY OF OSWEGO, KANSAS, IN MATTERS PERTAINING TO THE CITY'S 2013 COMMUNITY DEVELOPMENT BLOCK GRANT AND ESTABLISHING SAID BOARD'S FUNCTIONS, DUTIES AND AUTHORITY" was presented.

Brown made a motion and Lewis seconded to approve the ordinance as presented. Motion carried. Clerk assigned it Ordinance #1303.

The City must also enter into an agreement with the Kansas Dept. of Commerce (KDOC). It was noted that this is the same type of agreement that the city has signed for previous KDOC grants

Regular Meeting  
March 11, 2013 6:30 p.m.  
City of Oswego, Kansas

with one exception – a statement saying that the original documents will be kept at City Hall. Brown made a motion and Tynan seconded to approve the Grant Agreement. Motion carried.

In addition, these other forms and documents must be approved by the city in order to receive CDBG funds:

- Code of Ethics
- Procurement Plan
- Civil Rights/Fair Housing Policy
- Contractor Guidelines for CDBG Housing Rehab Program
- Determination of Level of Review

Copies of these items were also included in the Council packets. Owens made a motion and Brown seconded to approve the forms and documents. Motion carried.

### **City Hall, Police & Fire Dept. Rehab Update**

LaForge & Budd has submitted Payment Request #2 in the amount of \$96,369.50. Mayor Fischer noted that the work is coming right along and it all looks very nice. Brown made a motion and Edwards seconded to approve the pay request. Motion carried.

### **Swimming Pool Update**

Clerk Peine said that she was rushed last month in trying to get the information put together for the special meeting and misunderstood the reference to the panels in the information received from Water's Edge Aquatics. She thought that he was referring to three panels (the number used in the core testing), when in fact, he was talking about replacing six. The day after the special meeting, she received more information from them that was clearer in their meaning and realized she had provided the wrong cost for replacing the swimming pool floor - \$72,000. The price for the entire shallow end floor replacement is \$144,000. Therefore, the option chosen by the Council would be at a cost of \$179,000 instead of \$107,000. She said the city can look at doing this in two phases or other funding alternatives but nothing needs to be decided tonight as the work will not be done before the pool opens this year.

## **NEW BUSINESS**

### **Property and Liability Ins. Renewal**

Al Eshelbrenner, with Ryan Insurance, has been the city's insurance agent for many years. Eshelbrenner goes out for quotes in several different markets each year to find the best rates and coverage for the city. EMC has provided the best quotes for many years and has done so again this year. EMC is a long standing municipal insurance program that is used by over 500 cities in Kansas.

In his letter to the city, Eshelbrenner stated that most companies are looking at 10% to 25% increases. The total package premium for the city went up about 14%. The city's property values went up about 7% with normal increases in building values along with increases on the lift stations after the insurance company did a cost evaluation on them. Clerk Peine said that she has contacted Shafer, Kline & Warren to ask them to evaluate these values as well.

Regular Meeting  
March 11, 2013 6:30 p.m.  
City of Oswego, Kansas

Another option Eshelbrenner discussed with Clerk Peine was to change the city's \$1,000 deductible for claims to a higher deductible. Since there was no \$2,000 deductible option, he looked at the \$3,000 deductible and it would only save the city \$850 per year. Peine reported that the city averages a claim a year, therefore, it would save the city to maintain the \$1,000 deductible.

Tynan made a motion and Owens seconded to accept the renewal quote from Ryan Ins. and keep the \$1,000 deductible. Motion carried.

### **OHS Project Prom Donation Request**

Project Prom sent a letter requesting a donation. Last year, the city donated \$200. Tynan made a motion and Lewis seconded to donate \$200 to Project Prom. Motion carried.

### **Audit – Changes to Kansas Municipal Accounting and Auditing Guide – affecting Library**

The new Kansas Municipal Accounting and Auditing Guide (KMAAG) has made changes to definitions of “related municipal entities” (formerly component units). The Library was always considered a component unit and therefore audited by our auditors at the same time they did the city audit. Tax dollars for the Library are assessed and passed along to the Library through the city.

In a letter from the city's auditor, Jarred, Gilmore & Phillips, they said that a separate audit for most related municipal entities would be cost prohibitive since the audit would require a separate set of working papers, etc. They also said that municipalities have a fiduciary duty to oversee their component units and that is why the municipalities usually wanted to include them in the audit. The new standards do not address that issue so each municipality must evaluate how to accomplish their fiduciary duties. Clerk Peine said that many cities are having someone from the city review financial information of the component unit on a yearly basis and then report to the city. Another option is to ask the Library to provide a financial statement each month for review as well as a yearly review. Brown made a motion to ask the Library to provide a monthly financial report that can be included in the Council packets and at the end of the year, have an appointed representative from the city meet with someone from the Library for the yearly review.

### **Directional Signs**

Clerk Peine passed around mock ups of the proposed directional signs. Owens commented that the wording on some of the signs looks too small to read easily while driving by. Mayor Fischer agreed.

### **Break**

The Mayor called for a short break while waiting for Attorney Tucker to arrive at the meeting before finishing discussion on the only two items left on the agenda. The break lasted 6 minutes. During part of the break, Clerk Peine reported on information from the League on the economic impact of the machinery and equipment exemption bill that is in the Legislature right now.

Regular Meeting  
March 11, 2013 6:30 p.m.  
City of Oswego, Kansas

**Fire Dept. Agreement with the Correctional Facility (continued)**

Attorney Tucker said that he had edited the document and found that the substance was fine, just some grammatical errors and references to El Dorado instead of Oswego. After some discussion as to why the agreement was needed, it was determined to table the issue for now. The Mayor, Chief of Police and Fire Chief will go to the Camp and discuss the agreement with Deputy Warden Mary Nelson.

**Housing – Contract with Carlson**

Attorney Tucker said that in his revision of the contract, he tried to address the concerns of Carlson while including the wishes of the City, however, Carlson has changed his request of the city's participation yet again. Now, Carlson wants to do six or seven homes but at the end of construction, sell them to the city at cost, plus his developer's fee. The city would not have to pay anything on them for 6 months. It was stated that the city cannot hold a mortgage on the homes. After further discussion, the issue was tabled for now.

**INDIVIDUAL REPORTS**

**Owens** – the alley between 1<sup>st</sup> St. and North St. between Illinois St. and Commercial is a mess from the work done by the Gas Company.

**Elliott** – stated that he met with the Fair Board in regards to broadening the area for their beer garden during the fair this year. He said that the current ordinance reads no one under the age of 21 can enter a place sells CMB or alcohol for consumption on the premises. The State of Kansas does not have this restriction, just the city ordinance. He said that the city needs to take a look at changing the ordinance.

**Allison** – reported that the Fire Department has been awarded a \$2,500 grant from Monsanto Seed to purchase equipment. They are looking at purchasing a portable positive pressure fan.

- also reported that he has an opening in the public works department. Brandon Lane left to go to work for the City of Parsons as their auto mechanic for quite an increase in hourly wage. He said he hated to lose him as he was a good worker that has saved the city money by working on the vehicles in house.

**Brown** – asked about the area where the new hospital was to be built being littered with all kinds of materials. It looks bad and needs to be cleaned up. Mayor Fischer said the new owner is coming to Oswego and is going to meet with him and Dan Hiben later this month.

- also said that the bridge in Crain Park is very bad and needs to be closed until it is fixed. Clerk Peine stated that, the Rec Commission got the bridge years ago and moved it into the Park. The city was to maintain it and the Rec Commission was to pay for improvements.

- expressed concerns about the safety of the area around the Professional Building. Aside from it looking awful, there are windows bulging out. She feels it is a disaster waiting to happen. Clerk Peine said there has been no response from the owner in the city's attempts to contact him. She

Regular Meeting  
March 11, 2013 6:30 p.m.  
City of Oswego, Kansas

will see if there are any CDBG grant funds available. Peine will also obtain quotes on the cost of demolition of the building.

**ADJOURN**

Owens made a motion and Tynan seconded to adjourn the meeting at 8:17 p.m. Motion carried.

---

Mayor Glenn Fischer

Attest:

---

Deputy City Clerk Carol J. Eddington