

Regular Council Meeting
November 10, 2014 6:30 p.m.
City of Oswego, KS 67356

Present: Councilmembers, Susan Bringle, Bill Owens, Jane Rea, Dee Brown, Darren Tynan, Kelly Vance, with Mayor Glenn Fischer presiding.

Also present: City Attorney Rick Tucker, City Superintendent Calvin Jurgensen, City Clerk Carol Eddington, Asst. Police Chief Brandon Conrad, Deputy Clerk Renee Cochran, Heather Brown, Tom Bringle, Charles Stone, Rick Bryant, Clifford Nading, Bill Cunningham, Karen Garza, Paula Kern, Larry Richardson and Carole McKinley.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Rick Tucker, City Attorney, gave the opening prayer and Councilmember Rea led the Pledge of Allegiance.

PETITIONS AND DELEGATIONS

Airport - Oswego Airport Board & Rick Bryant

Ground Lease Agreement

The Airport Board submitted a Ground Lease Agreement for Council approval. Tom Bringle, Airport Board Member, and Rick Bryant, Airport Consultant, were present to answer questions. Bringle reported that they were recommending the city charge \$.11 per square foot of space being used, as the annual lease payment amount for each individual. This amount could be negotiated in order to attract business and recommended it be reviewed occasionally. Bryant said that after 25 years hangars constructed on the city's land becomes the property of the city. He explained that the city can never sell the property because it was purchased with federal grant money. Attorney Rick Tucker reviewed the agreement and noted that the agreement should read "City of Oswego", "a municipal corporation" in the first paragraph instead of "Oswego Municipal Airport" as the airport itself is not a municipal corporation. Councilmember Rea made a motion and Bringle seconded to approve the agreement with the amendment recommended by Attorney Tucker. Motion carried.

Airport Building Development Policy

A Building Development Policy for the review and consideration of private building development at the airport was presented and discussed. The policy establishes definitions and guidelines to protect public and private investments. Bringle said the Board had gathered information from other area airports to help develop the policy. The policy includes Hangar Construction Specifications as well as the requirement that all construction must comply with current City of Oswego building codes and Airport rules. Councilmember Brown made a motion and Bringle seconded to approve the policy. Motion carried.

FAA Project Funding

Clerk Eddington reported that she had been contacted by the FAA Kansas Airport Planner and informed that \$150,000 remains in the city's Airport Improvement Plan (AIP) fund balance. Availability to use the money will expire September 31, 2015. If the city does not utilize these funds by that date, the money will be diverted to another airport to invest in their projects.

This was unexpected, as earlier this year, the FAA had informed the city that Oswego Municipal was being removed from the FAA National Plan of Integrated Airports (NPIAS) system funding, and the airport would no longer be eligible for AIP project funds. With this \$150,000 in AIP, the city can take on one last improvement project at the airport with a grant that invests 90% of the project costs and the city paying only 10%.

According to the airport's Master Plan and future Airport Capital Improvement Plan (ACIP), the next scheduled improvement project is an apron for aircraft parking. The Airport Board met with Rick Bryant on October 22nd to discuss the potential project. A conceptual apron plan and project budget, designed by Airport Development Group, was approved to recommend to the Council. The plan was included in the packet. The proposed asphalt apron would connect to the current asphalt taxi lane in the hangar area adjacent to the self-serve fuel station. The apron would include four single-engine aircraft tie downs which could increase the based aircraft count toward the required 10 or more planes necessary to restore the airport back into the FAA program and place the city back into the FAA funding stream.

Council questioned funding for the project. Clerk Eddington said the estimated grant match for the apron project would be \$16,667. As with the other airport grant projects, the city's match can be expensed out of Capital Improvements and repaid with transfers already in the budget. Beginning in 2015, the amount budgeted for the yearly transfer is \$5,000 per year. With the yearly transfers it will take a little over 3 years to repay the Capital Improvement fund for this project with no increase to the budget.

The Airport Board feels the project would make a huge difference in attracting individuals wanting to put in a hangar and recommended Council approval to apply for the FAA funding. After some discussion, Rea made a motion and Brown seconded to apply to FAA for funding of the apron project using the same funding mechanism as past airport projects for the city's match. Mayor Fischer called for a vote with Rea, Brown and Bringle voting yea and Vance, Tynan and Owens voting nay. Mayor Fischer broke the tie with a yea vote. Motion carried.

CITY ATTORNEY

Mowing Assessment Ordinance

AN ORDINANCE MAKING AND LEVYING A SPECIAL TAX UPON ALL LOTS AND PARCELS OF GROUND IN THE CITY OF OSWEGO, KANSAS FOR THE COST AND EXPENSE OF MOWING IN SAID CITY THROUGH SEPTEMBER 30, 2014 was presented for approval. The ordinance covers unpaid mowing charges through September 30, 2014. Brown made a motion and Rea seconded to approve the ordinance. Motion carried. Clerk assigned the ordinance number 1330.

Standard Traffic Ordinance

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OSWEGO, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF 2014, PROVIDING CERTAIN PENALTIES, AMENDING SECTIONS 14-101, 14-102 AND 14-103 OF THE

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CODE OF THE CITY OF OSWEGO, KANSAS was presented for approval. The Standard Traffic Ordinance is prepared by the League and adopted on an annual basis. Chief Elliott has reviewed the ordinance and has no changes or amendments to it.

Owens made a motion and Tynan seconded to approve the ordinance as presented. Motion carried. Clerk assigned it ordinance number 1331.

Uniform Public Offense Code Ordinance

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF OSWEGO, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 2014, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; AMENDING SECTIONS 11-101 AND 11-102 OF THE CODE OF THE CITY OF OSWEGO, KANSAS was presented for approval. The Uniform Public Offense Code is prepared by the League and adopted on an annual basis. Chief Elliott has reviewed the ordinance and has no changes or amendments to it.

Brown made a motion and Bringle seconded to approve the ordinance as presented. Motion carried with Tynan voting nay. Clerk assigned it ordinance number 1332.

Executive Session – Consultation with an Attorney on Matters Deemed Privileged

Rea made a motion and Brown seconded to go in to executive session for consultation with an Attorney about possible litigation for ten minutes with the Mayor, Council, City Attorney and City Clerk present. Motion carried. Executive Session began at 7:33 and ended at 7:43pm. No action was taken.

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 was presented. (Copies of the warrants were available for review).

Appointments

Library – Mayor Fischer submitted Mike Reed for appointment to the Library Board. He will fill an unexpired term that ends April, 2016.

Airport – A correction was made to last month's Airport Board appointment. The appointment should have been Clifford Nading rather than Lloyd Nading. He will fill an unexpired term that ends April, 2016.

Mayor Fischer asked if there were any additions or corrections to the minutes. Rea said in the comment made by Supt. Jurgensen that the term "liquid actuators" should be changed to "valve actuators." Brown made a motion and Tynan seconded to approve the Consent Agenda with the change to the minutes as requested by Rea. Motion carried.

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OLD BUSINESS

Water and Sewer Rate Reviews

At the October Council Meeting, Beth Warren, Ranson Financial, presented the results of her analysis of the city's water and sewer utilities. The Governing Body did not have time to look at the reports prior to that meeting so it was placed on the November agenda. Since that time some errors were found and corrected by Warren. Council reviewed the revised reports and a questioned a few more items. Council also felt that additional information was needed before making a decision. Clerk Eddington said that she would have Warren make the corrections and gather the requested information to be presented at the December Council Meeting.

NEW BUSINESS

Pecan Harvesting Bids

Bids for Pecan Harvesting were opened on 11/3/14 at 10:00 a.m. Only one bid was received – from Donald Sotta, McCune. His bid stated the property owner will receive .33% of pecans picked and cleaned, November 2014 through March 2015.

Sotta was also the only bidder last year and in June the city received \$95 for 1/3 of 315 pounds. Bringle made a motion and Rea seconded to accept the bid. Motion carried with Tynan and Owens voting nay.

Request from USD 504 to use Refuse Truck

Supt. Jurgensen said Donnie Allison has asked if the school could use the city's old refuse truck to dispose of some items from the Middle School building. They would need to use the truck a few days here and there until they are finished. City employees would be taking the truck to the transfer station. It was suggested that the city charge them the tonnage rate at the transfer station and \$50 in mileage each time the truck is taken to the transfer station. Council said that they only wanted to charge for the actual expense rather than a flat rate per trip. Rea made a motion and Brown seconded to allow the school the use of the truck and to only charge them for the city's actual cost. Motion carried.

Patrol Car Purchase

At the October Council Meeting, Deputy Police Chief Brandon Conrad, presented information on a vehicle the department had found and wished to purchase – 2015 Dodge Ram 1500 Special, 4-wheel drive truck for \$23,800. Conrad said it would cost an additional \$1,700 to outfit the vehicle bringing the total cost for the vehicle to \$25,800. Supt. Jurgensen said that the Public Works Dept. will need to replace a truck in a couple of years and felt that the departments could share the cost of the vehicle's purchase, have the Police Dept. use it for a couple of years and then be handed down to the public works department. It was determined to place the item back on the Agenda for the next month's meeting.

At the November Council Meeting, Deputy Police Chief Brandon Council presented the same information. Council questioned whether the Police Department had looked in to a used vehicle and Bringle stated that at budget time a used vehicle is what was discussed. Conrad said used vehicles were available but felt a new vehicle was the better option at this time. After further

discussion Bringle made a motion and Vance seconded to approve the purchase of a used highway patrol car for a maximum price of \$16,000. Motion carried with Tynan and Rea opposing.

Budget Amendment – Public Hearing @ December Council Meeting

Clerk Eddington presented a proposed budget amendment to the Water and General Funds for 2014. Eddington said an amendment of \$60,000 is needed to the Water fund due to contractual expenses which are higher than anticipated. The increase of \$30,000 needed for the General fund is mostly a precaution as it appears it is going to be very close by the end of the year and the repairs to the fire truck is going to cost an additional \$5,000. City Attorney Tucker said this is a requirement under the Cash Basis Law. Brown made a motion and Rea seconded to approve the budget amendment and set the public hearing for the next Council meeting on December 8th at 6:30pm. Motion carried.

Questions on Agenda Item #9 – FYI

Bringle- asked about the water consumption at City Hall. She said it was higher than normal and asked if we had a leak. Clerk Eddington said she would check in to it.

- said she noticed that the hot water tank was making a lot of noise at City Hall and asked if it was going to be replaced. Supt. Jurgensen said it was replaced the previous week.

INDIVIDUAL REPORTS

Brown – asked if the awning at the Community Building was done and if the rock was going to be replaced. Rea said that it was. Brown commended LaForge & Budd for their efforts to work with the city. Mayor Fischer and Council also expressed their appreciation for a job well done.

Bringle – asked about the purchase of 319 Commercial. Clerk Eddington said this was the old Video Center property adjacent to Professional Building that the city plans to demolish as part of the CDBG grant.

- asked about the progress of the house at 112 Iowa. Eddington said the city had just finished new sidewalks and a little landscaping. She was meeting with the contractor later this week for a punch list and invited Council members to the walk-through on Wednesday at 2:30pm.

Eddington – said the city had just received a bill from Shepard Construction for \$14,222.40 for the roofing at the Parks Barn and Shelter-houses. This is the amount of their bid. Supt. Jurgensen said he and Deputy Supt. Trotnic had inspected the work and were satisfied. A two year warranty was included. Brown made a motion and Rea seconded to approve payment as long as the warranty is approved by Jurgensen. Motion carried.

- said the Oswego Hospital had contacted the city asking for a letter of support for the new hospital. After discussion Brown made a motion and Bringle seconded to provide a letter of support. The Mayor called for a vote with Brown, Bringle and Rea voting yea, Tynan voting nay and Vance and Owens abstaining. Motion carried.

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- said the County Tax Sale was Dec. 10th and the Branson Building was on the list. Attorney Tucker was checking on whether the sale of the property would affect the Downtown Building Demolition Project.

- said one of the Fire Trucks is going to have a \$5,000 repair bill.

15 Minute Public Discussion

Paula Kern- said the Water Loss Report says 2013 and wondered if that should be 2014 instead. Clerk Eddington said that it was 2014.

ADJOURNMENT

There being no further business Owens made a motion and Rea seconded to adjourn the meeting at 9:00pm. Motion carried.

Mayor Glenn Fischer

Attest:

Deputy City Clerk Renee Cochran