

Regular Meeting  
September 12, 2011 6:30 p.m.  
City of Oswego

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

Absent: Councilmembers Terry Edwards and Ty Lewis

Also Present: Attorney Rick Tucker, City Clerk Cheri Peine, Deputy City Clerk Carol Eddington, Bill Cunninham, Karyn Carpenter, City Superintendent Donnie Allison, Justin Strait, Linda Rife, Larry Richardson, Rod Landrum and Police Officer Joe Royer.

### **OPENING PRAYER**

Justin Strait, Assembly of God Church, gave the opening prayer.

### **PETITIONS AND DELEGATIONS**

#### **Linda Rife – Virginia Nunley Water Leak**

Rife informed the Council that her Aunt, Virginia Nunley, didn't know she had a water leak until city staff called her and let her know that her water reading was very high. The water bill was \$1,154.57. She had the leak repaired and the cost of repairs was over \$800. Her aunt is an elderly lady living on Social Security and cannot afford to pay. Even on a payment plan, she could only afford to pay an extra \$25 - \$50 per month (at least until the weather turns cold and she begins receiving higher heating bills.

They have applied for assistance with Labette Assistance. They have told them that they will try to help a little but their funding has been cut by 50% and have been inundated with requests for assistance. Rife said they should find out this week whether Labette Assistance is able to help with the bill and by how much. Rife said there is another assistance place that they will be applying to.

Council discussed having a policy on some type of bill forgiveness for leaks and asked staff to find out what other cities do. Rea made a motion and Brown seconded to table the issue until next month's meeting.

#### **Karyn Carpenter – Riverside Park on Historical Register**

Three members of the State Historical Society toured the park buildings on August 30, and then held a question and answer session. They indicated that the buildings would qualify for the National Registry, which would automatically put them on the State's Registry. Carpenter reported that being on the historical register would open the door to the possibility of grants, however, the competition is high. Grant funds are for rehab of structures, preserving the historical features – not new structures. They also told her that the park, being for public use, versus private, would be an advantage in the grant selection process. Carpenter said the city could also qualify for tax credits which they could sell to a business or an individual.

If the city park was placed on the registry, the city would have to notify the Historical Society of any major changes to the buildings. And, if changes or additions to the existing buildings look very similar to what is out there now, the Historical Society asks that a plaque be placed on the building designating the date of the new building or addition.

Tynan made a motion and Owens seconded to have Carpenter continue the process of getting the park placed on the registry. Motion carried.

### **Mowing Ordinance**

“AN ORDINANCE MAKING AND LEVYING A SPECIAL TAX UPON ALL LOTS AND PARCELS OF GROUND IN THE CITY OF OSWEGO, KANSAS LIABLE FOR THE COST AND EXPENSE OF MOWING IN SAID CITY DURING THE PERIOD OF JUNE 21, 2011 THROUGH AUGUST 25, 2011” was presented. Rea made a motion and Owens seconded to approve the ordinance. Motion carried. Clerk assigned it Ordinance #1278.

### **Water Rate Increase Delay**

“AN ORDINANCE AMENDING THE CODE OF THE CITY OF OSWEGO, KANSAS, 2003, RELATING TO THE MAINTENANCE, MANAGEMENT, CONDUCT AND CONTROL OF THE WATER UTILITY OF SAID CITY OF OSWEGO BY AMENDING SECTION 15-222 OF SAID CODE RELATING TO THE RATES CHARGED CONSUMERS AND RURAL WATER DISTRICTS IN SAID CITY AND AMENDING ORDINANCE NO. 1256” was presented.

This ordinance rescinds the last rate increase to be implemented by Ordinance 1256 and makes a provision to enact these rates, if necessary, before March 14, 2012. Rea made a motion and Brown seconded to approve the ordinance as presented. Motion carried. Clerk assigned it Ordinance #1279.

### **Rod Landrum, Labette County Fair Board**

Landrum, representing the Labette County Fair Board, began by thanking city officials and employees for their help in making the recent fair a success. With the building of the ballfields, the Fair Board is embarking on the biggest change yet at the fairgrounds – moving the arena to run north and south instead of running east and west as it does now. The Fair Board is also going to increase the amount of seating, electricity, etc. After the project is finished the area will be a nice place to hold large events.

With all of the time and money that the Fair Board will be putting into the changes at the fairgrounds, they would like to have some kind of guarantee, in writing, that the changes they make will remain and that they will always be able to use the area for the fair and other events. Councilmember Tynan suggested a guarantee from the Fair Board that they will not move the fair to a different town.

After further discussion, Owens made a motion and Tynan seconded to have Attorney Tucker work on an agreement and bring it back to the next monthly meeting. Motion carried. Clerk Peine will gather information on the property and buildings at the fairgrounds and send it to Attorney Tucker.

### **Executive Session – Tennis Courts Litigation**

Brown made a motion and Rea seconded to go into executive session for ten minutes to discuss matters that would be deemed privileged in an attorney-client relationship, with the Mayor, City Attorney, City Superintendent, City Clerk and Council present. Motion carried. Executive session began at 7:03 p.m. and ended at 7:13 p.m.

Owens made a motion and Tynan seconded to include Shafer, Kline & Warren in the litigation against Crossland on the tennis courts. Motion carried.

### **CONSENT AGENDA**

Brown made a motion and Rea seconded to accept the Consent Agenda. Motion carried.

### **OLD BUSINESS**

#### **Dangerous Structures**

Fitzgerald – 612 Illinois - Part of the agreement with the State on the Illegal Dump Program, is for the city to do some clean up on the property. Then the city will be reimbursed for 75% of those expenses. Recently Supt. Allison inspected the house and has concerns with city crews cleaning debris from inside the house due to the dilapidated condition and massive amounts of mold.

Supt. Allison is afraid that the quoted price from B-3 to tear down the house would be the same whether the city does any clean up or not. However, the contract with the State requires that the city do part of the clean up and the city has already received \$250 towards clean up of this property and \$250 towards the clean up of 1802 Vermont.

Jones – 1802 Vermont - It was noted that the owner, Vicky Jones, has signed release forms allowing the city to do clean up on the property with the understanding that there would be no cost to her since she could not afford it.

Supt. Allison inspected this property also and feels that the floors are in such poor condition, that it is unsafe for city crews to work inside the structure to remove debris.

After some discussion, it was determined to have city staff check with B-3 to see whether they would change their prices on tearing down the buildings if the city did the clean up on the outside of the buildings. Brown made a motion and Rea seconded to table the issue until later. Motion carried.

#### **Planning Commission – Zoning Amendment**

The Planning Commission will be holding a public hearing in conjunction with their regular meeting on October 17<sup>th</sup> to discuss possible changes to the zoning regulations. One of the topics to be discussed is farm animals.

## **Airport Project**

### Entrance Road

In the packet is Change Order #2 for Sprouls Construction, in the amount of \$4,000, for the removal of the pavement along Highway 160 - per KDOT requirements. Supt. Allison explained there was a section of the old entrance road that was not removed since it was not included in the contract. The contract was approved before the permit from KDOT was issued. The permit included removing this area of the road.

FAA has determined the extra work to be a grant eligible expense – except for the \$500 mobilization fee, which is included in the change order. Clerk Peine reported that there are sufficient funds to pay the 5% match for the \$3,500 and the \$500 mobilization fee.

Owens made a motion and Tynan seconded to approve Change Order #2. Motion carried.

### Fencing

The Airport Board is very interested in putting up some fencing at the airport to deter vandalism. It has been discussed that there is fencing available that the city had purchased for the ballfields. Approximately 400' would be needed. It would also require the purchase of one gate entrance at the new parking area.

Clerk Peine reported that Anchor Fencing contacted her and is interested in purchasing the fencing from the ballfield project. The city purchased the fencing materials for \$44,800 and Anchor Fencing offered \$10,584 for it. Consensus of the Council was to retain the fencing for city uses.

### **Annual Fly-In – October 8**

The fly-in is scheduled for Saturday, October 8<sup>th</sup>. Breakfast and lunch will be served by the Oswego Lions Club for donations. Last year there were close to 30 planes in attendance.

Councilmember Owens had a few questions about some items at the airport:

1. The airport directional sign is in the wrong place now that the new entrance road is finished. Clerk Peine has contacted KDOT.
2. Wondered if there shouldn't be a stop sign when pulling out of the parking lot onto the County Road?
3. The sign says "Oswego/Columbus Airport" – shouldn't Columbus be taken off? Clerk Peine said the sign does need to be changed out, however, for right now, that is the only sign that has Bob Carpenter's name on it. Bob was so instrumental to the airport that it is important to the Airport Board that he be recognized.

## **Water Project**

### **Phase 1 – Distribution Repairs – Rural Development**

Mayor Fischer informed the Council that the excess rock and soil from the project have been dumped into the ravine just to the east of Kamp Siesta. The previous Superintendent told the contractor to place the materials there so it could be leveled off and the area used for additional parking for the fair in the future, especially when they get the arena turned. Mayor Fischer noted that the ravine is a natural waterway and should never be filled in. The dirt and rock are covering the bases of several large oak trees. This will kill those trees.

Attorney Tucker noted that no one is to alter a natural water drainage area without contacting the State. He suggested that the city demand that LaForge remove the dirt and rock from the ravine and from around the bases of the trees. A project meeting will be held tomorrow and it will be discussed. Mayor Fischer, Council President Lewis and Supt. Allison will meet with Kenny LaForge at the site just before the project meeting at City Hall tomorrow.

### ***LaForge Construction Pay Estimate #5***

Pay Estimate #5 was presented to Council for action. Rea made a motion and Brown seconded to approve pay estimate #5 for LaForge Construction. Motion carried.

## **Emergency Water Plan**

Clerk Peine spoke with Tina Rajala at the Kansas Water Office to inquire if the city needs to take any further action at this time as part of the city's emergency water plan. Rajala advised we did not at this time. The city is a member of the Cottonwood/Neosho Water Assurance District #3 and therefore we are assured water from John Redman Reservoir when the streambank flow drops below a specified amount as determined by the KS Water Office. The city is reading the raw meter each week to keep track of the amount of water that we are using from the river and submitting it to Galen Biery with WAD#3 to submit to the KS Water Office.

## **Housing**

### **CDBG Housing Rehabilitation Grant**

This application was submitted prior to the August 31 deadline. KDOC has called and said that they will conduct a site visit here on October 13<sup>th</sup>.

## **Golf Course**

Financial information for the month of August was included in the Council packet.

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

The Council meeting moved to the front of City Hall where the Clerk's offices are and Clerk Peine explained some ideas for moving the counter back over to the other side of the hallway and her office to the current conference room.

Extensive discussion was held regarding the duties and needs of the various positions in the office. It was determined to have a committee take a look at the various options and put a plan together for the renovations. The committee consists of Darren Tynan and Jane Rea.

## **Swimming Pool Update**

### *Chemical Treatment*

Staff met with Chemists Randy Dye and Jim Delozier with Brenntag Southwest in regards to issues at the swimming pool. It was determined that the city needs to change from gas chlorine to liquid sodium hypochlorite (bleach) in chlorinating the pool. This application should help in keeping the chemical treatment at an appropriate level as well as alleviate some safety compliance concerns. The new treatment process will go into effect for the 2012 pool season.

### *Sunken Spot in the Shallow End*

Supt. Allison reported that there is a hollow place in the bottom of the shallow end of the pool. They patched the area a couple of years ago; however, this spot is next to the patched area. Mayor Fischer suggested cutting out the area, see what the issue is underneath the area, fix it and then re-pour the concrete.

## **City Video Tour**

Mayor Fischer said the video committee plans on doing two video tours – one on the quality of life and the other for economic development. He would like to see a third one done that highlights the beauty of Riverside Park and includes historical information of the town.

## **Oswegofest Donation Request**

The Oswegofest Committee has asked for a donation for this year's festival. In the past the city has donated \$250. Rea made a motion and Brown seconded to give the Oswegofest Committee \$250. Motion carried.

## **Strategic Planning Retreat**

Mayor Fischer would like to hold a planning session retreat on a Saturday and a few dates have been chosen. After discussing with the Council, it was narrowed down to October 29<sup>th</sup> or November 12<sup>th</sup>.

## **League of Kansas Municipalities Conference**

Clerk Peine informed the Council that registrations need to be made before September 23<sup>rd</sup> for those who wish to attend the League Conference. Several Councilmembers said they could not attend.

## **Planning Commission Training**

A planning session with Dave Yearout, Zoning Consultant, will be held in probably January or February. The training will be for the Governing Body, Planning Commission and city staff.

## **INDIVIDUAL REPORTS**

**Owens** – asked what the city plans to do with the fire hydrants that are being replaced with new ones? Supt. Allison said that he would like to be able to sell some of them and put the money towards air pacs for the fire department. It was also suggested to donate a few of the oldest ones to the museums in town.

**Brown** – there is a door on a refrigerator at 2<sup>nd</sup> & Wisconsin (NW/corner) - not a safe situation. There also needs to be a letter sent to the house at 2<sup>nd</sup> & Union with the broken limb hanging in the yard for months now.

**Rea** – The property at 224 Second St. still looks bad. Supt. Allison reported that the owners have cleaned up all that they were written up for.

**Peine** – reminded everyone that there will be an e-waste pick up at the parking lot at Wisconsin & North Sts. on October 8<sup>th</sup>, from 9 a.m. to 1 p.m.

**Mayor Fischer**

Reported that when he promoted Donnie to Superintendent, he asked him if he could go without filling the position left open on his staff. Donnie said that he probably could until mowing season. By the same token, when a position became open in Clerk Peine's office, he asked her to hold off on filling that position. He feels the city needs a City Administrator and if the pay was enough, maybe they would stay. The savings from not filling these two positions would be approximately \$59,000 minus the amount necessary to pay for an individual during mowing season. Mayor Fischer said that maybe the city could look into having a part-time administrator or share an administrator with a neighboring community. He asked that the Council give this some consideration.

**ADJOURN**

Owens made a motion and Tynan seconded to adjourn the meeting at 10:00 p.m. Motion carried.

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Mayor Glenn Fischer

Attest:

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Deputy City Clerk Carol Eddington