

Regular Meeting
March 12, 2012, 6:30 p.m.
City of Oswego, Kansas

Present: Councilmembers Jane Rea, Dee Brown, Darren Tynan and Bill Owens with Council President Ty Lewis presiding.

Absent: Mayor Glenn Fischer and Councilmember Terry Edwards

Also present: Phil Hays, Larry Steeby, Joe Sinnett, Larry Richardson, Wendell Laurie, Rick Bryant, Bill Minor, Brett Middleswart, Brandi Grassel, Layton Davis, Charles Stone, City Clerk Cheri Peine, Deputy Clerk Carol Eddington, Bill Cunningham, Superintendent and Fire Chief Donnie Allison, Attorney Rick Tucker and Officer Adan Nance.

OPENING PRAYER and PLEDGE OF ALLEGIANCE

Pastor Phil Hays, Christian Church, opened the meeting with a prayer. Councilmember Rea led the Pledge of Allegiance.

PETITIONS AND DELEGATIONS

Kansas Gas Service – Franchise Agreement

Joe Sinnett, with Kansas Gas, attended the meeting to answer any questions Council had on the franchise agreement between the city and Kansas Gas Service. Two sample agreements were proposed. Sinnett addressed questions about the volumetric computation.

The ordinance entitled, “AN ORDINANCE, GRANTING TO KANSAS GAS SERVICE, A DIVISION OF ONEOK, INC., ITS SUCCESSORS AND ASSIGNS, A NATURAL GAS FRANCHISE, PRESCRIBING THE TERMS THEREOF AND RELATING THERETO, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT WITH THE TERMS HEREOF”, calls for a ten year franchise with review after five years (with written request). The franchise fee set out in the ordinance is 3% of the gross receipts received by the city from Kansas Gas distribution of natural gas to sales and transportation customers plus the volumetric rate on transportation customers. The franchise fee will begin with the May 2012 Kansas Gas billing cycle.

Owens made a motion and Rea seconded to approve the franchise ordinance that included the volumetric rate portion. Motion carried. Clerk assigned it Ordinance # 1284.

Airport Projects - Rick Bryant & Airport Board

At the February Council meeting, Council asked to have the Airport Board and the city’s consultant on the current airport projects, Rick Bryant with Airport Development Group (ADG), attend the March meeting to discuss the fuel system, acquiring land for hangars, etc.

Bryant discussed the Airport Master Plan and that it is a 20 year plan broken down into 5 year increments. The land acquisition that is included in the plan is an 11 acre area on the west side of the airport to open up areas for development and comply with new safety regulations. The typical process to acquire land is to identify, survey, appraise, appraisal review, make an offer to the land owners and close the deal.

The airport presently does not have fuel, which would be a huge draw, according to Bryant. Many planes would come to the airport just for fuel, especially if the city is reasonable in pricing. The \$90,000 grant awarded to the city requires a \$10,000 match from the city (which can also be met with in-kind services) for installing a fuel system and security for it. Bryant said that ADG is in the process of researching all aspects of available fuel systems now to determine what would be best to install at the city's airport. When asked about who manages the airport and would be responsible for keeping track of the fuel, it was noted that the City Clerk and City Superintendent would share in these duties.

Councilmember Owens asked how many planes fly in and out of the airport a day. Bryant said that since the airport is an uncontrolled airport, there is no record of actual numbers. FAA has a formula they use to approximate the number and for Oswego's airport, it is 626 operations a year (take offs and landings). One of the Airport Board members stated he uses the airport 15-20 times a month himself for his business. He is continually asked by Pittsburg and Joplin pilots if there are any hangars available at the Oswego Airport. All of the surrounding area airport hangars are full. Another board member stated he would like to build a hangar at the airport as well as an aircraft maintenance shop. Currently, there are three individuals on the waiting list for the hangars out there now. Airport Board Chairman Stone stated that airport expansion is badly needed.

Since Brett Middleswart (adjacent landowner to the airport) was in attendance, Council President Lewis asked him if he wanted to address the Council. Middleswart stated that his land is not for sale. Bill Minor reminded Council that this type of government funding (90%) is available now and most assuredly will not be available in the future. It has already changed from the availability of a 95% grant down to a 90% grant.

Owens felt the problem with the public's perception of the airport is their lack of information. ADG and the city will be working on the economic impact figures and information will be marketed. Bryant said he would facilitate and info session on the airport and its impact if the City would like for him to do that.

The "AVIATION AGREEMENT FOR EQUIPMENT AND ASSOCIATED FACILITIES" between the City and the Secretary of Transportation of the State of Kansas was included in the Council packets. This agreement is for the fuel system. Rea made a motion and Brown seconded to approve the agreement. Motion carried.

Airport Internship & Scholarship

Bryce Rea is seeking a degree in airport management. As part of his degree, he must participate in an internship program with an airport. His professor has approved his internship with the city this summer. The internship would not be a paid position. Clerk Peine reported that she and Bryce have discussed various duties including pilot surveys, airport utilization, assisting with KDOT grant on the fuel system, general building maintenance and reviewing airport project files. Brown made a motion and Tynan seconded to approve the internship of Bryce Rea. Motion carried with Rea abstaining.

Clerk Peine reported that the Kansas Association of Airports offers a \$1,000 scholarship to students seeking a degree in Airport Management. She provided Bryce with the information on the scholarship. If he pursues this, the City would be the sponsoring airport and would provide a letter of recommendation. Bryce would be required to submit an essay on his aviation interests, experiences, etc. as well as plans for his future in aviation. Brown made a motion and Tynan seconded to sponsor Bryce in his scholarship application. Motion carried with Rea abstaining.

Policy for Siren Activation – Larry Steeby

Larry Steeby, Labette County Emergency Director, presented a policy on siren activation that would be used countywide, if approved. This policy mirrors the policy that Joplin will use now after the FEMA assessment of the May 2011 tornado. Sirens are designed to alert people outside, not inside. For years, the county would blow an “all-clear” siren. Unfortunately, this causes more confusion and people call the Sheriff’s Dept. and City Hall to see what that whistle means. After taking a look at the policy, the Council did not see any problems with it. Steeby will present it to the County after speaking to a couple more cities.

Steeby also reported that the County has been awarded a 90/10 match grant for a radio system for the fire departments. The city’s portion of new radios for the fire department would be approximately \$3,000 - \$4,000.

Craig Cook – Request to Purchase Lot

Craig Cook wrote a letter to the Mayor and Council requesting to purchase the small lot that the city owns at 7th & Oregon. He said he is purchasing some adjacent property and would like to add this small piece to that property for future building. He plans to tear down some old buildings and clear out the tree line between the properties. After some discussion, Council determined they would like to see that he has title to the adjacent property and ask that he make the city an offer on the 55’ x 105’ lot.

Ordinance – Temporary CMB License

There has been a change in the legislation and groups seeking to serve cereal malt beverages for an event must apply for a temporary CMB license. The city must have an ordinance in place allowing temporary CMB licenses to be able to issue temporary licenses to anyone wishing to serve cereal malt beverages during an event.

“AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF OSWEGO CHAPTER III BEVERAGES BY ADDING ARTICLE 6, SPECIAL EVENT CMB PERMITS IN THE CITY OF OSWEGO, KANSAS” was presented. The ordinance has been reviewed and approved by Attorney Tucker. In Council discussion, it was determined to insert \$50 in the space designated for the amount of the permit fee. Tynan made a motion and Owens seconded to pass the Ordinance as presented. Motion carried. Clerk assigned it Ordinance #1285.

Fair Board Agreement

A copy of the agreement drafted by Attorney Tucker was included in the Council Packets. Tucker reported that the Fair Board had hired Verlyn White to do a land survey. Attached to the agreement is a diagram of the area discussed therein. Tucker recommends the Council approve the agreement. Tynan made a motion and Owens seconded to approve the agreement with the Fair Board. Motion carried.

BossTank – Deed

Attorney Tucker prepared the deed for the property Boss Tank requested (the South ½ of the land the city owns located North of Boss Tank). Tucker included the deed restriction language for the city to have the first right of refusal if Boss determines the land is no longer of use to them. He said that this language is binding on Boss or any of their assigns. Rea made a motion and Brown seconded to approve the deed. Motion carried.

Tennis Courts – Executive Session

Rea made a motion and Owens seconded to go into executive session for 20 minutes, to discuss matters deemed privileged in an attorney-client relationship, with the Council, City Attorney, City Clerk and City Superintendent. Motion carried. Executive session began at 8:13 p.m. and ended at 8:33 p.m.

Brown made a motion and Rea seconded to allow Attorney Tucker to contact Mervin Snowden, of Snowden Engineering, have him assess the problems with the tennis courts and look at other options available. 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.

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

OLD BUSINESS

Dangerous Structures

Courtesy letters were sent out to these three properties to make the property owners aware that the city plans to begin the condemnation process: 917 6th St., 2 N. Commercial and 303 California. Only one property owner responded to the letter and that was Allen Richardson, 917 6th St. He plans to have the house torn down within approximately 60 days.

Resolutions 03-12-12A, 03-12-12B & 03-12-12C, to begin the condemnation process and set the public hearing for the May 14th Council meeting, were included in the packet. The resolutions must be published twice with a 30 day waiting period between the second publication and the hearing date. Owens made a motion and Brown seconded to proceed with all three condemnations and approve the Resolutions as presented. Motion carried.

Water Project

Phase I – Rural Development

Pay Estimates

Pay estimates were received from LaForge Construction - \$175,401.15 and Shafer, Kline & Warren - \$7,185.01. Rea made a motion and Brown seconded to approve the pay requests. Motion carried.

Change Order #5

Additional lines and meter work for three areas:

5th & Union - \$6,200

5th & Indiana - \$5,278

3rd & Michigan - \$4,407

Contingency funds will be used to pay for these projects. Peine reported there should be approximately \$67,000 left after these changes are implemented. Owens asked that she bring more information on contingencies to the next regular meeting. Tynan made a motion and Owens seconded to approve the change order. Motion carried.

Phase II - Streambank Project

Supt. Allison reported additional work is needed at the river intake. This was determined when Shafer, Kline & Warren engineers met with Supt. Allison and Asst. Supt. Jurgensen to review the project and the intake. The main gate at the intake at the river needs to be replaced. They will be adding a new 12" pipe inside of the 36" pipe that goes from the silo to the river intake as the existing line has a large hole in it; adding 3" chemical feed and air line that will address problems with zebra mussels; adding a meter and bolted lid; and adding a new ladder with fall protection in the silo. FEMA and Rural Development are aware of the need for these changes to the scope of the project. Clerk Peine has asked Rural Development if the city could obtain additional funding if needed and they said it may be a possibility if the project bids this summer. Shafer, Kline & Warren is aware of this information.

HOME Grant

An amendment to the Housing Plan has been recommended by the Housing Commission for Council consideration. The amendment defines some ineligible rehabilitation projects that were not initially listed. (property going through foreclosure, a property that has previously received HOME grant rehabilitation funds under the same ownership and rehabilitation of a property less than 20 years old unless there are extenuating circumstances)

Brown made a motion and Tynan seconded to approve the Housing Plan with the changes. Motion carried.

Golf Course

Included in the packet are: a financial report for the month of February, a revenue/expense comparison report for previous years and year to date as well as a cash report showing cash on hand as of February 29, 2012. Clerk Peine handed out the expense sheet for February from the Golf Association.

City Hall, Police & Fire Department Rehab

Clerk Peine reported that Rural Development will cancel the funds they had set aside for the city for this project.

Swimming Pool

Hiring Policy Change

In the past, the city has "hired" employees so they could attend lifeguard training through Labette Community College. Due to the agreement between the City and LCC there is no cost to the employee or the city for their tuition. Last year it was determined that if they are already an employee, the city must pay for their time while in training as well as mileage to and from training. This was a significant increase in personnel costs for 2011.

Registration at LCC costs \$160 per student plus the cost of the book. The cost to hire lifeguards prior to training and paying for wages while attending classes along with mileage would be over \$400 each. The city proposes to change its policy and make the offer of employment contingent upon the completion and passing the lifeguard training course. The city will then reimburse the students, that are hired, for the amount of their registration and book fees. Rea made a motion and Brown seconded to approve the change in policy. Motion carried.

Meeting on Pool Improvements

Clerk Peine reminded everyone that the meeting with the swimming pool consultant, Jeff Bartley, will be held at 6:00 p.m. Monday, March 26th.

NEW BUSINESS

Municipal Equipment Transfers (2011 Year End)

Council determined that cash in utility funds and the General Fund would be reviewed at year end to see if cash balances had increased enough to make transfers for additional municipal equipment needs. Clerk Peine provided information showing that the balances

are such that transfers can be made to the Municipal Equipment Fund from General (\$10,590) and from Refuse (\$13,303). She also presented a list of various pieces of equipment that the Municipal Equipment funds will be used for in the future. Rea made a motion and Brown seconded to approve the transfers proposed by Peine. Motion carried.

Five Star Statement of Support for the Army National Guard and Reserve

The City has been a member of ESGR (Employer Support of the Guard and Reserve) for several years. The Kansas Chair of the ESGR, Mick Allen, has provided a new Statement of Support since they have made some revisions to it and is asking us to continue our support of this program. While the city does not currently have any active National Guard or Reserve personnel at this time, we have had in the past. Owens made a motion and Tynan seconded to approve signing the Statement of Support. Motion carried.

Donation Request – Project Prom

The OHS Project Prom Committee has sent a letter to the city asking for a donation towards their 2012 Project Prom. For the past several years, the city has donated \$200. Brown made a motion and Tynan seconded to donate \$200. Motion carried.

Personnel Policy – Job Description Addition – Seasonal Public Works Employee

Supt. Allison intends to hire a couple of part-time public works laborers for the summer to primarily mow. The job description has been defined but has not been approved to be included within the personnel policy. Owens made a motion and Brown seconded to approve the job description as part of the Personnel Policy. Motion carried.

INDIVIDUAL REPORTS

Cunningham – reported that the city received two bids on concrete work to be done in the park (adding a sidewalk, ADA ramp and handicapped parking at the swimming pool and pouring a concrete base around a light fixture at the end of the pool):

Volmer - \$3,004.00

Strickland - \$2,783.00

Brown made a motion and Owens seconded to accept the low bid of Strickland. Motion carried. It was noted that the city will need to make sure the contractor meets all ADA requirements that pertain to this work.

- also reported that Oswego has been awarded the Tree City Award again this year. A couple of Tree Board members will attend the meeting in Derby this year.

Owens – asked about the “not a lot of commitment” comment from KDOC in regards to the Housing Grant application when it was clear there is a great deal of commitment. Clerk Peine said the program is about to change drastically and she will be attending trainings to stay on top of the changes to hopefully make our chances better next time.

- asked if the city could get a light again at the four-way stop. Vehicles run the stop signs all the time. Brown suggested getting the stop signs with lights on top of them if the city can't get the four-way stop light. Staff will check into it.

Peine – On April 1st our property and liability insurance renews. Ryan Insurance has provided the city with a renewal rate of only a 6.3% increase. The city budgeted for a 10% increase. Our agent, Al Eshelbrenner, has checked with all other markets and EMC still gives us the best rates. Staff recommends renewing with Ryan Ins. Rea made a motion and Brown seconded to accept the property/liability insurance renewal from EMC. Motion carried.

Rea – reported that officer Nance helped thwart a would-be thief of a trailer at their house.

Lewis – feels that the metal (from the mural) left standing behind the caboose looks bad. It has rust all over it now. After some discussion, it was the consensus of the Council to have the metal removed. Supt. Allison will take care of it.

ADJOURN

Brown made a motion and Owens seconded to adjourn the meeting at 9:42 p.m. Motion carried.

Council President Ty Lewis

Attest:

Deputy City Clerk Carol Eddington