

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

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

Absent: Councilmembers Darren Tynan and Terry Edwards.

Also present: City Superintendent and Volunteer Fire Chief Donnie Allison, City Clerk Cheri Peine, Deputy City Clerk Carol Eddington, Bill Cunningham, Attorney Rick Tucker, John Tucker and Suzanne and Keith Hazell.

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

Councilmember Brown gave the opening prayer and Councilmember Rea led the Pledge of Allegiance.

### **RECOGNITIONS**

#### **Service Award – John Tucker**

John Tucker is retiring after working at the water plant for the past 41 years. Mayor Fischer commended him on his great job performance at providing the city with quality water for so many years. The Mayor presented Tucker with an engraved clock as a token of the City's appreciation. Mayor Fischer called for a short break to allow everyone a chance to thank John for his dedicated service and wish him well in his retirement.

### **PETITIONS AND DELEGATIONS**

#### **Labette County Fair Board**

Mayor Fischer and Council President Lewis met with the Board recently to discuss attracting events and various uses for the new arena. The Fair Board told them that they have been notified that this year's rodeo has been named by the American Cowboys Rodeo Association the Division 2 Rodeo of the Year. This distinction was voted on by the cowboys and the Fair Board will receive the award and plaque at the upcoming ACRA (American Cowboys Rodeo Association) annual banquet in Tulsa, OK on Dec 8th. The Board feels this award can be directly attributed to the new and expanded arena.

### **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 ON SEPTEMBER 10, 2012" was presented. Brown made a motion and Lewis seconded to approve the ordinance as presented. Motion carried. Clerk assigned it ordinance #1296.

#### **Scrap Metal Ordinance**

The Legislature passed a law that requires cities to adopt an ordinance and regulate scrap metal dealers within their cities. Scrap metal dealers must now have permits acquired from the city. The cities set their own fees for these permits within the \$100 - \$400 range as set by law. Clerk Peine noted that there are individuals in town who are doing scrap metal dealing from their home. The law clearly states that any individual in the business of buying and dealing scrap metal must be licensed. Complying with zoning ordinances was also discussed. Peine advised this should only be done in an Industrial Zone or seek a conditional use permit through the Planning Commission.

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“AN ORDINANCE REQUIRING THE REGISTRATION AND LICENSURE OF SCRAP METAL DEALERS; ESTABLISHING AN APPLICATION PROCESS AND REGISTRATION FEE; AND, PROVIDING FOR THE SUSPENSION OR REVOCATION OF THE REGISTRATION” was presented. After some discussion, Brown made a motion and Rea seconded to pass the ordinance, setting the minimum fees allowed for the registration (\$100) and renewal (\$25). Motion carried. Clerk assigned it Ordinance #1297.

#### **City vs. Crossland – Tennis Courts**

Attorney Tucker reported that the case management conference will be held in early January and that he is handling it.

#### **CONSENT AGENDA**

Included in the Consent Agenda are: minutes from last month’s regular meeting and any special meetings held since then, as well as the minutes from the September 12<sup>th</sup> special meeting that were not included in last months Consent Agenda, accounts payables check list with description, utility deposit refund checks listing and payroll checks listing for the month. Copies of each of the accounts payable warrants and the appropriate documentation are available before and during the meeting for Council to review. (other monthly financial reports are now included in the back of the Council packet and are not included within the Consent Agenda)

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

#### **OLD BUSINESS**

##### **Water Distribution Project – Phase I – (Final Payment)**

The city received a letter from Kenny LaForge advising that all of the work has been completed as of October 12<sup>th</sup>. Supt. Allison reported that a couple of people had complaints and LaForge took care of them. If anyone else comes up with a problem, within a years time from the date of substantial completion, LaForge should fix it. Staff recommends paying LaForge the \$20,000 that had been retained.

Rea made a motion and Owens seconded to approve the final completion payment of \$20,000. Motion carried.

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

The contract for the design build project was included in the Council packets. Rea reported that it is the standard design build contract that LaForge and Budd has used for years. Mayor Fischer noted that the contract has a pay date of the 10<sup>th</sup> of each month and there are times when the Council does not meet by that date to approve bills. He asked Clerk Peine to contact them and have them change that date to the 15<sup>th</sup> of each month. Brown made a motion and Lewis seconded to approve the contract with the date changed to the 15<sup>th</sup> and as long as Attorney Tucker has no problem with it after looking it over. Motion carried with Owens voting no. Tucker said he would look at the contract tomorrow and email Clerk Peine.

#### **NEW BUSINESS**

##### **Zoning Regulations**

Zoning was first adopted in March 1974; the first revision was in 1989 and the second revision was in 2002. Clerk Peine reported that there have been many issues arise and legislative changes since the last revision. The zoning regulations need to be clearer on what is and what is not permitted in a particular area. This would help staff and the Planning Commission answer

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citizens' zoning questions. The Planning Commission recommends revising the zoning regulations.

The city has received a quote for revision from Dave Yearout in the amount of \$9,500. Clerk Peine reported that Yearout has been the city's zoning consultant since 2007 and has been very good to work with. Each year, the city budgets \$2,500 for the Planning Commission. Clerk Peine proposes that the city pay for the revision out of the Capital Improvement Fund and repay the fund with any remaining budgeted monies left over in the Planning Commission line item each year until it is repaid. It would take approximately 4-5 years to repay the fund. Staff would then continue setting aside these funds for future trainings and upgrades.

Brown made a motion and Rea seconded to accept the contract with Yearout in the amount of \$9,500 for the zoning regulations revision. Motion carried with Owens voting no.

### **City Code Revision**

The first codification of city ordinances was done in 1994 and there has been one revision since then, in 2003. There have been many ordinances passed since 2003 and it is becoming increasingly difficult for staff to sift through the many inserted pages when searching for current rules and regulations. Staff references the code book on a daily basis so it is very important to keep it up to date.

Larry Kleeman, a former League of Kansas Municipalities attorney, provides a detailed code revision service. His company, Citycode Financial, also offers a free email service notifying cities of legislative changes as they occur. They also have a database of thousands of ordinances the city can use as references for generating new ordinances. Part of his service also includes installing and maintaining the Code online. The online document is usually updated within 48 hours of receiving an ordinance passed by the Governing Body. Our City Code is not online now so this would be a new addition to the city's website. Many cities in Kansas use this company and everyone that staff has contacted has been very pleased with their service.

The contract for services was included in the Council Packet. The fee is \$3,750 for the initial codification with an annual update fee of \$1,250. The contract includes printed Code Books, a digital version and installation on our website. During a discussion with Clerk Peine, Kleeman said that for an additional \$750, he would also put the Zoning Regulations on the website. This would make it much easier to update as well as a great tool to have online for citizens to reference. Clerk Peine recommends utilizing funds from Water, Sewer, Refuse and General Administrative to cover the initial costs and then have the annual fee of \$1,250 be paid out of the General Administrative budget beginning in 2014.

Owens made a motion and Brown seconded to accept the cost of \$4,500 for the codification service and putting the Zoning Regs online through Citycode as well as the annual fee of \$1,250 for maintaining the Code. Motion carried.

### **Document Imaging Program**

The Clerk's office is currently in the middle of a records management program. Document imaging software has been discussed for the past few years, however, the leader in Municipal document imaging software, Laserfiche, has historically been too expensive for smaller cities. In the last few years, Laserfiche has put together a program and pricing targeting the smaller cities. They are also offering a special bundle package for members of the League of Kansas

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Municipalities that is good through December 31, 2012 (for a savings of \$1,000 over the normal fee). The bundle includes 6 users, color scanner, 2 days of installation/training and 1 year of updates and support.

Laserfiche recommends scanning in current documents first and then as time allows, scan in the permanent records such as minutes, ordinances, etc. Once the documents are scanned in, staff feels that the look up features alone will save a lot of staff time and be an invaluable historical tool. Staff expects this program to cut down on costs of labor, storage, files, paper, storage boxes, etc. City files are backed up every day both to a hard drive that is taken off site once a week and to the internet.

Clerk Peine recommends the initial fee of \$7,350 be paid as follows: \$1,837.50 each from Water, Sewer, Refuse and General Admin. with the annual fee of \$900 to be paid from the General Administrative budget beginning in January 2014. Brown made a motion and Lewis seconded to purchase the Laserfiche bundle at the quoted price. Motion carried.

#### **Documents to be Destroyed**

Under the city's retention schedule, staff has identified these items that may be destroyed. Clerk Peine included a three page listing of documents to be destroyed in the Council packets. Owens made a motion and Lewis seconded to approve these documents being destroyed. Motion carried.

#### **Set Public Hearing Date for Budget Amendment**

Due to the transfer made earlier in the year from Refuse to Capital Improvement (for 2011) and the City Hall renovations transfer at the end of this year, the Refuse budget needs to be amended (from \$193,226 to \$288,226). All other funds have sufficient budget authority to finish out the year. The public hearing can be held at the December Council meeting. Brown made a motion and Owens seconded to set the public hearing date for December 10<sup>th</sup>. Motion carried.

### **COMMITTEE REPORTS**

#### **Airport Board Minutes**

Councilmember Rea noted that the Airport Board minutes need to be changed to reflect that Bryce Rea (not Clint) was at the meeting and that he is a member, not a visitor of the Airport Board.

#### **Pay Range Plan Committee**

Councilmember Brown said that they had received some information late in the week and had not had a chance to go over it yet. They are hoping to get information out to the Council before the next meeting.

### **PROJECT UPDATES**

#### **Smoke Testing**

Rea asked whether the smoke testing had been done yet and what did they find out? Supt. Allison reported the smoke testing was done (except for the very West end of town). There were only a few really serious areas on city mains and some of those have already been repaired. Others may require a contractor. Several private lines had issues. Letters will be sent to citizens explaining what they will need to do.

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**Core Drilling at Swimming Pool**

Rea asked about the core drilling at the swimming pool. Supt. Allison said that they did some of the samples today and will finish tomorrow.

**INDIVIDUAL REPORTS**

**Brown** – noted that the Trunk or Treat went great again this year.

**Mayor Fischer** – asked that the Councilmembers let him or Clerk Peine know of anyone they think might be willing to serve on a committee. The Housing Committee and Planning Commission both have vacancies.

- He also thanked everyone for their cooperation in making this a shorter meeting. He noted that staff will be available in the office before the meetings to answer any questions they may have.

**ADJOURNMENT**

Owens made a motion and Lewis seconded to adjourn the meeting at 7:48 p.m. Motion carried.

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Mayor Glenn Fischer

Attest:

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Deputy City Clerk Carol Eddington