

Regular Meeting  
September 10, 2012, 6:30 p.m.  
City of Oswego, Kansas

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

Absent: Councilmember Terry Edwards

Also present: Jim and Dawn Diediker, Pearl McMillen, Thomas Moreland, Liz Turner, Eldon and Etsuko Perkins, Karyn Carpenter, Carolyn Edwards, Pat Hendricks, DeRhonda Newby, City Clerk Cheri Peine, Deputy City Clerk Carol Eddington, Police Chief George Elliott, City Superintendant and Fire Chief Donnie Allison and Attorney Rick Tucker.

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

Councilmember Owens opened the meeting with a prayer and Councilmember Tynan led the Pledge of Allegiance.

### **PROCLAMATION – Oswego Public Library 100<sup>th</sup> Anniversary**

The Librarian, Liz Turner, and members of the Library Board were in attendance. Mayor Fischer read a proclamation honoring of the Oswego Public Library's 100<sup>th</sup> Anniversary and proclaiming October, 2012 as Oswego Library Month. Some of the many activities the library has planned in celebration of their 100 years are: an art show, an open house, a display of library historical documents and hosting a tea at the library on October 6<sup>th</sup>.

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

Rea made a motion and Lewis seconded to go into executive session, for 10 minutes, with the Mayor, City Attorney, Council, City Clerk and City Superintendent in attendance, to discuss matters deemed privileged in an attorney-client relationship. Motion carried. Executive session began at 6:38 p.m. and ended at 6:48 p.m.

Rea made a motion and Lewis seconded to go into executive session, for 5 minutes, with the Mayor, City Attorney, Council, City Clerk and City Superintendent in attendance, to discuss matters deemed privileged in an attorney-client relationship. Motion carried. Executive session began at 6:49 p.m. and ended at 6:54 p.m.

### **PETITIONS AND DELEGATIONS**

#### **518 6<sup>th</sup> St. – Water Utility Service**

Pearl McMillen attended the meeting and said she was there on behalf of her husband to ask about why they could not get the water turned back on at the single-wide trailer located at 518 6<sup>th</sup>. The city removed the meter during the water project since the trailer had not been used in years. Mayor Fischer informed her that the water should not have been on in the first place. Due to city ordinance, a single-wide trailer, on property not zoned as a trailer park, cannot be inhabited again if the trailer sits empty for six months or longer. The trailer had sat empty for over six months, quite some time ago, and the owner, Mrs. Day, was notified that the trailer could no longer have water service or be inhabited.

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**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 DURING THE PERIOD OF JUNE 22, 2012 THROUGH JULY 24, 2012” was presented. Brown made a motion and Rea seconded to approve the ordinance as presented. Motion carried. Clerk assigned it Ordinance #1292.

**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.

Councilmember Owens asked that the page describing the differences in the figures of the water loss report and the water revenue report be pulled from the Consent Agenda. Owens made a motion and Tynan seconded to approve the Consent Agenda without that page. Motion carried.

Last month Councilmember Owens had asked about the difference between the Water Loss Report – Water Sold amount and the monthly water revenue amount on the Revenue & Expense Report. The page included in the packet explained those differences. Clerk Peine explained that they are different because they represent two different time frames and two different kinds of revenues. The Water Loss report reflects the water charge only that was billed for from the 16<sup>th</sup> of the previous month to the 15<sup>th</sup> of the current month. The Revenue & Expense Report reflects all water fund income for the month (including bulk water, large meter fees, penalties, tower lease payments, etc).

**OLD BUSINESS**

**Condemnations**

2 N. Commercial and 303 California

The city received three bids for the removal of the homes at 2 N. Commercial and 303 California:

	2 N. Commercial	303 California
B-3 Construction	\$2,000	\$3,000 (house) \$250 (gar)
Strickland Roll-off Service	\$2,455	\$6,150 (house) \$1,300 (gar)
G & G Dozer	\$3,000	\$2,500 (house) \$500 (gar)

The apparent low bidder for 2 N. Commercial is B-3 Construction and for 303 California is G&G Dozer. Bill Woods, descendent of the owner of record for 303 California, has

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advised the city that he has hired CJ Wass to remove the house at 303 California. CJ told the city he would begin tearing the house down on Monday Sept. 10<sup>th</sup>. Supt. Allison confirmed that the demolition of the house has begun. The demolition bids are good for 60 days. City Staff recommends holding off on the house at 303 California and moving forward with 2 N. Commercial.

Rea made a motion and Brown seconded to accept the demolition bid from B-3 for the house at 2 N. Commercial. Motion carried.

Since the house at 303 California is being demolished by the property owner, the city has some funds available to do another condemnation. After some discussion, it was determined to wait until later to begin the condemnation process on any other properties in order to possibly utilize the expense as a grant match.

## **Nuisance Abatements**

The complaints on both 115 Union and 112 Sixth St. have been filed in Oswego Municipal Court. The court hearing is set for Tuesday, September 18<sup>th</sup>.

## **Rezoning Proposed Diamond Addition**

When this property was annexed into the city, the zoning was not addressed. The property is now zoned Rural but the city needs to rezone it to Low-Density Residential (RL) in preparation of building homes in that area.

Clerk Peine reported that the Planning Commission will hold a meeting on the 17<sup>th</sup> of September to discuss the plat and then hold a public hearing on the zoning issue on September 26, 2012 at 7:00 p.m. After the public hearing, the Commission will consider the final plat for approval.

## **Airport Grant Project Updates**

### Fuel System Project

City crews will be pouring the concrete pad, running the electric and phone lines to the site, widening the entrance at the east side of the airport to provide sufficient access for fuel trucks and installing fencing around the southern perimeter of the airport. City labor and equipment will provide most of the city's match for this project.

### Land Acquisition

Clerk Peine reported that the FAA requires the city to follow several steps for this process and she would like to ask that the Council hold a special meeting to get Steve Marshall and Rick Bryant on tele-conference so they can cover all the steps for land acquisition.

## **Water Project Updates**

### Phase I-Rural Development (Distribution Repairs)

The city has received final pay estimates from Shafer, Kline & Warren and LaForge Construction. The city is withholding \$20,000 from LaForge's pay request. They still

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have some clean up and seeding to do as well as providing insulation for the water line that serves Danny Elliott Park and the Neosho Water District.

Change Order #6 (the final change order) was also presented for approval. It includes all of the additional projects that were added and a credit on final quantities within the project. Peine reported that LaForge is asking for the full amount in their pay request, but they understand that the \$20,000 will be withheld. With these final pay requests, the city can close out the grant since it is an ARRA grant. Rea made a motion and Lewis seconded to approve the pay requests from Shafer, Kline & Warren and LaForge Construction (minus the \$20,000) and approve the Change Order #6. Motion carried with Owens voting no.

Peine noted that now that the final figures are in, the city will be reimbursed \$61,309.42 by the remaining grant funds. The city had spent \$98,630.05 for items used during the project. This reimbursement will go back into the Water Surplus Fund.

A Certificate of Substantial Completion was also included in the packet. The Certificate states July 27, 2012 is the date of substantial completion. The one-year warranty on the project begins with that date. Rural Development will perform a final inspection at that time. Rea made a motion and Brown seconded to approve the Substantial Completion Certificate. Motion carried with Owens voting no.

## **Housing Projects**

### Housing Rehab Grants

#### *HOME*

Final inspections of the work completed at 1427 6<sup>th</sup> and 1205 2<sup>nd</sup> were done September 6<sup>th</sup>. Final inspection for 819 Kansas will be completed next week. Council needs to approve the final costs of the projects are as follows:

\$19,300 – 1427 6<sup>th</sup> St.

\$19,000 – 1205 2<sup>nd</sup> St.

\$13,175 – 819 Kansas St. (and a check for \$450 to be paid directly to Joanna Yardley for the purchase of a refrigerator) Since the final inspection for this property will not be until next week, the check will not be issued until after that. There were some changes to this project: deduct the cost for a refrigerator (-\$1,200), add the replacement of a toilet and repair the plumbing for a shower drain (+\$675). \$13,175 is to be paid to the contractor and \$450 is to be paid to Yardley bringing the total project cost to \$13,625. The original bid was for \$13,700.

After the city makes the payments for the work done on the project, they will send in a reimbursement request from the grant. The city will receive 100% of the costs paid out for the projects. Lewis made a motion and Rea seconded to approve the payments to the contractors of the three properties and to Joanna Yardley (once the lead test results are back on 1205 2<sup>nd</sup>). Motion carried with Owens and Tynan voting no.

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*CDBG*

The CDBG application for rehab of eleven homes and purchase and rehab of two homes was submitted to Kansas Dept. of Commerce on August 30, 2012.

#### New Housing Development – Hillcrest & Diamond Additions

The Mayor, City Clerk and Housing Committee members are working on this project. They have looked at houses that the developer has had constructed in Independence and found the houses to be appealing and well constructed. They were concrete slab constructions and there were two different floor plans.

Conversations with the developer consist of constructing seven homes – four in the Diamond Addition and three in the Hillcrest Addition. The developer will be bearing all of the up front costs of construction of the homes. The city is looking at rebating the fee from the Neighborhood Revitalization Plan to the developer as payment of his profit if the sale of the property does not cover that cost. The Plan as it is now can be amended to allow this.

Clerk Peine wrote up the amendment to the Neighborhood Revitalization Plan and submitted it to Kevin Cowan for review. He did not see any problem with the wording and if it is okay with the Council, the city will contact the other taxing entities. The amendment to the plan is tied to the developer and this project only. Lewis made a motion and Rea seconded to approve the amendment to the NRP plan and hold a public hearing. Motion carried.

Councilmember Owens asked about the cost to the city for extending water and sewer to the area as well as costs for establishing a street. Clerk Peine said that now that there is a plat for the Diamond Addition (received today), staff can begin to figure distance for streets and service lines. The lines in this area will be so close to other services that the cost will be much less than if it was a more remote location. Staff will put some figures together.

#### **Golf Course**

Included in the packet are: a financial report for the month of August, a revenue/expense comparison report for previous years and year to date as well as a cash report showing cash on hand as of 08/31/12.

#### **City Hall, Police and Fire Department Rehab**

Clerk Peine said Terry Hardman expects the work on the floor will begin the latter part of September. The project will take 3-5 days to complete if there are no issues found.

Peine reported that the city hall building has a gas leak. Troy Brown, Brown Heating and Cooling, checked the gas meter when all of the gas was shut off and the meter was still turning. The gas pipes come in underground (which is not to code now). The gas lines have not been addressed in the rehab plans.

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### **Swimming Pool Update**

Supt. Allison and Clerk Peine will meet with Jeff Bartley, Water's Edge Aquatic, to discuss repairs to the shallow end of the pool now that the pool has been drained. Clerk Peine said they will also discuss an estimate for the roof repairs as well as the tuck and point work that needs to be done to the bath house.

### **Community Facilities Grant Update**

The city will not be able to submit an application for the Branson building under this category since the home grants and community facilities grants have now been combined into the same category. Only one grant application can be submitted and the city has already submitted a grant application for housing.

### **Downtown Commercial Building Grant Update**

More damage was done to the professional building in the recent storm. The owner of the building has never responded to correspondence sent by Clerk Peine in which she informed him of the grant availability for downtown building repair.

The building is a big part of Oswego's history. The Deming Investment Co. was the first investment company this side of the Mississippi. Mayor Fischer suggested having a structural engineer take a look at the building in order to advise the city of what it would take to make the building secure and keep it from further deterioration. How to pay for the repairs would be the issue. It was suggested to contact the Deming family and see if they might be interested in helping preserve the building.

## **NEW BUSINESS**

### **League of Kansas Municipalities (LKM)**

Clerk Peine asked that anyone wanting to attend the League Meeting, which is being held in Topeka on October 7<sup>th</sup> and 8<sup>th</sup>, let her know by the registration deadline of September 21<sup>st</sup>. She also reminded everyone that the October Council meeting will be held on Wednesday, the 10<sup>th</sup>, instead of Monday.

Official action on changes to the city's work comp carrier's by-laws will be discussed at the annual meeting held during the League conference. Kansas Municipal Insurance Trust (KMIT) has made a major change in their administrative structure. The League was the entity that took care of the administration of the pool with one of their employees serving as Pool Administrator. Now, KMIT will be a stand-alone pool. The individual who currently serves as the Pool Administrator is retiring from the League. He will be contracted by KMIT to remain as the Pool Administrator, a position he has held since 2001.

A voting delegate must be designated by the Council and sent in to the League for the annual membership meeting held during the conference. Clerk Peine said she would not be attending the conference this year due to a conflict, however, Deputy Clerk Eddington will be attending. Owens made a motion and Tynan seconded to name Deputy Clerk Eddington as the city's voting delegate for the LKM meeting. Motion carried.

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**Invitation Extended to USD 504**

Mayor Fischer sent a letter to Superintendent Mark LaTurner about the city and the school district working together to better and more efficiently serve the citizens and youth of the city of Oswego. In his letter he suggested coming together in the near future for a casual meal and informal joint meeting. The School Board is meeting tonight so the Mayor is in hopes to hear from them soon.

**Request to Purchase City Owned Lot – 120 Wisconsin**

Mark Brannin would like to purchase the property at the northeast corner of Second St. and Wisconsin St. His offer is \$1,500 for the lot. He plans to place a rental house at that location. After some discussion, Owens made a motion and Tynan seconded to sell Mark the lot for \$1,500 and give him a year to put a house on it. Motion carried.

**Records Management – Documents to be Destroyed**

Clerk Peine and staff have been working on records management. There are a number of documents that can be destroyed according to the city's retention schedule. A list of the items to be destroyed was included in the Council packet. In order to minimize costs, other institutions have been contacted to possibly coordinate document shredding services. Tynan made a motion and Lewis seconded to approve the destruction of the items on the list. Motion carried.

**INDIVIDUAL REPORTS**

**Mayor Fischer** – reported that at the October 10<sup>th</sup> Council meeting, the warden from the El Dorado Correctional Facility, who will be the warden over the correctional facility here in Oswego, will give the Governing Body an update on the progress being made at the camps. The newly appointed deputy warden may also attend.

**Peine** – said that if there are to be no public storm shelters, the city needs to let people know now that storm season is just around the corner again. Chief Elliott said that opening and manning the public storm shelters takes his employees away from duties where they are really needed not to mention the fact that he is not comfortable with calling any of the buildings actually safe in a bad storm. Clerk Peine said the city will begin publicizing the fact that there are no longer public storm shelters.

**COMMITTEE REPORTS**

**Wage Committee**

Councilmembers Brown and Edwards have met once and plan to meet again on September 19<sup>th</sup>.

**Fairgrounds Arena Committee**

Mayor Fischer said he visited with Rod Landrum about coming up with ideas for various events that could be held at the fairgrounds arena. Councilmembers Lewis and Tynan, along with Mayor Fischer will serve on this committee.

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**ADJOURN**

Owens made a motion and Lewis seconded to adjourn the meeting at 8:51 p.m.

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Mayor Glenn Fischer

Attest:

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Deputy City Clerk Carol J. Eddington