

Regular Meeting  
April 8, 2013 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 Terry Edwards and Darren Tynan.

Also Present: Susan and Tom Bringle, Kelly Vance, Paul Fisher, Janelle Goins, Bob Conway, Police Chief George Elliott, Fire Chief and City Superintendent Donnie Allison, Attorney Rick Tucker, City Clerk Cheri Peine and Deputy City Clerk Carol Eddington.

### **OPENING PRAYER & PLEDGE OF ALLEGIANCE**

Pastor Bob Conway, First United Methodist Church, opened the meeting with a prayer. Council President Ty Lewis led the Pledge of Allegiance.

### **PROCLAMATIONS**

#### **National Volunteer Week**

Mayor Fischer read his proclamation declaring April 21-27, 2013 as National Volunteer Week in appreciation of all of the many volunteers who serve their community.

#### **Fair Housing Proclamation**

As part of CDBG funding, the city must conduct a fair housing activity and is encouraged to issue this proclamation annually. Fair Housing information is available at City Hall and the Public Library.

### **PETITIONS AND DELEGATIONS**

#### **Paul Fisher – Senior Citizens Building Roof**

Mr. Fisher was present again to discuss the roof. Two bids were received:

Plumb & Square - \$12,406.00

Elliott Roofing - \$12,806.40

Mr. Fisher noted that the Senior Center receives \$5,900 per year for expenses, part of which could be put toward the cost of the roof. He also said that the Center has saved \$2,500 that could be put toward the cost of the roof as well. When asked, Clerk Peine said that the city could take funds out of Capital Improvement and repay the fund over time. Fisher later said that the Center could contribute approximately \$6,000 to \$8,000.

Discussion was held on whether the entire roof needs to be replaced or not. Elliott said that the whole north side of the roof needs to be replaced. The roof is leaking where the flat roof is connected and where the chimney is. Mayor Fischer asked how much the cost would change if only the north side of the roof was replaced. Elliott said that it would almost cut the cost in half.

Owens made a motion and Brown seconded to have the Senior Citizen's Center determine the exact amount they can put into the project and then take bids on replacing the north half of the roof only, with like materials. Motion carried.

Regular Meeting  
April 8, 2013 6:30 p.m.  
City of Oswego, Kansas

**Janelle Goins – Farmer’s Market Shelter at Schmoker Park**

Goins has been contacting businesses and has received \$2,400 in pledged donations so far. She has also had a few individuals say they would donate. In addition, Goins is applying for a couple of small grants. She is attending the meeting tonight to see if the city knows how much they could donate towards the project so she knows how much more she needs to raise in order to reach the \$6,800 (cost of the project). They are hoping to begin the work pretty soon since it is already April.

Goins has spoken to the Parks and Community Foundation about the project. They have gone to the site to visually map out where the building will sit. The Foundation expressed concerns about having a metal roof versus a shingled one. They also discussed a hip roof. When Goins asked the builder, he estimated that the hip roof would raise the cost of the structure by \$500 and shingles would raise the cost by approximately \$3,000. Once the funds have been raised for the project, she would like to leave it in the hands of the Foundation and the builder to work on it together. The building will belong to the City.

Discussion was held on what funds were available. Clerk Peine said there is a little bit of money in the Parks & Recreation Fund and some could be used out of the Sales Tax, Parks Fund. Brown made a motion and Rea seconded to pledge half of the \$6,800 or \$7,300 cost of the building (up to \$3,700). Motion carried with Owens voting no.

**Rezoning 112 6<sup>th</sup> St. from Non-Retail Commercial to Low-Density Residential**

Rick and Marla Cook have purchased this property. They have already made plans to tear down the existing house. They plan to construct a garage first and eventually construct a new home at the site. The Planning Commission has recommended a change in the zoning as requested. There is residential property to the west and to the south. They are also recommending the Council approve a conditional use permit allowing the Cook’s to construct the garage prior to building the new home. A condition use permit is necessary to construct a garage on property where there is no house. Two ordinances were presented:

“AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OSWEGO, KANSAS AND IN COMPLIANCE WITH SECTION 22 OF ORDINANCE NO. 1107, PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL ESTATE FROM (CO) NON-RETAIL COMMERCIAL TO (RL) LOW-DENSITY RESIDENTIAL DISTRICT” was presented. Owens made a motion and Brown seconded to approve the ordinance and change the rezoning of 112 6<sup>th</sup> St. from Non-retail Commercial to Low-Density Residential. Motion carried. Clerk assigned it Ordinance #1304.

“AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO PLACE A GARAGE ON A RESIDENTIAL LOT THAT DOES NOT INCLUDE A SINGLE FAMILY DWELLING AT 112 SIXTH ST., OSWEGO, LABETTE COUNTY, KANSAS” was presented. Owens made a motion and Brown seconded to approve the ordinance allowing for the conditional use permit for the construction of a garage. Motion carried. Clerk assigned it Ordinance #1305.

Regular Meeting  
April 8, 2013 6:30 p.m.  
City of Oswego, Kansas

**Agreement between Oswego Fire Dept. and Oswego Correctional Facility**

Brown made a motion and Lewis seconded to approve the agreement. A tie vote of two yes votes (Lewis & Brown) and two no votes (Rea and Owens) was broken by Mayor Fischer when he voted yes. Motion carried.

**CONSENT AGENDA**

The Consent Agenda includes minutes from regular and any special meetings since the last regular meeting, accounts payables for the month (copies of the warrants were available for review), and appointments to the Housing Rehabilitation & Citizens Advisory Board (Peggy Strickland, Don McLeod, Kenny Gott, Robert Harris, Brenda Charles, Gina Davis & Jane Rea), and the appointment of Peggy Strickland as City Treasurer for the 2013-2014 year.

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

**OLD BUSINESS**

**Airport – Fuel System**

Clerk Peine reported that bid information was sent to six companies but only one bid was received. The bid is from Garsite, out of Kansas City, KS, for \$91,500. The grant amount for the project is only \$90,000. Clerk Peine contacted the bidder and he said that he was willing to reduce his bid to \$90,000. The bid is good for 30 days. It was noted that the fuel system grant is from KDOT.

The city is responsible for \$10,000 which may include in-kind labor, equipment use, materials and engineering fees. Supt. Allison has estimated the city's cost of materials at approximately \$6,090.00.

Brown made a motion and Rea seconded to accept the bid of \$90,000, for installation of the fuel. Motion carried with Owens voting no.

**City Hall, Police & Fire Department Rehab**

Change Order

LaForge and Budd presented the city with Contract Change Order No. 1. (surge suppressor, new lighting ballasts, relocate gas lines, ceiling tile in the Council room, police dept. evidence room door added, deleted interior window in the police offices, deleted some cabinets in the clerk's offices and added a new council meeting table).

Discussion was held on the new council tables. Rea noted that with the recent change to the design of the meeting table, the cost may need to be revised from the amount listed in the change order. Brown made a motion to approve the change order without item #6, the Council Room meeting table, and that this item can be discussed at a later time. Motion carried with Rea abstaining.

Regular Meeting  
April 8, 2013 6:30 p.m.  
City of Oswego, Kansas

### Pay Request

LaForge and Budd submitted a pay request in the amount of \$87,342.12. Brown made a motion and Lewis seconded to approve the pay request as long as the \$5,600 for the Council Room meeting table is not included. Motion carried with Rea abstaining.

### **Swimming Pool – Heritage Trust Fund Grant – Bathhouse Roof Repair**

The city was awarded a grant from the KS Historical Society Heritage Trust Fund for repair and replacement of the roof on the swimming pool bathhouse. The total award is \$35,040 with the total project budget at \$43,800. The city is responsible for 20% of the cost of the project (up to \$8,760). The Heritage Trust Fund Grant Project Agreement was included in the packet. Owens made a motion and Rea seconded to approve the agreement. Motion carried.

### **NEW BUSINESS**

#### **Open House for City Hall/Police Dept.**

It was determined to hold the open house on June 10<sup>th</sup> from 3:30 p.m. to 6:30 p.m.

#### **LKM Governing Body Institute & Mayor's Conference**

The League Governing Body Institute is geared toward newly elected officials, however, any governing body member or city staff may attend. The institute will be held May 10<sup>th</sup> and 11<sup>th</sup> this year in Topeka.

#### **Oswego Professional Building**

A large strip of molding on the south side of the building fell down last week. Pictures of the building today compared to pictures taken in October 2012, show more deterioration. There are cracks where the bricks are pulling apart in two areas and around the southwest windows the bricks are pulling apart, as well as other areas of molding loosening and flapping in the wind. Council had asked staff to try to obtain an estimate of cost to take the building down.

Upon recommendation to staff, they contacted Gary Garby, with G & G Dozer in Caney. Garby met with Supt. Donnie Allison to take a look at the building. He estimates the cost to take the building down at \$90,000 - \$100,000. This does not include asbestos inspections, which would have to be done. If the building is not safe enough to obtain asbestos inspections, KDHE requires the removal be a wet removal, which would increase the cost.

Clerk Peine contacted KDOC about an urgent need grant, however, they said that this situation does not qualify for the urgent need grant. The city can try for the Community Improvement Grant but there would be no funding available until 2014. This is the same grant that the city has applied for three times to demolish the Branson building but has not received funding.

Staff had asked Attorney Tucker if there was any legal recourse in this instance. Tucker advised that there is nothing more than the condemnation process the city currently has on the books, which unfortunately, requires the city to pay for the cost of removing the structure and then try to recoup the expense through special assessment to the property taxes. The city can, however, salvage any materials from the building to help offset the cost of removal. Police Chief Elliott volunteered to take a look at the building and see what might be salvageable.

Regular Meeting  
April 8, 2013 6:30 p.m.  
City of Oswego, Kansas

### **Property in Parsons Deeded to City**

Attorney Tucker reported that the city has been deeded one-half interest in a ½ acre lot in Parsons, by Dr. Liu. The other one-half interest is owned by Dr. Lava. Dr. Liu and Dr. Lava purchased the property together many years ago. Tucker reported that Dr. Lava is willing to purchase the city's interest for \$750.

### **Directional Signs**

At the last Council meeting, the Governing Body asked if the lettering on the signs could be made larger. Clerk Peine presented drawings from the company of alternative sized signs as well as the map of where the signs will be located. After some discussion, Brown made a motion and Owens seconded to have the 38"x32" signs placed at the three #1 locations (along the highway) and at the #2 location (6<sup>th</sup> & Wisconsin), the two-pole sign at location #3 (at Wisconsin & North), and the small signs at the two #4 locations (pointing the way into Kamp Siesta and Riverside Park) and looking at having those two be side mounted signs. The exact locations contingent upon the approval from KDOT for the signs along the highways. Motion carried.

### **INDIVIDUAL REPORTS**

**Owens** – asked about what was in the Housing Committee minutes on purchasing houses? Mayor Fischer said it was looked into but nothing has come of that.

- asked about changes to the Cereal Malt Beverage regulations that Chief Elliott talked about last month. Clerk Peine said they would be included in the new Code Book.

- said that there is a problem with the Water Fund revenue. He said that water usage is up, however the revenue is down. Clerk Peine will take a look at it. She had not had time to review the reports yet.

- stated that he has spoken with Liz at the Library and plans to attend one of their board meetings.

- asked about what the new owner of the hospital had to say in regards to the materials piled up at the site. Mayor Fischer said that he was not able to meet with the new owners. Council feels that the owners should clean up the property. Supt. Allison will take a look at the property.

**Peine** – informed the Council that Biking Across Kansas is coming to Oswego on June 14th for their final night. This event should bring in over 860 cyclists and over 1,000 people over all. There is a meeting to discuss accommodations, food booths, etc. at noon on Wednesday at the Home Place if anyone would like to attend.

- said she will discuss the Safe Routes to School program with the Superintendent of Schools now that she has attended training on the program.

Regular Meeting  
April 8, 2013 6:30 p.m.  
City of Oswego, Kansas

**Mayor** – stated that two orientation dates will be set up for the incoming council members. The first meeting will consist of a tour of the city owned facilities and the second one will include financial information and other orientation information.

**ADJOURN**

Owens made a motion and Rea seconded to adjourn the meeting at 8:48 p.m. Motion carried.

---

Mayor Glenn Fischer

Attest:

---

Deputy City Clerk Carol J. Eddington