

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

Present: Councilmembers Dee Brown, Darren Tynan, Bill Owens, Susan Bringle and Kelly Vance with Jane Rea, Council President, presiding over the meeting.

Absent: Mayor Glenn Fischer

Also present: Police Chief George Elliott, City Clerk Cheri Peine, Deputy City Clerk Carol Eddington, City Attorney Rick Tucker, Rev. Rocco Mallardi and Jan Owens.

OPENING PRAYER AND PLEDGE OF ALLEGIANCE

Rev. Mallardi, Lutheran Church, opened the meeting with a prayer. Councilmember Brown led the Pledge of Allegiance.

Ordinance Amending the CMB Article 3-216 of the City Code – Minor on Premises

“AN ORDINANCE AMENDING CHAPTER 3, ARTICLE 3 OF THE CODE OF THE CITY OF OSWEGO, RELATING TO CEREAL MALT BEVERAGE; MINORS ON PREMISES” was presented. This amends the Code and includes a section allowing minors to be at the beer garden held during the Labette County Fair (as approved by Council at last month’s meeting).

Owens made a motion and Brown seconded to approve the ordinance as presented. Motion carried with Bringle voting no. Clerk assigned it Ordinance #1307.

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

OLD BUSINESS

On-Call Services Contract with SKW

Attorney Tucker expressed his concerns to Shafer, Kline & Warren.

1. In response to his objection to the clause in the contract that requires the city hire an independent consultant (another engineer) if there is a problem, Tucker reported SKW doesn’t feel it is an unreasonable request. Tucker pointed out, however, that it is difficult to get one engineer to say another engineer is wrong. He also said that it is an unnecessary restriction on the contract.
2. The second item Tucker addressed with SKW was the clause wherein the City could not sue (in the case of negligence) for incidental or indirect damages. Tucker told the Council they would not want to limit that. In response to Tucker’s concerns on this, SKW said it is just a contract for GIS mapping, which limits the exposure – that there is no design work involved.
3. The law provides for 60 months in which to bring suit, however, the contract stated 12 months. Tucker reported that SKW did agree to change the time frame in which the city could bring suit to 60 months.
4. The last item discussed with SKW was the limitation on the liability. SKW wants their liability limited to the amount of their contract fee. However, when Tucker told them

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that the city did not want the liability limited to the amount of SKW's fee, they said that since there was no design or construction involved in this project, there was not much chance of a liability issue.

After further discussion, Owens made a motion and Brown seconded to send a letter telling Shafer, Kline & Warren that the city cannot approve the contract as is and see what they say. Motion carried.

NEW BUSINESS

Oswego Professional Building

Chief Elliott asked the Council if they objected to him contacting CJ Wass and find out what it would cost for him to take down the building and whether Wass thinks any part of it can be saved? Clerk Peine noted that a structural engineer could have some ideas on how to save part of the building as well as funding ideas.

Councilmembers reported seeing people standing and sitting outside the building. Elliott said that his fear is that someone is going to get hurt. Peine said that the city has ordered some new cones/barriers to use around the building but they have not come in yet. Peine asked if there would be any salvageable materials of historical value to a salvage company? Elliott said that there would be a little iron and some ceiling lights but that would be about it – that the brick would not be salvageable.

Councilmember Vance entered the meeting at 6:58 p.m.

After further discussion, Council determined to have city staff put information on the Facebook page and request feedback from citizens as to what they would like to see done with the building; asked Clerk Peine to go ahead and prepare a resolution for next month's Council meeting that would begin the condemnation process; gave the go ahead for Chief Elliott to contact Wass.

Tennis Courts

Clerk Peine spoke with Darrel Snyder about the concerns with the tennis courts. He is backlogged but will try to come to look at them in a week or two. The city has paid \$35,000 of the \$42,000 bid for the work.

Security System

Chief Elliott is working on obtaining quotes for a city-wide security system that can be placed at various city buildings and properties and be monitored through the police department. Many city-owned buildings have been the target for vandalism. Elliott said that they have not received any bids yet.

Elliott reported to the Council that the city needs to have a couple of cameras at the airport. When asked if the expense could be part of the grant for the work out at the airport, Peine said it probably could if there was going to be any grant funds left over but she doubted that there would be.

Senior Citizen's Building Roof

Clerk Peine reported that in the original bid, there was an estimate of approximately \$400 if decking needed to be done. There was some decking work that had to be done during the roof repair that cost \$393.50. Elliott said he bid a one layer tear off on the North side but there was a second layer that had to be torn off that was not discovered until the work began. The added layer of tear off cost him \$540. Elliott also said that he made an addition error on his original bid by putting the total as \$486 less than it actually added up to, however, that was his error.

He reported that the dumpster fees that he has not paid for yet, would cost the city around \$350. He asked that the Council consider waiving the dumpster fees and pay for half of the second layer tear off on the north side. Tynan made a motion and Owens seconded to pay him the \$13,199.90 (original bid amount plus the \$393.50 for the decking repair) and waive the dumpster fees. Motion carried.

Clerk Peine asked whether the Council intended for the Senior Citizen's to pay something toward the roof repair since it was not set out explicitly in the motion to fix the roof. Consensus of the Council was that yes, they expected the Senior Citizen's Center to contribute what they could toward the roof repair. Peine said that the Senior Citizen's Center has sent a check to the city in the amount of \$2,500.

Financial Information/ Reports

Regular monthly reports include the revenue reports, Fund Balance, revenue and expense reports for water, sewer, refuse and the golf course, expense report for the general fund, sales tax report, overtime report, vacation report, water reports, building reports and Municipal Court reports.

INDIVIDUAL REPORTS

Vance – there is a house across from the grade school that is all grown up in brush and trees to the point you can barely see it. Clerk Peine will check to see whether a letter has gone out to the property owner yet.

- asked about the contract for the software for water and sewer mapping. Peine explained that the Council still has problems with the way that the contract is worded and she will be contacting SKW again.

Owens – looked for the agenda on the website today but was unable to see it – also did not see any notices on the special meetings on the website.

Bringle – said she received a compliment from someone staying at Kamp Siesta on what a nice, clean little town we have.

- asked whether Clerk Peine had spoken to the auditors about how the Senior Citizens funds were handled? Peine reported that the auditors looked it over and said that everything is fine the way it is. She received an email from them in regards to this.

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Brown – at the house on the northeast corner of 4th & Wisconsin, there is quite a collection of vehicles all over the yard. There is a junk pile at 4 Commercial in the back. Also, the house at 3rd & Wisconsin is holding down the corner of their roof with tires and concrete blocks.

- reported that there have been several dogs running loose in their area recently. Rea reported seeing an increase in dogs running loose as well.

Rea – the vacant house on the west side of Union St. between 1st and 2nd Streets needs to be mowed and the two-story house next to it that is also vacant has a door that is open.

Elliott – wanted the Council to know that during the recent drowning at the dam, he was very busy and made no statements to the media – that no media release, including articles in the newspaper, came from him.

- also said that every time he tries to take vacation, something happens that prevents it. He is requesting a further extension of time to get his vacation hours taken. Bringle made a motion and Owens seconded to extend Elliott's time to have his excess vacation hours used to October 1, 2013. Motion carried.

Peine – reported that the Labette Wellness Committee has received a grant to purchase bike racks and Oswego will receive two of them – one will be placed at the pool and the other at the school.

- the city has not received a contract or a call from Craw Kan. (They attended the Council meeting last month and requested the use of the city's abandoned water lines to run their service lines through to the school – and then to the rest of the city in Phase II. Council asked that they present them with a contract.) Peine said that the Chamber put out a flyer to businesses, inviting them to a luncheon this Wednesday that Craw Kan is providing. Peine said there are a few other companies that may be interested in providing this type of service to the city as well and wondered if the Council would like for her to contact them and ask them to prepare proposals? Council said to go ahead.

ADJOURN

Owens made a motion and Tynan seconded to adjourn the meeting at 7:42 p.m.

Council President, Jane Rea

Attest:

Deputy City Clerk, Carol Eddington