

Regular Meeting
May 9, 2011 6:30 p.m.
City of Oswego, Kansas

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

Also present: City Clerk Cheri Peine, Deputy Clerk Carol Eddington, Superintendent Kevin Frogley, Police Chief George Elliott, Bill Cunningham, Fire Chief Donnie Allison, Attorney Rick Tucker, Bobby Ray, Judy Roberts, Steve McBrien, Phil Jarred and Danny Ross.

OPENING PRAYER

Rev. Steve McBrien, Oswego Assembly of God Church, gave the opening prayer.

OATH OF OFFICE

Clerk Peine administered the Oath of Office to Terry Edwards, who was appointed to fill the unexpired term of Glenn Fischer.

RECOGNITION OF SERVICE

Mayor Fischer presented Bill Owns with a Certificate of Recognition for his 16 years of service on the Planning & Zoning Commission and thanked him for his dedicated service to the City.

PETITIONS AND DELEGATIONS

Phil Jarred, Jarred, Gilmore & Phillips – 2010 Audit Report

Mr. Jarred reviewed their audit report for the Council and answered their questions. He stated that they found the city to be in compliance with the budget and with the Cash Basis Law of the State of Kansas. He noted that the Sewer Utility showed a loss of \$11,000 and that the Library expensed more than it took in (which cannot continue).

The audit and subsequent Management Letter did not identify any deficiency in internal controls. Jarred stated that the Opinion Letter gave a clean opinion of the cities 2010 audit.

Bobby Ray – Request to purchase lot in Hillcrest Addition

Bobby Ray spoke to the Council last month about purchasing the lot to the south of her house in order to make a circle driveway thereby making it easier for her to get in and out of her driveway. Her neighbors parking an unusually high number of vehicles along the street was making it difficult for her to get in and out.

Chief Elliott and his officers have been speaking to the neighbors and no parking signs have been placed along the street. Ray said these measures have helped the parking issue.

Ray is still interested in purchasing land and proposes purchasing just part of the lot if that would make it a more desirable option to the city. It was reported that the lot she is interested in is the only decent lot left to build on. When asked, she did not know how much of the lot she wishes to purchase. Clerk Peine informed the Council that the city received grant money to build on those lots and will have to find out from the State what the city is tied to in accordance to the grant.

The issue was tabled and put on the agenda for next month's regular meeting. Council asked to see a map of the addition at that meeting in order to get a good visual of the area. Supt. Frogley will try to locate the boundary pins before the next Council meeting.

Court Appointed Attorney Fees – Letter from Ed Dosh

Dosh sent a letter to the Mayor and Council requesting the city pay Shane Adamson (an associate in his office) for all expenses he incurs during his representation of the defendants involved in the city's criminal actions (including mileage, postage and copies). Currently, the city pays a flat fee of \$150 with no consideration for expenses.

The last time the city raised the fee for a court-appointed attorney was in 2004. The court assesses the fee to the defendant. Some times it is collected and some times it is not.

Council was reluctant to blindly approve of all expenses without having some idea of the increases they might they be looking at. What are their fees and unit prices for what they will charge the city? Attorney Tucker will ask Dosh about the fees and report back to the Council.

Junk Vehicles on Private Property

Staff is recommending an amendment to the ordinance to add a section that prohibits a property owner or tenant from moving an inoperable vehicle from one location in town to another to avoid complying with the inoperable vehicle regulations.

Attorney Tucker recommends a couple of changes in the wording to make it plain that the amendment refers to moving the vehicle within the city limits and that it is an attempt to avoid prosecution rather than an attempt to comply with the code. Changes will be made and brought back to the Council at the next regular meeting.

Storage Pod Ordinance

The Planning Commission recommended the city pass an ordinance regulating the use of storage pods within the city. It addresses the use, size, placement and permits for the storage units.

After some discussion, it was decided that Clerk Peine will change some wording of the ordinance and bring it back to the Council at the next regular meeting.

Danny Ross – Problem with Speeding on Ohio Street

Ross addressed the Council as a spokesman for the people who live along Ohio Street south of the highway. He said drivers are using that street as a speedway. There are

people walking along the street and children playing along the street causing a potentially dangerous situation. Chief Elliott said he has spoken to the Sherriff and he said he would put a speed trailer just outside the city limits. Ross said the big issue is traffic going out of town. Elliott said he has increased patrols and radar use on Ohio and has spoken to some of the individuals he believes to be the problem.

City Attorney – Update on Turner Case & Tennis Courts

Rea made a motion and Lewis seconded to go into executive session for 10 minutes with the Council, Mayor, Attorney and City Clerk present, to discuss matters that would be deemed privileged in an attorney-client relationship. Motion carried. Executive session began at 7:43 p.m. and ended at 7:53 p.m.

Brown made a motion and Lewis seconded to go into executive session for 5 minutes with the Council, Mayor, Attorney and City Clerk present, to discuss matters that would be deemed privileged in an attorney-client relationship. Motion carried. Executive session began at 7:55 p.m. and ended at 8:00 p.m.

Sewer Issues

Discussion was held on a couple of sewer issues stemming from a sewer project done in the late 1990's. Attorney Tucker advised that the Statute of Limitations has already passed. He noted that the property owner can sue for fraud if something wasn't hooked up that was suppose to be but that suit would have to be filed within a year of discovering the fraud.

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.

The Consent Agenda also included the following appointments:

Planning Commission – Regan Monroe and Susan Bringle are reappointments for 3 years and Billy Gray is an appointment to fill the seat vacated by Bill Owns for a 3 year term.

Airport Board – Bill Minor and John Dickinson are reappointments for 3 years.

Public Building Commission – Sharon Schreppel is a reappointment for 3 years.

Rea asked that a correction be made to the vote on the pool wages increase. The minutes did not reflect that she abstained from voting on the issue (due to the fact that her sons will be working at the pool). Brown made a motion and Rea seconded to approve the Consent Agenda with the correction to the minutes. Motion carried.

Owens asked about the city's policy on using purchase orders and stated he would like to see more proof of receipt of items ordered. Clerk Peine explained the process of purchasing and that sometimes there are not packing slips sent with items. The Department Heads check the bills and if the items have been received, they initial the bill so it can be submitted for payment. If the items have not been received, the bill is put back for the next month. All packing slips and shipping receipts are to be turned in to the Clerk's office.

OLD BUSINESS

Code Enforcement Issues

Robert & Mona Fitzgerald – 612 Illinois

An asbestos inspection may need to be conducted prior to tearing the house down. Clerk Peine will check to make sure one is needed.

Inoperable Vehicles

Vickie Jones has not complied with the inoperable vehicle violation notice. Staff presented Resolution 05-09-11A, entitled "A RESOLUTION AUTHORIZING THE ENFORCING OFFICER TO ABATE THE CONDITIONS CAUSING THE VIOLATION OF CHAPTER 8, ARTICLE 2 OF THE CODE OF THE CITY OF OSWEGO, KANSAS KNOWN AS THE JUNKED MOTOR VEHICLES ON PRIVATE PROPERTY". This resolution allows the property owner 10 days to abate the condition or the city will and charge the costs to the property owner.

Rea made a motion and Brown seconded to approve the Resolution as presented. Motion carried.

Airport Grant Update

Slurry Seal Runway Project

Only one bid was received – Ameriseal of Ohio, Inc. The type of materials specified was developed by FAA. There are only a few companies who provide this type of slurry seal.

The grant amount is for \$135,314.00 with the city's share being 5% of the cost. Rea made a motion and Lewis seconded to accept the grant offer. Motion carried.

Self Serve Fuel System

The State of Kansas has a program that would provide 90% of the cost for installing a self-serve fuel system at General Aviation Airports. There would be revenue from the fuel that could repay the city's portion of the project. Funds from the Capital Improvement Fund could be utilized and then repay it over a period of time (with interest) from fuel sales.

The Airport Board stated, during their meeting, that many private pilots would rather fly into an airport like Oswego to purchase their fuel than going to a more congested airport. Fuel would be utilized by private pilots, air medical operations and military training operations.

The application has been submitted and if any funds become available, the Council must take action on accepting the funding as well as any purchase made possible by the funding process.

Water Projects Update

Phase I – Rural Development (Distribution Repairs)

Four crews are working in various locations within the city. LaForge Construction has hired Lathrop Construction as a sub-contractor to assist with the work. SKW Engineer, Danny Coltrane reports there will be no pay estimate for the May meeting from the contractor.

Phase II – Rural Development (Intake, Streambank and Dam Repairs)

FEMA has asked that the city provide quarterly reports on this project in 2011, and the first one was submitted in April. FEMA has granted an extension on the project until December 31, 2011. If the city needs more time, we may contact Lloyd Arnold with Kansas Emergency Management Association.

Shafer, Kline & Warren hopes to reach substantial completion of this project before year end, weather permitting. Mike Hall with Shafer, Kline & Warren advised that Terracon will be conducting soil borings soon. Mayor Fischer said he would like to be notified when they are here.

A temporary construction easement was needed from Albert Strickland for a work area on the north side of the dam. Attorney Rick Tucker has recently prepared that and Strickland is in the process of getting it signed and notarized.

Sewer Fund Update

Clerk Peine said the revenue lost with the correction camps closing is the main concern. Expenses have also begun to increase. Infiltration into the system causes the lift stations to work harder.

John Haas, with Ranson Financial, has completed his analysis of the sewer rates. He gathered data from city audits, current financials, rate ordinances, budgets and actual expenditures to plug into his rate study program. In the final analysis, his figures predict a loss of over \$25,000 in 2011 if revenues and expenses continue on their current trend. He agrees that the sewer rates need to be increased. Mayor Fischer said he would rather see small increases on a regular basis instead of a large increase. Clerk Peine has tried to get a 3% - 5% increase for the last 3 years. Last year the sewer fund lost \$11,700. The issue of rates will be on next month's agenda.

Housing Update

CDBG Housing Rehabilitation & Demolition Grant

Housing Chair Jane Rea and Clerk Peine met with Susan Galemore, SEK Regional Planning Commission, to discuss changes to the CDBG housing rehabilitation and demolition grant program. Peine has been working on gathering information necessary to

submit the application (due the end of August). The Committee has looked at and defined two target areas for the focus of the grant. Pre-applications have to be submitted.

During the meeting with Galemore, it was discovered that the city could use the water distribution project and street overlay projects as a match with the HOME program. The HOME program is a Kansas Housing Rehabilitation Project grant that the city could also apply for. Pre-applications have to be submitted. The grant application is to be submitted by the end of June. This grant would be at large instead of a targeted area. Brown made a motion and Lewis seconded to proceed with the programs. Motion carried.

Housing Trust Fund Grant

Clerk Peine has inquired about utilizing the housing grant funds in locations outside Hillcrest Addition but has not heard anything back from the Kansas Housing Resource Corporation yet.

Golf Course

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

City Hall, Police & Fire Department Improvements

Architect, Ed Kurtz, came with Terry Hardman, Landmark Engineering, to inspect City Hall on April 28th. After seeing the floor, Kurtz recommended the city hire a structural engineer to assist in determining what work will be required. Rural Development has allowed the city extra time to make any necessary changes to what has already been submitted, once the structural engineer has made his determination. The city has already been approved for a loan/grant for this project. Charles Heath, with Rural Development, recommends that the city complete the application process in order to maintain the funding opportunity. There have been contingencies built into the project cost that may cover some or all of the floor work depending on what the structural engineer advises.

Discussion was held on investigating other options such as moving the Police and Fire Departments to another building. Clerk Peine informed the Governing Body that the grant funds are tied to the city spending \$250,000. She also told them that this project was chosen as one of three projects chosen by the Director of Rural Development, which is a huge plus for this project. Peine will ask Rural Development if the grant/loan could be used for a different building.

Mayor Fischer has been given the name of a structural engineer in Webb City. He charges \$110 per hour. After further discussion, Brown made a motion and Lewis seconded to hire a structural engineer and table any other decisions until they receive the engineer's report and learn what is going on with the building. Motion carried.

Emergency Shelters

Chief Elliott and Clerk Peine will meet with Labette County Emergency Operations Director, Don Sauer, to see what funding opportunities might be available in the construction of an emergency shelter.

NEW BUSINESS

City Property Tour

The city property tour for the Governing Body is set for Wednesday, May 11th at 6:00 p.m.

Labette County Tax Sale

The county has announced that the tax sale will be held June 14, 2011 at 10:00 a.m. at the Courthouse.

Boot Block Request – Project Prom

Lewis made a motion and Owens seconded to approve the request for a boot block for Project Prom. Motion carried with Rea abstaining.

Personnel Policy Waiver Request – Nepotism

With the resignation of one of the police officers, Chief Elliott will hire a couple of reserve officers and one of them he is considering is an immediate family member of one of his full-time officers. The officer is already academy trained, which is definitely a plus. There is a potential for the full-time employee to be the direct supervisor of his family member but since it would not be a permanent situation and would not occur on a daily basis, Elliott is asking that the Council grant an exception for the reserve officer should he decide to hire him. Owens made a motion and Edwards seconded to make the exception. Motion carried.

Filling Swimming Pools from Fire Trucks or Hydrants Policy – Amendment

Fire Chief Allison is requesting the policy be amended to not charge customers for the firemen's time or use of the truck since he uses these as opportunities to train his firemen. They would continue to meter the amount of water used and this would be billed on the customer's utility bill. Tynan made a motion and Lewis seconded to amend the policy as requested. Motion carried.

Large Item Pick-ups

Discussion was held on solutions to one family taking advantage of the city's free Wednesday trash pick-ups. The issue was tabled and will be on the agenda again for next month.

National League of Cities Service Line Warranty Program

This item will be placed on next month's agenda.

Personnel – Annual Reviews (Supt. Frogley and Police Chief Elliott)

Mayor Fischer will have these for Council review next month.

INDIVIDUAL REPORTS

Elliott – will get two patrol cars on Purple Wave to sell.

Lewis – asked about Great Plains Mfg. Lewis made a motion and Rea seconded to go into executive session for 5 minutes with the Mayor, Council and City Clerk, to discuss confidential data relating to the financial affairs or trade secrets of a second party.

Motion carried. Executive session began at 10:15 p.m. and ended at 10:20 p.m.

Fischer – has received a letter from the newspaper office in regards to the building next door to them. More of it has fallen down in the front. The paper office doesn't like the barricades constantly being out front by their building. The city has tried to get a grant twice now to remove the building but to no avail. Plans are to try again. Mayor Fischer said the city needs to clean up the debris on the sidewalk in the front and clean up the area in the back as well.

- since the brush dump is only open one morning a month, it makes it difficult for people to get rid of their brush. Mayor Fischer wants city crews to open the brush dump for contractors when they have a load to dump. Supt. Frogley said they do that already when someone calls in or goes to the city office and requests to be able to get in.

ADJOURNMENT

Brown made a motion and Rea seconded to adjourn the meeting at 10:30 p.m. Motion carried.

Mayor Glenn Fischer

Attest:

Deputy City Clerk Carol Eddington