

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

Absent: Councilmember Dee Brown

Also present: Rod Monroe, Bill Cunningham, Mark LaTurner, Bret Middleswart, Rob Robison, Chris Westervelt, Wyman Westervelt, James Heimgartner, Mary Nelson, Phil Blair, 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**

Rod Monroe gave the opening prayer and Councilman Lewis led the Pledge of Allegiance.

### **PUBLIC HEARING – Neighborhood Revitalization Plan Amendment**

Mayor Fischer opened the public hearing at 6:30 p.m.

### **PETITIONS AND DELEGATIONS**

#### **Correctional Facility**

Phil Blair asked to say a few words about the correctional camps re-opening. He wanted to remind everyone that former Mayor Tom Bringle is the one that needs to be thanked for his vision of the correctional facilities being located in Oswego in the first place and that the city would not have been in the running to get this facility now if not for Bringle and the Task Force members who worked diligently towards the facility re-opening. He wanted to publicly thank Jacob LaTurner, candidate for the Senate, who facilitated and cut through red tape in order for Oswego to get an appointment with the Kansas Secretary of Corrections.

James Heimgartner, Warden at the El Dorado Correctional Facility, introduced himself and Deputy Warden, Mary Nelson. Nelson will be at the Oswego facility full-time. Heimgartner, has been with El Dorado for 21 years and Nelson has had 26 years of experience. Heimgartner said that public safety is their mission and that their main focus is that the right inmates are in the right beds. Most of the inmates will be released some day so they also focus on re-entry into society.

They plan to open the camp (that used to be the women's facility) in November and open the other facility during the first week in January. The inmates will be termed geriatric inmates (mostly assisted living type inmates). The facilities will employ 55 ½ staff, 4 food service people and 13 medical staff. Rod Monroe asked about training for volunteers and Heimgartner said there will be training for volunteers on site. Nelson said they will work with the volunteers to offer the training at times in which they can attend.

Mayor Fischer called for a short break so the Governing Body could introduce themselves to the Warden and Deputy Warden.

### **Tennis Courts**

Owens made a motion and Tynan seconded to go into executive session for 10 minutes for consultation with an attorney, on matters deemed privileged in an attorney-client relationship, with the Mayor, Council, City Attorney, City Clerk and City Superintendent. Motion carried. Executive Session began at 6:53 p.m. and ended at 7:03 p.m.

### **Public Hearing – Neighborhood Revitalization**

There still being no one in attendance to discuss the changes to the Neighborhood Revitalization Plan, Mayor Fischer closed the Public Hearing at 7:04 p.m.

“AN ORDINANCE AMENDING THE 2009 NEIGHBORHOOD REVITALIZATION PLAN AND DESIGNATING A NEIGHBORHOOD REVITALIZATION AREA” was presented. Rea made a motion and Edwards seconded to approve the ordinance. Motion carried. Clerk assigned it Ordinance #1293.

### **Mowing Assessment Ordinance**

Clerk Peine presented an ordinance entitled “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 JULY 24, 2012”. Rea made a motion and Lewis seconded to approve the ordinance as presented. Motion carried. Clerk assigned it Ordinance # 1294.

### **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.

Owens had questions about the discussion that was held on the airport and surrounding property owners during the September 12th special meeting but could not find the minutes for that meeting in the packet. After checking on it Clerk Peine said she had missed getting them typed up from her notes. Owens asked where the land acquisition issue at the airport stood and Mayor Fischer said there has been no discussion on the matter since the meeting. Owens noted there were people in attendance of this meeting that were here in regards to the issue. Mayor Fischer said it was not on the agenda for this meeting.

After staff answered questions from Councilmember Owens on various expenses and revenues, Rea made a motion and Tynan seconded to approve the Consent Agenda. Motion carried.

## **OLD BUSINESS**

### **Nuisance Abatements**

#### Environmental/Junk Letter – Wertz @ 112 6<sup>th</sup> St.

The initial court hearing was September 18<sup>th</sup>. A not guilty plea was submitted and a trial will be held during the October 16<sup>th</sup> Municipal Court.

#### Weed Letters

Recent rains have caused the grass to begin growing again and the city has had to send out another batch of mowing letters as well as continuing to mow properties that were notified earlier in the year.

### **Dangerous Structures**

Clerk Peine reported that the four dangerous structures written up resulted in the removal of one of them by the city and the other three by the property owners. All costs related to the condemnations will be charged against the properties.

### **Inoperable Vehicles**

Supt. Allison and Officer Clifford Davis will be working on identifying inoperable vehicles in the community. Courtesy letters will be sent out asking property owners to address the issues within a reasonable time frame. Violation letters would be submitted to the Council if any remain after the determined amount of time.

### **Airport Project**

Supt. Allison reported that city crews will begin working at the airport – concrete work, putting up the fence, some electrical work, etc. in preparation for setting the fuel system.

### **Water Project Update**

Supt. Allison said that the contractors will probably be done by the end of this week. Mayor Fischer instructed all present to report anyone still having issues with the clean up job to let the Clerk's office know so that they can get it documented. Allison said the contractor plans to go to the Clerk's office and make sure he has taken care of all on the final list of complaints before leaving town.

### **Drought - Water Warning**

Clerk Peine reported that the Kansas Water office recently notified all cities along the Neosho Cottonwood Water Assurance District that the water warning is still in effect and that it is imperative the city keep communicating this with citizens so they will conserve water. Peine said that the city's water consumption did drop for the month of September so people are beginning to conserve. She said staff has already made updates to the city's website and plan to post information on the city's Facebook page.

The Neosho Cottonwood Water Assurance District will hold their annual meeting Thursday, October 18<sup>th</sup>, in Iola. Representatives from the Kansas Water Office will be at the meeting to discuss the drought issue with all members in attendance. Mayor Fischer will attend the meeting and asked for other concerned individuals to attend as well.

**Housing**  
**HOME**

The work for the first set of homes has been completed. Upon announcement of the CDBG grant award, the city will begin the process for the next round of HOME rehabilitation projects.

**CDBG**

Clerk Peine reported that the city was notified that Oswego has been selected for a site visit on our CDBG application. CDBG representatives will be in Oswego on November 1<sup>st</sup> to review the city's proposed project. Mayor Fischer expressed thanks to the Housing Committee for their hard work.

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

At the October 1<sup>st</sup> meeting, the Planning Commission recommended rezoning of the Diamond Addition property to allow for housing development. There is a 14 day protest period from the date of the hearing before Council can take any action on the recommendation. The last day to protest is the 14<sup>th</sup>. A special Council meeting was set for October 15<sup>th</sup> at 5:30 p.m. to discuss the rezoning issue.

Clerk Peine reported that the Planning Commission will meet on October 8<sup>th</sup> to take action on the final plat so depending upon their recommendation, the Council could take action on that as well at the special meeting.

Peine also reported that the amendment to the Neighborhood Revitalization Plan has been approved by the Oswego Cemetery Board and the School Board. Mark LaTurner, Superintendent of Schools, said that the School Board was very positive and very supportive of the plan. The County Commissioners will consider the plan at their October 15<sup>th</sup> meeting and LCC will consider the plan at their October 11<sup>th</sup> meeting.

Approval of the final plat and the restrictions of the Diamond Addition will need to be done after the rezoning of the property. The Restrictions for the Addition are the same as the Hillcrest Addition Restrictions. Councilmember Owens questioned the wording in the first sentence of the restrictions and Attorney Rick Tucker will take a look at it before Monday to see if there are any changes that need to be made.

**Golf Course**

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

Mayor Fischer called for a 5 minute break.

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

LaForge & Budd started work on the floor in the Council Room on October 4<sup>th</sup> and they are now finished. Soil samples were taken before the rock, rebar and concrete work was

done. Most of the Council was able to take a look at the floor when it was torn up. Mayor Fischer reported that there were no surprises uncovered and it looks like the engineers were correct in saying that the slab had shifted due to the drainage problem over the years.

The Mayor asked about moving forward with the rehab project now that it looks like there will be no unexpected expense with the floor (barring any unforeseen issue with the soil sample). Owens asked about the financing for this project (and others). Clerk Peine said the money has been budgeted for rehab payments as well as funds have been set aside for the past few years for building rehab projects. Peine will submit the funding information to the Council again at the October 15<sup>th</sup> special meeting.

### *Professional Building*

Discussion was held on the condition of the Professional Building downtown. It is in a state of dilapidation. When asked about the city's liability. Attorney Tucker said the city was not liable for not enforcing the codes. However, if the city should begin condemnation or any work on the building, that would open the door for potential liability on the part of the city. When asked, Tucker said that just blocking off the sidewalk would not increase the city's liability. As it is now, the liability falls onto the property owner. The property owner is in California and has yet to respond to the letter sent to him by Clerk Peine. Council asked that she re-send the letter certified.

### **Swimming Pool**

Supt. Allison said that Jeff Bartley has recommended 12 core samples be taken from various locations at the pool – 6 from the pool floor and 6 from along the wall. There were two quotes received for this work: Terracon - \$1,895 and Anderson - \$1,985.

Allison recommended doing the core samples in order to figure out what is going on under and around the pool before any further work can be determined. Lewis made a motion and Rea seconded to approve the bid from Terracon to perform the core samples. Motion carried.

The Historical Grant application is due November 1<sup>st</sup>. Tapanna Ondrick Structural Engineers said they would supply the city with information on the cost of the roof repair and tuck and point on the bath house for \$1,500. Clerk Peine said she had previously received information on the cost of performing the tuck and point work on the bath house but not on the roof repairs. Councilmember Rea will make a contact and see if she can get someone to supply the city with information on the scope of work for the roof and an estimate on what it would cost.

### **NEW BUSINESS**

#### **KS Dept. of Labor – Safety Inspection Report**

The KDOL safety inspection was conducted on September 18<sup>th</sup> and a copy of the follow-up letter with items identified as potential hazards was included in the Council packet.

Some of the items have already been addressed and Supt. Allison's crews will complete the remaining items within the required time frame.

### **League of Kansas Municipalities 2012 Regional Suppers**

The League holds these meetings to discuss, with city officials, the upcoming Legislative session that will highlight LKM's 2013 Legislative priorities. The regional supper for our area will be held in Neodesha on November 7<sup>th</sup>. Clerk Peine asked that anyone wishing to go to the supper, please let her know. Mayor Fischer indicated he would attend.

### **Community Events in Parks and Public Spaces**

Clerk Peine said there have been several unusual requests lately from the public for use of the city's park (a funeral, a large fund raising event, etc.) that would require blocking off areas of the park and or closing the park. The Council needs to determine what their position is in answer to these requests and whether some regulations might be in order, especially when considering closing the park to the public as well as considering the cost of city staff resources. Mayor Fischer asked for a couple of volunteers to serve on a committee to consider the various issues brought about by allowing such events. The Mayor appointed Councilmembers Owens and Tynan to serve on the committee.

### **Joint Meeting with the School Board**

The Mayor read off a list of ideas for discussion during the meeting and asked Clerk Peine to send this list out to the Council for them to think about as well as any other items they feel should be discussed. Supt. LaTurner had told Mayor Fischer that Monday nights work well for them. Clerk Peine will send out possible meeting dates to the Council to see what works for everyone.

### **INDIVIDUAL REPORTS**

**Owens** – asked if the Fire Dept. just covered the area inside the city. Fire Chief Allison said no, that the department has mutual aid agreements with surrounding townships. The townships pay the city for fire protection – the amount they pay is based upon their valuation. Three mils for the territory covered within the four townships.

**Allison** – reported that there are a couple of items at Wes Overman's Estate sale that he would like permission to bid on for the city. Consensus of the Council was to allow him to do so.

- reported that John Tucker will be retiring from the water plant as of October 31<sup>st</sup>. John has worked at the water plant for the past 42 years. Allison said that Tucker does not want any kind of a reception held for him but that he would attend the November Council meeting. Allison said that he has hired Mark Stapleton to work at the water plant.

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

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**ADJOURN**

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

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Mayor Glenn Fischer

Attest:

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Deputy City Clerk Carol J. Eddington