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## **CITY OF OSAWATOMIE**

### **CITY MANAGER'S REPORT**

February 12, 2009

#### **2008 STREET PROJECT:**

We have received a final change order, certificate of substantial completion, and a pay estimate for the 2008 street projects in the amount of: \$38,326.19. The change order is in the amount of: \$10,847.97 and reflects increases due to the need to extend the projects slightly on Brown to more closely match existing profiles on Brown, with the new street. In this pay estimate however, is also a request to be paid for temporary surfacing in the amount of \$1,850 and final seeding in the amount of \$3,500. The city (in the absence of Miller Paving) had to put approximately 40 tons of rock on the street and we have requested that rock be replaced by Miller Paving. Permanent seeding has not been accomplished as of yet either so we are also recommending that the council withhold payment for this item as well. Retainage will remain in the amount of \$17,395 until joint sealing is finished. A motion to approve the pay estimate with the reductions for permanent seeding and temporary surfacing should be made – the approved pay amount should be: \$32,976.19.

#### **2007 STREET PROJECT:**

We have also received a final change order, certificate of substantial completion, and a pay estimate for the 2007 project. The final change order is in the amount of: \$158,423.09. Most of this is due to increases in the price of asphalt and a couple of areas where the estimated plan quantities were not correct. A list detailing the areas of change is included in the council packet. The contractor has requested a reduction in retainage to: \$7,377.72. This amount is supposed to cover joint sealing and corrections to the damaged sidewalks, which total 1,505 lf in length. This pay estimate (#6) is in the amount of: \$153,213.38. Our engineer, Brian Kingsley will be present to answer any questions you may have about both street projects.

#### **OSAWATOMIE COMPLETE COUNT COMMITTEE:**

Included in this packet is a booklet on the formation and responsibilities of a complete count committee for the 2010 Census. I would strongly recommend following this guideline as it has proven to aid in the response rate to the census. Osawatomie's response rate to the 2000 census was 64%. The list of activities for a local government complete count committee begins on page 11. The structure of the complete count committee is on page 16. A representative is recommended to be on this committee from each of the following: city government, school district, religious community, the media, community organizations and business.

**UPDATE TO OSAWATOMIE COMPREHENSIVE PLAN:**

Data continues to be gathered and compiled for our comprehensive plan update. Interviews with various stakeholders as identified by the consultant have been set up and are taking place currently. At least one public meeting will need to take place and we hope to have that scheduled in the near future.

**SCHEDULE FOR LEVEE CERTIFICATION STUDY PHASE 1:**

Wilson & Co. continues to work towards completing the Phase I study for levee certification. We are doubtful that a final report from Phase 1 can be submitted to the council and representatives present at the council meeting on March 12, 2009 but as soon as one is available, they will attend a council meeting to answer any questions the council may have regarding the process, and what work remains in order to become compliant with 44 CFR 65.10 et seq. (levee certification statutes). Phase 2 will need to be performed under a separate contract and the cost will be determined on how much work needs to be done.

**ADDITIONAL RAW WATER TESTING REQUIREMENTS:**

Under the Long Term 2 Enhanced Surface Water Treatment Rule (LT2), cities across the nation are required to test for E. Coli. Osawatomie has been testing for E. Coli and most samples have come back with a reading of 0 E. Coli/100 mL in the raw water. There is a second stage of testing that can be required if a water system exceeds the 50 E.Coli/100 mL standard set by the EPA. This 50 E.Coli/100 mL standard is not the maximum allowable concentration level, simply a level set to determine if a system will need to perform a second round of tests for Cryptosporidium (Crypto). The last sample that was taken at the intake was after a significant rain and the reading on this level has pushed Osawatomie over the 50 E.Coli/100 mL level. We are now required to test, beginning in 2010, for Crypto. This is an expensive test \$450-\$500 per test and we can either take 24 tests in a year, or split it up over 2 years (total cost of this requirement to the City of Osawatomie will be approximately \$12,000). I only bring this up to keep the council informed of the ever changing requirements in this field. It is unlikely that many jurisdictions will fail to meet the thresholds for crypto, but those that do are looking at some fairly significant changes to their treatment processes. Keep in mind that all of these tests are conducted on RAW WATER, and not treated water. I do not want anyone to get the wrong impression that there is E. Coli or Cryptosporidium in the city's drinking water. The city's treatment process eliminates these bacteria from the water.

**WOODLAND HILLS PAY REQUEST:**

The sixth pay request for the infrastructure at Woodland Hills has been received. The amount of this pay request for both the onsite and offsite infrastructure work is: \$50,305.26. Work continues to be performed on the framing and trusses as well as underlayment for the roofs. Bricks and shingles have been delivered and it is anticipated that by the time the council meets on the 12<sup>th</sup>, water meters will have been installed. I recommend approving the pay request.

**CLOSURE OF OSAWATOMIE CORRECTIONAL FACILITY:**

At the last economic development committee meeting, we discussed the continued planned closing of OCF. Since that meeting, I have drafted a second letter, this time directed to our elected officials. That letter has been shared as a template with the county, Paola, and members

of the economic development committee to also send letters of support to keep the facility open. Essentially the letter states that when taking into account the amount of money in the OCF budget dedicated to personnel and the fact that no personnel are going to be cut and comparing it to the amount of money OSH would have spend to have that work done by other individuals/parties, the net savings to the State of Kansas is ZERO.

You will remember that the first letter was sent to Governor Kathleen Sebelius and State Budget Director Duane Goossen stating our area's concerns and asking for reconsideration of the closure, but as of this date, only one planned closure has been halted; the unit at El Dorado. All other planned closures are moving forward. One or two closings have already taken place and by July 1, 2009, absent success in Topeka, all other facilities that were originally planned to be closed will close. A copy of either of these letters is available upon request. As of January 26, the proposed closure date for the facility has been moved up to February 6.

**UPDATE ON NORTHLAND SEWER:**

At the time of this writing, we have received a proposal to construct the forcemain to the Northland. Our engineers are reviewing the proposal with USDA Rural Development to ensure its accuracy, completeness and adequacy. Once this process is complete, it is likely that the change order will be approved, pending authorization being issued by the City Council.

**FINAL PLAT OF ECKAN ESTATES:**

ECKAN has submitted a plat which has been properly surveyed by Allendbrand-Drews and approved by the County Surveyor, Dick Weiss. The name of the plat is ECKAN ESTATES. A public hearing and approval process was needed to divide the property on 3<sup>rd</sup> street. The purpose for the public hearing and platting process is a formality in that they wish to split one large parcel into three smaller ones. The city's zoning and subdivision regulations only permit a lot split to be approved without this process. The public hearing was held on January 27, 2009 and the Planning Commission unanimously recommended approval of the plat. These properties were flooded in 2007 and at this point in time, are under contract to 2 other parties. Prior to the sale of these properties being finalized however, the land must be split. The lots as they are proposed on the plat conform to the city's zoning regulations in terms of length, width, and square footage. However, the setbacks are not conforming to the minimum side yard setback requirements. Given the fact that these properties are already in place, there is nothing that can be done to make them conform, short of demolition. Staff recommends approval of the plat.

**GOVERNOR'S PROPOSED CUTS TO CITY AND MEASURES TAKEN TO ABSORB:**

During the Governor's State of the State Address, she proposed cutting/eliminating a small portion of the City/County Highway Fund monies paid to cities. This cut would cost the City of Osawatomie approximately \$9,000. She has also proposed cutting liquor tax payments which will cost the city approximately \$6,000. Lastly, she has proposed cutting the slider payment on machinery and equipment which was implemented as a result of the elimination of property tax on business machinery and equipment. This payment to the city could be (over the course of its 10 year life) between \$2,000 and \$5,000 per year.

I have met with the Department Heads and while these changes haven't been made official by action of the legislature, we are proceeding as if they will take effect. All employees are being

asked to take in lieu of cash payment for overtime worked, compensatory time off. In 2008, the city paid approximately \$125,000 in overtime. The largest portion of this expense was in the police department, as a result of officers being stationed overseas and a couple of serious cases which required additional staff time to address. We are hopeful that with the return of these officers, and the addition of a new officer, this issue will take care of itself. However, we are still proceeding with the mindset that it will still be an issue. Additionally, we continue to evaluate items in the Capital Improvement Plan and reprioritizing our needs to ensure that infrastructure and equipment are maintained and replaced respectively, we are putting resources in areas that are in the most need.

**2009 CAPITAL IMPROVEMENTS PROGRAM:**

I met with Department Heads on Friday January 23 to review the 209 budgeted capital improvements from various funds of the city, including the CIP Fund. Included in this packet is a list of the recommended CIP expenditures, the source of the funds for those expenditures, as well as the estimated cost. Total CIP investment this year sits at: \$340,500. Of this amount, \$130,000 was estimated for the new basket truck. The actual cost to the city was just under \$110,000. We received a bid of \$5,750 from a local individual to purchase our retired small basket truck. This leaves \$210,500 remaining. From the CIP Fund, we are requesting two mowers – one to replace the cemetery mower and one to replace two parks/rec mowers. The third and final piece of equipment from the CIP is to replace the sewer machine. The sewer machine is 19 years old. The pump has been replaced twice, most recently right before I arrived. The motor itself is losing horsepower. The hours gauge has been broken for a number of years and there is no way of knowing how many hours remain on the machine. If the council approves, the existing machine will be traded in towards the purchase of the new machine, but we don't anticipate receiving a very large credit for it. There are limited manufacturers of this type of equipment so an authorization to deviate from the purchasing policy is also requested.

I am also requesting simple motions from the council to authorize us to award bids on the cemetery mower (Kubota 72" deck, ZTR, industrial strength) and the truck (described in the following paragraph). Cemetery mower bids have been received and they are as follows:

McConnell Machinery Co. Base Price = \$13,150 – less trade in of \$5,000 – net: \$8,150.  
(Ottawa)

Coleman Equipment Inc. Base Price = \$13,100 – less trade in of \$8,600 – net: \$8,600.  
(Bonner Springs)

Louisburg Tractor Boyz Base Price = \$12,220 – less trade in of \$4,000 – net: \$8,220.  
(Louisburg)

Staff recommends awarding the bid to McConnell Machinery Co. from Ottawa.

From the Street Improvement Fund, we are requesting to replace the 1992 mechanics truck. The existing truck is a lighter duty truck and our plan is to replace it with a heavy duty truck capable of carrying a salt spreader and snow plow to assist with clearing streets during the winter. The existing mechanics truck will be passed down to the parks/rec department and the parks/rec truck

will need to be sold. We have received bids from the Dodge dealership in Paola, Lang Chevrolet (in North Osawatomie) and Beckman Ford in Garnett. The prices we've received are as follows:

Ford (Beckman – Garnett):	Dodge (Paola):	Chevrolet (Lang):
¾ ton - \$22,935	¾ ton – \$27,226	¾ ton - \$24,899
1 ton - \$21,684	1 ton --\$33,226	1 ton - \$26,498.73

The budget for this item was \$29,500. The only notes that need to be made is Lang's prices were only good until February 2 and in addition to their prices, Lang indicated that they would also put \$1,000 towards any enhancements we may need to have done to the truck. Staff recommends awarding the bid to Beckman Ford for the 1 ton truck with plow capabilities.

From the Water Fund we will be making miscellaneous repairs to the water department, not to exceed the \$10,000 budget in the fund for this year. Depending on funding availability, we are requesting authority to begin replacing the water main on Main Street from 12<sup>th</sup> to 18<sup>th</sup> street. Estimated cost for this project is \$50,000.

From the Sewer Fund, we will again be performing overdue maintenance to the blowers, digesters, and membranes as well as covering the UV System to protect it from the weather. Total cost is not to exceed \$20,000.

Lastly, from the Public Safety Fund, we are requesting authority to replace patrol unit #4. It has approximately 175,000 miles on the frame/chassis. Since I've been here, I don't believe a month has gone by where it hasn't been in the shop for one reason or another. In my first year, we also replaced the motor to get a couple more years out of it (and we have). This car was originally purchased as a surplus highway patrol vehicle.

I've also attached our current CIP Plan for years 2009 – 2014. In the next couple of months, I will be meeting with department heads again to review these listed projects and develop the 2010-2015 CIP Plan. Once that plan is complete, I will bring it to the council for your review and consideration.

#### **REPORTS OF ACTIVITIES FOR THE DEPARTMENT OF PUBLIC SAFETY:**

Included in this council packet are annual reports of activities for the Osawatomie Police and Fire departments. Should you have any questions, please feel free to contact me.

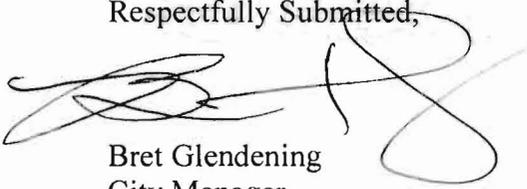
#### **REPORT ON NUISANCE ENFORCEMENT ACTIVITY:**

Our new, part time nuisance officer, Angela Pueser began enforcing the nuisance codes on November 26, 2008. Since that time, the following activities have taken place: between the dates of November 26, 2008 and December 31, 2008, 116 annual nuisance notice letters were delivered. Out of the 116 notices, 87 nuisance violations were corrected without further action, 4 tickets were written, and 25 were pending and carried over into January 2009. Out of the 25 cases, rolled over into the 2009 year, 15 of the issues have been resolved. There are 10 pending, with 6 of those in an agreement, and 4 in the courts. As of January 31, 2009, 21 annual nuisance notices have been delivered with 10 of those resolved. Eleven are in pending status with 2 tickets written, and 4 tickets expected to be written in the first week of February.

**ORDINANCE ADOPTING THE 2006 INTERNATIONAL MECHANICAL CODE:**

Terry Anderson, our new building inspector brought up an interesting item regarding the adoption of the 2006 building codes. In late 2006 and early 2007, when those codes were being considered, it was not caught by anyone (but most importantly, it was not caught by myself) that we had adopted various changes to the 2006 International Mechanical Code, but had not, in Section 1 of Ordinance 3622 formally adopted the code itself. This doesn't change anything as there are enforceable provisions of this code in the 2006 IRC and 2006 IBC. However, the code itself does still need to be adopted. An ordinance correcting this oversight is included for your review and consideration.

Respectfully Submitted,



Bret Glendening  
City Manager