



CITY OF OSAWATOMIE
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P.O. Box 37
Osawatomie, Kansas 66064
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CITY OF OSAWATOMIE

CITY MANAGER'S REPORT

August 13, 2009

OSAWATOMIE COMPLETE COUNT COMMITTEE:

The Complete Count Committee met again on July 28, 2009 to appoint sub-committee chairs and delegate various ways to communicate to citizens in Osawatomie the importance of ensuring everyone in the community is counted in the 2010 Census. Each subcommittee will be responsible for providing information to each of their subgroups and working to make sure their surveys are returned to the Census Bureau.

UPDATE TO OSAWATOMIE COMPREHENSIVE PLAN:

I have spoke with Diane Binkley of Ochsner, Hare & Hare (OHH), regarding the update to the comprehensive plan. You will remember, that we received assistance from the Mid-America Regional Council (MARC) with a planning intern to gather all of the required information and do a lot of the "leg work" so we could save significant dollars on the professional review fees with OHH. No interns are available from MARC for the current year, which leaves us in a position of holding out completion of the comprehensive plan until additional resources are available to assist in the cost or contracting with OHH to complete the plan. I have received a proposal from OHH and the cost to complete the plan at this time is: \$18,607. Absent any opportunity to significantly reduce the fee, it is my recommendation to hold off on this process until we dispose of some other, more pressing issues (i.e. levee certification).

UNION CONTRACT NEGOTIATIONS FOR 2010:

I have scheduled a meeting with the union to try again and arrive at some middle ground regarding the ongoing contract negotiations for the 2010 union contract. This meeting is tentatively scheduled for August 21. I will update the council at the August 27th work session on our progress.

SCHEDULE FOR LEVEE CERTIFICATION STUDY PHASE II:

The contract for services for Phase II of levee certification has been signed by all parties and I expect work to begin shortly and be ongoing throughout the course of the next year. Absent any major findings or developments, this will be the only communication I make regarding this process to the council for some time.

WOODLAND HILLS PAY REQUEST:

Woodland Hills is complete and accepting applications for tenants. On July 30, 2009 the Governor, Mark Parkinson and Deputy Secretary of the US Treasury and many other local

elected officials were on hand for the formal ribbon cutting and open house. By all accounts, the event was very successful and we received multiple compliments on the facility. As you are probably all aware by now, Woodland Hills was the first housing project completed in the nation, which utilized ARRA (stimulus) funds.

UPDATE ON NORTHLAND SEWER:

The change order has been approved by Rural Development to extend sewer to the northland. Construction is currently underway.

2010 BUDGET:

Work on the 2010 budget is complete. The council has discussed in some previous, recent meetings various cost saving measures. We have implemented many of those items that were discussed and continue to work towards implementing more as opportunities present themselves. Additionally, a final draft copy of the official state form of the 2010 budget will be brought to the August 13, 2009 council meeting for your review during and after the public hearing. As the budget currently stands, we are down approximately 2.3% on our assessed valuation which equates to approximately \$31,000 in property taxes. In order to hold the line on our mill levy, I have had to eliminate the increase in the fund balance to the general fund from 10% (the goal for the 2010 year). We will be able to hold the general fund balance at 5% of expenditures (or approximately \$110,000). Additionally, a small increase in the transfer from the electric fund to the general fund will have to take place as well. Should you have any questions, please do not hesitate to ask.

BID ON WATER TOWER MAINTENANCE SERVICES:

Earlier this year, city staff sent out an RFP for water tower maintenance services. These bids were due back by July 1, 2009. Proposals were sent out to seven firms and these firms were found through consultation with the Kansas Municipal Utilities organization as well as staff research. Three bids were received from the following firms and their proposed prices (prices quoted are for both towers):

Preferred Tank and Tower (Evansville, IN): \$12,500/year, price is locked in for 10 years;
Pittsburg Tank & Tower (Henderson, KY): \$24,708/year, price is subject to increase;
Maguire Iron, In. (Sioux Falls, SD): \$29,644.50/year, price is subject to increase;

Our current provider of this service is Utility Service Company, Inc. Their headquarters is located in Perry, GA but they have a field office in the Kansas City area. They currently charge us: \$12,925.84 for both tanks to be inspected and serviced. Their current service meets the conditions set forth in the RFP that was issued this past spring. Utility Service Co., has serviced our towers for many years. Some companies will price their services differently. Utility Service Co., spreads out the cost of repainting/repair work over the life of the contract while other companies (as is the case with Maguire Iron) will price the repainting/repair work separately. In reviewing the bids that were received, I believe there are some minor discrepancies from the proposals to what was requested. Our low bidder's contract did not include in their contract, language specifying that an annual inspection will take place. Additionally, I have approached our current provider and asked them to at least match our low bid, which they have responded to favorably. We will be getting an addendum to our current contract which will reflect an annual

price of \$12,200. I would ask the council to authorize me to sign the addendum and keep our current service agreement with Utility Service Co. Inc.

CDBG GRANT FOR LIBRARY EXPANSION:

An additional grant has been obtained from the ARRA (stimulus) bill. The Osawatomie Public Library received \$400,000 to install an elevator and make some modifications to the front of the building. Construction documents will need to be submitted and construction will need to begin in fairly short order. On the agenda for this meeting is the approval of the design contract with Hans Fischer who the Library Board has been working with throughout the conceptual development phases. The total cost of the contract is \$43,000 which will be paid for through monies already saved in reserve from the Library and which have since (as of July 1, 2009) been transferred to the City of Osawatomie for this purpose. I recommend approval of the contract so the architect can begin design on August 14, 2009.

UPDATE ON STIMULUS FUNDED STREET PROJECTS:

The 8th Street mill and overlay will begin as soon as all of the necessary contractual documents have been completed by KDOT, the city, and our engineer, which are close to completion. A notice to proceed will be issued as soon as all of the documents are in place and construction is expected to take no longer than a couple of weeks. The streetscape plans have been submitted to KDOT for approval. Some of the environmental review has already begun. We are still looking for advertising for bids in August, with a letting in September, and likely notice to proceed in October. It is expected, barring any unforeseen delays or weather related issues that each side of the street will take approximately 4 to 5 weeks to complete. Once the major construction is complete, it is likely that the finishing touches (landscaping, benches, etc.) will be installed in the spring. Additionally, in preparation for the temporary loss of parking on Main St. during the streetscape project, we are planning on resurfacing and re-striping the city parking lots located on Main St. across from City Hall, and on 5th Street, adjacent to the post office.

PACIFIC/14TH/BROWN STREET PLANS:

We are almost completely finished with the street plans for Pacific Ave. from 12th to 14th, 14th Street from Pacific to Main, and Brown Ave. from 14th to 18th. Once these are complete, we will begin the search for grant dollars to finance as much of the project as possible, but it is doubtful that the entire project can be paid for through grant monies. I have evaluated our current outstanding debt and with the retirement of two issues (one in 2009 and one in 2010) I believe that we will be able to finance some portion of this street project with general obligation bonds. Once we get the final plans complete, we will evaluate the estimated costs of the entire project and be able to identify more definitively, what the city's share of this project would be. At that time, the council will be able to authorize (or not) the city's application for grant funding and provided that grant application is successful, we will also have an opportunity to evaluate whether or not we should move forward with the project depending on how much grant dollars are awarded (if any).

PUBLIC HEARING ON REZONE OF WEIR AUTO PARTS:

The Osawatomie Planning Commission held a public hearing on August 5, 2009 to consider rezoning Weir's Auto Parts from R-1 Single Family Residential to C-3, Highway Commercial. Police Chief Stiles and I reviewed extensively, various portions of the city's code and zoning

regulations prior to my recommendation to the Planning Commission that the rezoning application be approved. I provided the Planning Commission with a memo detailing all of the applicable portions of our code that addressed the concerns I had with regard to the parking of wrecked vehicles on city provided parking and I am comfortable that our code provides the police department with adequate authority to ensure the property does not become a nuisance or detract from surrounding historic buildings (the Old Stone Church) or neighboring residential properties. A copy of that memo is attached to this City Manager's Report for your review. The Osawatometie Planning Commission recommended unanimously, the approval of the rezoning application.

TELEPHONE FRANCHISE CHANGES:

I have begun the discussion of changing the telephone franchise agreement with Embarq and moving the compensation equation from 5% of gross receipts to a per line, flat dollar amount. I will look at what other cities are charging on this basis and come up with a mutually acceptable per line fee. The current telephone franchise is codified in Ordinance 3440, adopted on October 9, 1997.

CITIZEN REQUEST TO BAN SMOKING AT RECREATION COMPLEX:

I had a citizen request that the council consider banning smoking at the recreation complex. I advised the citizen that they could come make that request during public comment or contact their council member(s). I am unsure if that individual has done so or not, but if this is something the council would like to consider, let me know and I will work on drafting a change to our city code. There will likely be several amendments to the city code forthcoming, so working one more change into the list would not be that difficult.

FINAL CONSIDERATION OF PROPOSED RESIDENCY REQUIREMENT:

After the last discussion the council had regarding the proposed residency requirement, I modified the language to clarify that once residency is established, it shall be maintained by all city department heads and any other employee that may be required to reside within the city. I believe the way the discussion was left was that we would leave the policy alone and on a trial basis, through authority already afforded me in the existing policy, require all new hires to establish residency. While I agree with this approach, I believe it is still important to require by policy, that all department heads reside within the city. I would encourage adoption of the policy as it is presented in the draft resolution in this council packet.

Respectfully Submitted,

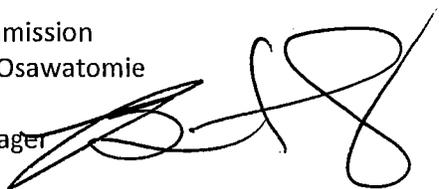


Bret Glendening
City Manager



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To: Osawatomie Planning Commission
Mayor and City Council of Osawatomie

From: Bret Glendening; City Manager 

Re: Rezoning Application for Weir's Auto Parts Building

Date: July 27, 2009

After careful review of existing city codes and consideration to the specific property in question, city staff is comfortable with recommending positively, Mr. Weir's application for rezoning of his property located at 313 6th Street.

Of particular concern to city staff was the parking/storage of disabled/wrecked vehicles adjacent to the building on Parker, or between the subject building and the Old Stone Church. The following review of city zoning regulations and other codes are applicable in this situation and the presence of these codes is what has led staff to conclude that these codes should address any concerns of adjacent property owners and or members of the Planning Commission and City Council.

First, Section 12-3, subsections C & D of the zoning regulations requires that any commercially zoned property, when it abuts a residentially zoned property, that a setback equal to that which is required in the residential zone be provided. Both the home to the East and the Old Stone Church to the North are zoned R-1, Single Family Residential. In the single family residential chapter of the city's zoning regulations, the setbacks shall be, for all property with at least 80 feet in width, 10 feet (5-3(C)) and 30 feet for a minimum rear yard (5-3(D)). The subject property meets the current side setback on the North, but would be considered a lawful, non-conforming situation for its setback on the East.

Second, with regard to Parking Regulations, section 19-4 of the zoning regulations prohibits "parking on the berm (between the property line and curb or street surface) shall not be permitted except for parking provided by the City or when approved by a special use permit." While the City does provide parking in this portion of Parker Avenue, as you will see below, other city codes apply that prohibit certain vehicles from being parked in the city provided parking areas on Parker Avenue.

Additional parking regulations are found in section 18-11(D) subsections 2 & 3. These sections state that "in commercial districts, trucks, vans, and trailers that are regularly driven or towed as part of the operation of any permitted use may be parked but may not be used for the storage or sale of merchandise. Semi-trailers shall not be parked or stored on the same lot for more than ten days in any 30 day period (Section 18-11(D)(2)) and "hauling trailers may also be stored in District C-3 (18-11(D)(3))."

A section of the nuisance code (8-303(b) subsections 2 & 3) also address the parking of junked motor vehicles on private property. Both this section, and the sections cited in the immediate preceding paragraph are impacted by the setback requirements however and as such, no storage of any kind would be permitted in the open area between the subject building and the Old Stone Church or the residential property to the East due to the setback requirements.

With regard to parking wrecked/junked/inoperable vehicles on the public right of way, Section 14-103 states:“(a) No person shall park or store any farm machinery, trailer or semi-trailer of any kind, or parts of the same, or any dead, damaged or disabled motor vehicle or farm machinery, trailer, or semi-trailer of any kind, in the roadway of any highway, or between the property line or sidewalk and the curb line of any street. NO person shall park or store any operable motor vehicle between the property line or sidewalk and the curb line of any street except on a designated driveway.” Subsection (b) of 14-103 also states:“A person shall not use the public highway to abandon vehicles or use the highway to leave vehicles unattended in such a manner as to interfere with public highway operations. When a person leaves a motor vehicle on a public highway or other property open to use by the public, the city having jurisdiction of such highway or other property open to use by the public, after 48 hours or when the motor vehicle interferes with public highway operations, may remove and impound the motor vehicle.”

Additionally, Section 14-204 states, with regard to truck and RV parking, that“it is unlawful to cause trucks, semi-trailers or recreational vehicles to be parked or left upon streets within the city limits of the city after 9:00 p.m. or before 6:00 a.m.”

Finally, with regard to development and performance standards in the C-3 Highway Commercial District generally, the following pertinent sections of the zoning regulations should be highlighted:

- 1.) Section 12-5(B): Any manufacturing or assembly of products shall be entirely within a totally enclosed building.
- 2.) 12-5(C): No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
- 3.) 12-5(G): In no case shall the noise level exceed 60 dB(A) at repeated intervals or for a sustained length of time measured at any point along the property line.



Osawatomi Police Department

Monthly Report July 2009

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| | <u>Current Month</u> | <u>Year to Date</u> |
|-----------------------------|----------------------|---------------------|
| Escorts | 15 | 84 |
| Warrant attempts/arrests | 28 | 82 |
| Traffic Stops/investigation | 88 | 642 |
| Investigate Person | 7 | 22 |
| DUI | 3 | 24 |
| Non-Injury Accident | 12 | 84 |
| Injury Accident | 3 | 9 |
| Assist EMS | 23 | 162 |
| Fire | 2 | 53 |
| Fights | 7 | 45 |
| Prowler | 3 | 3 |
| Domestic Violence | 11 | 39 |
| 911 Misdial | 4 | 40 |
| Animal at large | 41 | 241 |
| Animal Bite | 3 | 23 |
| Animal Missing | 14 | 65 |
| Animal Welfare | 13 | 87 |
| Assist Outside Agency | 19 | 114 |
| Bank Alarm | 0 | 2 |
| Burn Permit | 8 | 233 |
| Business Alarm | 7 | 45 |
| Burglary | 2 | 17 |
| Criminal Damage to Property | 10 | 68 |
| Child In need of Care | 1 | 13 |
| Carbon Monoxide Check | 0 | 0 |
| Civil Stand By | 9 | 56 |
| Citizen Complaint | 105 | 593 |
| Citizen Inquiry | 82 | 440 |
| City Services | 44 | 235 |
| Drug Cases | 6 | 43 |
| Disturbance | 12 | 98 |
| Deliver Message | 10 | 35 |
| Extra Patrol Request | 8 | 46 |
| Forgery | 1 | 20 |



Osawatomi Police Department

Monthly Report July 2009

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| | <u>Current Month</u> | <u>Year to Date</u> |
|---|----------------------|---------------------|
| Fine Payment to Dispatch | 30 | 151 |
| Found Property | 13 | 43 |
| Finger Print (employment) | 5 | 22 |
| Gas Drive Off | 4 | 19 |
| HAZMAT | 0 | 0 |
| K9 Training Event | 0 | 3 |
| K9 Deployment | 2 | 12 |
| Loud Music Complaint | 5 | 53 |
| Murder | 0 | 0 |
| Motorist Assist | 12 | 74 |
| Medical Alarms | 0 | 12 |
| Missing Child | 1 | 12 |
| Missing Person | 0 | 3 |
| Open Door (Building Check) | 6 | 27 |
| Pedestrian Checks | 2 | 20 |
| Residential Alarms | 0 | 10 |
| Reckless Driver | 0 | 1 |
| Repossessions (notifications) | 2 | 5 |
| Runaway | 0 | 1 |
| Sexual Assault/Sex Crimes | 0 | 9 |
| Suspicious Activity | 25 | 184 |
| State Hospital Walk Away | 0 | 6 |
| Theft | 45 | 170 |
| Telephone Harassment | 7 | 51 |
| Unattended Death | 0 | 3 |
| Vehicle Lock Out | 21 | 161 |
| Violation of Protective Order | 0 | 2 |
| Verbal Dispute | 0 | 5 |
| Check Welfare | 13 | 107 |
| Incidents cleared by Arrest | 24 | 116 |
| Total Citations Issued for the Month | 51 | 338 |
| Last incident # assigned in July: 09-4532. 1,405 #s assigned | | |



Osawatomie Police Department

Monthly Report for July 2009

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Miles driven (Patrol Units)

| | <u>Miles</u> | <u>Mileage Total</u> |
|------------------------------|--------------|----------------------|
| Unit 1 (2007 Crown Victoria) | 4,095 | 82,422 |
| Unit 3 (2004 Blazer) | 495 | 111,176 |
| Unit 4 (2003 Crown Victoria) | 2,784 | 173,479 |

Nuisance Information

| | <u>Current</u> |
|------------------------------|----------------|
| Nuisance Letters Mailed | 7 |
| Letters Received by Resident | 7 |
| Outstanding Letters | 0 |
| Pending complaints | 4 |
| Resolved Nuisances*** | 43 |
| Tickets Issued | 5 |

Misc. Notes

Det. Basore attended Child Sexual Abuse Investigation
Dept. attended training on responding to active shooter
Off. Stuteville attended Tactical Pistol training
Off. Willemsen attended Warrant Service Training
Dept. notified of awarding of \$13,100 grant for video in 3 cars, 1 LIDAR unit

* Statistics based on dispatch entries, not final investigation decisions.

** Some duplication has been detected, error at this time believed to be less than 5% of total.

*** Includes nuisance issues addressed by phone w/o letters

Building Permit Activity for the Month of July 2009

| Category | Total Permits | Total Value | Received by City |
|---------------------|---------------|--------------|------------------|
| New Residences | 1 | \$221,000.00 | \$1,071.30 |
| Re-roofs | 12 | \$25,800.00 | \$360.00 |
| Remodels | 3 | \$8,500.00 | \$385.00 |
| Accessory Buildings | 5 | \$6,820.21 | \$160.00 |
| Concrete | 2 | \$2,200.00 | \$60.00 |
| Mechanical | 5 | \$13,775.00 | \$150.00 |
| Repairs | 3 | \$11,500.00 | \$60.00 |
| Decks & Porches | 3 | \$8,800.00 | \$90.00 |
| Additions | 0 | 0 | 0 |
| Com. Buildings | 0 | 0 | 0 |
| Demolishing | 0 | 0 | 0 |
| Fences | 2 | \$2,400.00 | 0 |
| Plumbing | 3 | \$1,200.00 | \$90.00 |
| Electrical | 4 | \$4,820.21 | \$160.00 |
| Ag. Buildings | 0 | 0 | 0 |
| Penalties | 0 | 0 | 0 |
| Plan Review | 1 | 0 | \$150.00 |
| Totals | 43 | \$306,815.42 | \$2,736.30 |

Accessory list includes detached accessory structures, storage sheds, signs and carports.

Concrete list includes driveways, sidewalks, concrete pads, porches, basements foundations & patios.



Terry E. Anderson
Building Official