

**OSAWATOMIE CITY COUNCIL**  
**WORK SESSION / MEETING AGENDA**  
October 25, 2012  
7:00 p.m., Memorial Hall

WORK SESSION

- A. Call to Order
- B. Roll Call
- C. Work Session Items
  - 1. Condemnation Presentation
- D. Adjournment of Work Session

REGULAR MEETING – 7:30 p.m.

- E. Call to Order
- F. Roll Call
- G. Approval of Agenda
- H. Council Items
  - 1. Resolution Setting Hearings for Condemnations
  - 2. Holiday Discussion
- I. City Manager Updates
- J. Executive Session
- K. Adjournment of Regular Meeting



## STAFF AGENDA MEMORANDUM

**DATE OF MEETING:** October 25, 2012

**AGENDA ITEM:** **Condemnations and Securing Abandoned Structures**

**PRESENTER:** Richard Wetzler, City Attorney  
Ted Bartlett, Building Inspector  
Don Cawby, City Manager

**ISSUE SUMMARY:** The City staff has put together 7 properties for the City Council to consider for condemnations. The report on each property is included and photos will be shown at the meeting to demonstrate the problems with each property. Once it is determined which properties should be provided notice, the City Council must pass a resolution which will set the time and place for a hearing on the proposed condemnations.

I have included the following to help explain how a non-emergency condemnation occurs.

### **Procedure for Condemnations**

1. First step is to have the enforcing officer file a written statement that is presented to the governing body that describes the property, where the property is located and that the property is unsafe or dangerous or is abandoned. Often these reports are accompanied by photos of the property to help illustrate why the property is abandoned, unsafe or dangerous.
2. Governing Body passes a Resolution that fixes a time and place at which the owner, the owner's agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished in the case of unsafe or dangerous structures or rehabilitated in the case of abandoned property.
3. Resolution is published once each week for two consecutive weeks on the same day of each week.

4. The matter is set for hearing before the Governing Body at least thirty days after the date of the last publication.
5. A copy of the Resolution is mailed by certified mail within three days after its first publication to each such owner, agent, lienholder and occupant at the last known address with the letter marked as "deliver to addressee only."
6. At the date set for the hearing the Governing Body hears all evidence submitted by the owner, the owner's agent, lienholders of record and occupants having an interest in the structure as well as evidence submitted by the enforcing officer filing the statement.
7. Governing Body makes findings. If the Governing Body finds that the structure is unsafe or dangerous such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. If the Governing Body finds that the property is abandoned, the governing body may authorize the rehabilitation of the property as provided by K.S.A. 12 1756a.
8. Resolution containing findings is published once in the official city paper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing, i.e., certified mail within three days of the publication of the Resolution to last known address marked as "deliver to addressee only."
9. Resolution should fix a reasonable time within which the repair or removal of the structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be repaired or razed and removed in the case of unsafe or dangerous structures or rehabilitated in the case of abandoned property.
10. If the owner fails to commence the repair or removal of the structure within the time stated in the resolution or has failed to diligently prosecute the same thereafter, the city may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract. The City shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the costs of removing such structure and making the premises safe and secure. Any money in excess of the costs shall be paid to the owner of the premises upon which the structure was located.
11. The City shall give notice to the owner of the structure by restricted mail of the total costs incurred by the city in removing the structure and making the premises safe and secure and providing notice. The notice shall state that payment of such cost is due and payable within 30 days following receipt of such notice. If the cost is not paid with the

thirty-day period and if there is not salvageable material or if money received from the sale, the balance shall be collected in the manner provided by K.S./A 12-1,115 or assessed as a special assessment against the lot or parcel. See 12-1755 for procedure.

### **Proposed Condemnations**

In the packet I have included inspection reports for each of the proposed properties.

149 E Pacific	301 Reed	709 Parker	1201 4 <sup>th</sup> Street
1205 4 <sup>th</sup> Street	1635 Main	1701 Main	

### **Securing Abandoned Properties**

As part of this discussion, I would like the Council to consider the City taking a more active role in securing abandoned properties. I believe that if a structure has been abandoned and has broken windows, open doors or other unsecured openings, that the City should take the initiative to secure the building under our nuisance provisions.

This process would work just like the mowing process. We notify the owner they need to secure all openings to the property or the City will do it and charge them for the time and materials to do so. I also believe the letter should state that failure to do so will most likely trigger the condemnation process as an abandoned structure. Once that time has passed, the City will take action to secure the property and bill the owners through our tax assessments.

Furthermore, if there is a property that is deemed “unfit or dangerous” because of squatting, drug use, or it would be dangerous for any adult or child to be inside of the home, we would have the right to board up the home without prior notice. We would then follow-up with a notice of our action and that they will be billed responsible for the cost. Such an action should also trigger us putting together the documentation to move forward with condemnation if the owner does not take action in a reasonable amount of time.

We currently have the authority to take these actions, but I want to make sure that the City Council is comfortable with City staff taking a more proactive approach to these nuisances.

**COUNCIL ACTION NEEDED:** Vote on the proposed resolution.

**STAFF RECOMMENDATION TO COUNCIL:** Approve the resolution and provide direction to staff on securing abandoned structures.



## BUILDING INSPECTION REPORT

September 18, 2012

By: Ted Bartlett, Building Inspector

Property: **149 E Pacific**

Owner: Donnis M Paden

County 2012 Appraised Value: Building \$4,330; Land \$7,840.

Taxes: Last Paid in 2007

Mortgage Lien: Yes

Legal Description: *Lot One (1), Block Five (5), of Youman's Addition to the City of Osawatomie, Miami County, Kansas as shown on the recorded plat thereof.*

**Background:** This is a 1996 - 76' X 16' (1,216 square feet) single wide trailer on a block foundation that was nearly submerged by the flood of 2007. The water level got to as high as or near the roof line of the home.

The home was cited in January 2010 for violations of the Property Maintenance Code. The registered letter with the violation was returned by the post office as it was unable to be forwarded. The file indicates no further action was taken. In March 2012 the property was posted as an unfit structure and flagged for condemnation. The City has mowed the lot since 2007 and has assessed mowing costs of \$1,350 through 2011.

### Findings:

1. It appears that the people living in the home at the time of the flood removed very little belongings before the home flooded. Most, if not all of their belongings including some furnishings still remain in the home. It appears that nothing has been done to the home since the flood.
2. There are several windows broken or missing panes. The back/west door is missing. The house smells very strongly of mold and mildew. The furnace is missing as well as all of the circuit breakers from the electrical panel.

3. It looks as though people have been in the home either to remove items or to use it for shelter or a place to play. The floor feels weak in several areas under windows that are open.

**Inspector's Opinion:** It is my opinion that this home is damaged beyond repair and needs to be torn down or hauled off. Given the construction used in trailers, I can only assume that the insulation under the home is molded and would be nearly impossible to remove.



## BUILDING INSPECTION REPORT

October 15, 2012

By: Ted Bartlett, Building Inspector

Property: **301 Reed**

Owner: Daniel & Jennifer Henry

County 2012 Appraised Value: Building \$34,300; Land \$8,900.

Taxes: Last Paid in 2007

Mortgage Lien: Yes

Legal Description: *The North Eighty (80) feet of Lots One (1) and Two (2), Block "C", County Clerk's Addition to the City of Osawatomie, Miami County, Kansas.*

**Background:** This home is a split level 2,594 square foot home, including the attached garage. The home was built in 1974. The home was extensively damaged by the flood of 2007.

The home was cited in May 2010 and August 2010 for violations of the Property Maintenance Code. The letter started a series of letters where both the owners and the mortgage holders argued over the ownership of the property because the property was at one time involved in a bankruptcy and foreclosure. The owners currently do not claim the property, but documentation on file seems to indicate the original owners remain as the current owners of the property. Our files indicate that no action was taken on the property after communications in September 2010. In March 2012 the property was posted as an unfit structure and flagged for condemnation. The City has mowed the lot since 2007 and has assessed mowing costs of \$1,350 through 2011.

### Findings:

1. I visited the home with Chief Stiles on Oct 15, 2012 and all exterior doors were locked including the overhead garage doors. Until recently the home was unlocked. One garage door has a hole in it where someone could crawl through.

2. Although we did not enter the house on this visit, I have been in the home in the past. At that time there was a slight odor in the home and the lower basement level was damp with a small area with standing water.
3. Since the flood, the home has been gutted except for the upstairs ceiling. The interior stud walls are still in place.
4. The City has received complaints in the past concerning cats living in the home and the odor of mildew/mold coming from the home. On this visit, I did see one cat run from the backyard. We did not notice a mildew odor outside of the home.

**Inspector's Opinion:** It is my opinion that this home could be rebuilt as it is now. The basement in the past has not appeared to be leaking and the walls seem to be in good shape. The floors, ceiling, roof and walls seem to be in good structural shape. If the deterioration continues for an extended period, it may become too far gone to be financially feasible to be rebuilt.





## BUILDING INSPECTION REPORT

October 17, 2012

By: Ted Bartlett, Building Inspector

Property: **709 Parker**

Owner: Richard & Nancy Dutcher

County 2012 Appraised Value: Building \$30,400; Land \$ 7,600.

Taxes: Current

Mortgage Lien: Yes

Legal Description: *Lot 3, Block 21, in the City of Osawatometie, Miami County, Kansas, according to the recroded plat thereof.*

**Background:** This is a single story 1,168 square foot home including a deck. The county lists the foundation as rock. There is a 640 square foot detached garage in the backyard. The home was built in 1920. Miami County records do not show if the garage was built at the same time or not.

The home was cited in June 2011 for violations of the Property Maintenance Code. In July of 2011 a permit was issued to demo and replace the roof over the front porch, although more violations were cited than just the roof. Demolition was started but was not completed. The permit is now expired. In 2012, the City paid a contractor to mow the yard one time.

### Findings:

1. I visited the home with Chief Stiles on October 17, 2012 and took numerous photos of the home. We found the back door unlocked and entered the home.
2. The roof has apparently been leaking for some time. The roof leaks badly in several locations and the floor is weak in these areas. There is mold growing on walls and the ceiling.
3. The front porch is partially torn off and the remaining section is not structurally safe.

**Inspector's Opinion:** It is my opinion that this home is beyond repair. The leaking roof has caused roof, ceilings and floor supports to become compromised and I suspect that most, if not all, structural members need to be replaced. The house appears to have been added onto more than once leaving the roof with a series of valleys and points where they meet. This would make it difficult to keep the roof from leaking even if replaced. The house has what appears to be black mold growing on interior walls and ceilings.



## BUILDING INSPECTION REPORT

September 18, 2012

By: Ted Bartlett, Building Inspector

Property: **1201 4<sup>th</sup> Street**

Owner: James & Patricia Roberts/William G Smith Living Trust

County 2012 Appraised Value: Building \$5,990; Land \$10,330.

Taxes: Last Paid in 2007

Mortgage Lien: No

*Legal Description: A tract of land in the Northeast Quarter (NE 14) of Section Fourteen (14), Township Eighteen (18) South, Range Twenty-two (22) East, Miami County, Kansas, more particularly described as follows: Beginning at the Northwest corner of the Northeast Quarter of Section 14, Township 18 South, Range 22 East, Miami County, Kansas; thence along the North line of said Section 14 on a bearing of North 88 degrees 38'45" East a distance of 30.86 feet; thence South 5 degrees 14'22" East a distance of 153 feet; thence North 88 degrees 38'45" East 120 feet; thence North 150 feet to a point 191.86 feet East of the Northwest corner of said Northeast Quarter; thence Westerly along the North line of said Section 14 a distance of 161 feet, to the point of beginning.*

**Background:** This is a 1.5 story, 1,056 square foot home built in 1923. There is a large outbuilding on the property. The home and outbuilding was extensively damaged by the flood of 2007. Since that time the home has had a new electrical service installed and demo work has been done. Two permits were issued in August and October of 2007. Another permit was issued in April of 2010. The permits that have been issued are expired. In March 2012 the property was posted as an unfit structure and flagged for condemnation. The City has mowed the lot since 2010 and has assessed mowing costs of \$600 through 2011.

### Findings:

1. Most interior walls and floor joists have been removed. The north wall is braced along the rim joist from the outside.

2. Foundation and roof are failing. A load bearing wall is failing because there is no floor underneath it.
3. Several windows are broken and both the front and rear door are not locked.

**Inspector's Opinion:** It is my opinion that this home could be rebuilt as it is now, but it is not likely to be financially feasible. The partial demolition work that was completed has been left partially open to the elements for several years. The foundation would need repairs and the roof is sagging because of problems with the load bearing wall. There is still demolition work that needs to be completed. The larger-out building is also in poor condition.



## BUILDING INSPECTION REPORT

September 18, 2012

By: Ted Bartlett, Building Inspector

Property: **1205 4<sup>th</sup> Street**

Owner: William B & Annie Kennedy

County 2012 Appraised Value: Building \$4,920; Land \$15,540.

Taxes: Current

Mortgage Lien: No

*Legal Description: Beginning at the Northwest corner of the Northeast Quarter of Section 14, Township 18 South, Range 22 East, Miami County, Kansas, thence along the North line of said Section 14 on a bearing of North 88°38'45" East a distance of 30.86 feet; thence South 5°14'22" East a distance of 153 feet to the place of beginning; thence North 88°38'45" East 120 feet; thence South 0°07'26" West 245.75 feet to the North line of the levee; thence South 74°09'45" West 99.02 feet; thence North 5°14'22" West 265.72 feet, more or less, to the place of beginning; subject to a 20 foot road easement along the North line of said described tract;*

**Background:** This property was covered by water during the flood of 2007. The property sits against the levy and the water was deep on this property. At the time of the flood there was a double wide mobile home and a detached two car garage on the property. Miami County shows that the garage was built in 1993.

This property was issued a condemnation order in late July 2007, based on an immediate hazard. The resulting action was that the home was demolished but the garage remained based upon the owner's statement on a July 2007 building permit application that he was going to rebuild.

In September 2007 a second permit application was received by the owner with the intent to place a double-wide home back on the lot. A hand written note on this application reads "Waiting on site plan house plans schedule of construction and duration contractors." Another note also reads "In court might be a while." A drawing from January 2008 shows the desired layout for the lot. However, no permit is on file and apparently was never issued. Other homes with detached garages that were affected by the flood were required to remove

the garage when the home was not replaced. The owner has continued to mow the property and there is no record of the City having every mowed or assessed mowing costs to the property.

**Findings:** I visited the site on September 18, 2012 with Chief Stiles. There is not an overhead door on the garage as it was removed some time after the flood. The garage is in fair structural shape. Cosmetically it is in bad repair. The wiring in the garage also is in need of repair or replacement.

**Inspector's Opinion:** This garage could easily be cleaned up and repairs made. The garage appears to be in need of a re-roof soon but shows no sign of leaking at this time. However, the issue of a stand-alone garage is a zoning violation and should be dealt with.



## BUILDING INSPECTION REPORT

October 15, 2012

By: Ted Bartlett, Building Inspector

Property: **1635 Main**

Owner: Dennis & Joyce McGuire

County 2012 Appraised Value: Building \$20,200; Land \$7,200.

Taxes: Last paid in 2009

Mortgage Lien: No

Legal Description: *The North 93.25 feet of the West one-half (1/2) of Lot Eighteen (18) and the North 93.25 feet of Lots Nineteen (19) and Twenty (20), in Block Two (2), in Lowe's Addition to the West Highlands Addition in the City of Osawatomie, Miami County, Kansas.*

**Background:** This home is a 1-story, 1,178 square foot home, including the attached garage & covered porches. The home was built in 1951. A notice of hearing resolution for condemnation was issued in August 2005. The home was removed from the condemnation list by the City Council in November 2005.

A building permit was issued in July 2009 to re-roof the home, only after being issued a stop work order for working without a permit. The last time this home had utilities was March of 2012, as they were turned on for a family member of the owner for a short time to access the home. Based on our records, we have had difficulty finding someone to assume responsibility for the home. The City has mowed the lot since at least 2007 and has assessed mowing costs of \$1,200 from 2008 through 2011. Of the total, \$750 still remains unpaid.

### Findings:

1. Since the owners have passed away it appears that someone has been intermittently staying in the home or possibly squatting in the home.
2. Almost all of the wiring has been removed from the home. The breaker panel in the garage has been stripped and all wiring from the panel in the garage has been removed.

3. The inside of the home has a strong smell of cat urine. There is human waste, trash and personal items scattered all over the home and is a health hazard at this time.

**Inspector's Opinion:** It is my opinion that this home could be rebuilt as it is now. The home cosmetically is in bad shape and there is a lot of personal property still in the home. The foundation, floors, ceiling, roof and walls seem to be in good structural shape. I should state that I did not inspect under the home. Our staff does remember that the home at one time had a significant water leak under the home and leaving the crawl space full of water. If the deterioration continues much longer, it may no longer be financially feasible to rebuild it.





## BUILDING INSPECTION REPORT

October 15, 2012

By: Ted Bartlett, Building Inspector

Property: **1701 Main**

Owner: Georgia Slyter Living Trust

County 2012 Appraised Value: Building \$26,730; Land \$ 6,390.

Taxes: Current

Mortgage Lien: No

Legal Description: *Lot 56, Smith's Subdivision II, to the City of Osawatomie, Miami County, Kansas.*

**Background:** This home is 1.5 story, 1,316 square foot home. The garage that was added onto sometime after the home was built has also had a second floor living area added to it. I have been unable to determine when the garage was enclosed and when this upper level was added. Miami County does show that the home was remodeled in 1964. The original home was built in 1952. The home as many others in the area are commonly referred to as a "flood house".

A permit for roof, windows and siding was issued in October 2009. This permit expired with none of the work being inspected as being completed. The City of Osawatomie has paid a contractor to mow the yard for some time, but the county records show no assessments. We do not have any record of any inspections ever being conducted at this address.

### Findings:

1. I visited the home on October 17, 2012 with Chief Stiles. We found the house locked. A neighbor said that the home has been unlocked in the past and that local children have played in the back yard and in the home.
2. From looking into windows it appears that someone had started to work on the inside of the home, I am unsure if this is old or recent work. Some walls have had the sheet rock removed. The few rooms I could see into had the floor covering removed.

3. The exterior walls have several areas that feel rotten under the siding. The entire bay window on the north side of the home can be moved by pushing on it.
4. I do not know if the roof leaks but it does not appear to be very old. I was unable to check the floors and ceilings. What I did see from looking in windows they did not appear to be in bad structural condition.
5. The foundation seems to be intact.

**Inspector's Opinion:** Although the foundation is intact, I think that it is questionable if this home could be rebuilt as it is now. The financial feasibility makes it even less likely. I do feel that if the deterioration continues for an extended period the home would not be able to be rebuilt.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF OSAWATOMIE, KANSAS, AT WHICH THE OWNERS, THE OWNERS' AGENT, ANY LIENHOLDERS OF RECORD, AND ANY OCCUPANT AND OTHER PARTIES IN INTEREST OF STRUCTURES LOCATED WITHIN SAID CITY AND DESCRIBED HEREIN MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED IN THE CASE OF UNSAFE OR DANGEROUS STRUCTURES.

WHEREAS, the enforcing officer of the City of Osawatomie, Kansas, did on the 25th day of October, 2012, file with the Governing Body of said City, a statement in writing that the structures hereinafter described, are either abandoned, or unsafe and dangerous.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OSAWATOMIE, KANSAS, as follows:

That a hearing will be held on the 13th day of December, 2012, before the Governing Body of the City at 7:00 p.m., at Memorial Hall, 411 11<sup>th</sup> Street, Osawatomie, Kansas at which the owners, the owners' agents, any lienholders of record, any occupants and other parties in interest, as that term is defined by law, of the following described structures:

1. Lot One (1), Block Five (5), of Youman's Addition to the City of Osawatomie, Miami County, Kansas, commonly known as **149 East Pacific Avenue**;

2. The North Eighty (80) feet of Lots One (1) and Two (2), Block "C", County Clerk's Addition to the City of Osawatomie, Miami County, Kansas, commonly known as **301 Reed Street**;

3. Lot 3, Block 21, in the City of Osawatomie, Miami County, Kansas, commonly known as **709 Parker**;

4. A tract of land in the Northeast Quarter (NE 14) of Section Fourteen (14), Township Eighteen (18) South, Range Twenty-two (22) East, Miami County, Kansas, more particularly described as follows: Beginning at the Northwest corner of the Northeast Quarter of Section 14, Township 18 South, Range 22 East, Miami County, Kansas; thence along the North line of said Section 14 on a bearing of North 88 degrees 38'45" East a distance of 30.86 feet; thence South 5 degrees 14'22" East a distance of 153 feet; thence North 88 degrees 38'45" East 120 feet; thence North 150 feet to a point 191.86 feet East of the Northwest corner of said Northeast Quarter; thence Westerly along the North line of said Section 14 a distance of 161 feet, to the point of beginning, commonly known as **1201 Fourth Street**;

5. Beginning at the Northwest corner of the Northeast Quarter of Section 14, Township 18 South, Range 22 East, Miami County, Kansas, thence along the North line of said Section 14 on a bearing of North 88°38'45" East a distance of 30.86 feet; thence South 5°14'22" East a distance of 153 feet to the place of beginning; thence North 88°38'45" East 120 feet; thence South 0°07'26" West 245.75 feet to the North line of the levee; thence South 74°09'45" West 99.02 feet; thence North 5°14'22" West 265.72 feet, more or less, to the place of beginning; subject to a 20 foot road easement along the North line of said described tract; commonly known as **1205 Fourth Street**;

6. The North 93.25 feet of the West one-half (1/2) of Lot Eighteen (18) and the North 93.25 feet of Lots Nineteen (19) and Twenty (20), in Block Two (2), in Lowe's Addition to the West Highlands Addition in the City of Osawatomie, Miami County, Kansas, commonly known as **1635 Main Street**; and

7. Lot 56, Smith's Subdivision II, to the City of Osawatomie, Miami County, Kansas, commonly known as **1701 Main Street**;

may appear and show cause why such structures should not be condemned and ordered repaired or demolished in the case of unsafe or dangerous structures.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published once each week for two consecutive weeks on the same day of each week with at least thirty days between the last publication and the date set for the hearing herein.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be mailed by certified mail within three days after its first publication to each owner, owners' agent, lienholder and occupant and other party in interest at the last known address marked "deliver to addressee only."

PASSED AND ADOPTED by the Governing Body of the City of Osawatomie, Kansas this 25th day of October, 2012, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

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Philip A. Dudley, Mayor

(SEAL)

ATTEST:

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Ann Elmquist, City Clerk



**STAFF AGENDA MEMORANDUM**

**DATE OF MEETING:** October 25, 2012

**AGENDA ITEM:** **Holiday Discussion**

**PRESENTER:** Don Cawby, City Manager

**ISSUE SUMMARY:** There are two issues which I would like the City Council to consider concerning our holiday schedule. The first is the more immediate issue of 2012 and the second is a longer term discussion of some technical and a few slight amendments to the schedule.

**2012 Holiday Schedule.** Last year we gave our employees a skeleton day to be used during the Christmas-New Year’s week off. That was done in part as an appreciation measure because we didn’t provide any increases for our employees. That worked alright for last year, but we already had several people taking time off that week anyway.

For this year, I would like to just close offices on Christmas Eve. In my experience, when Christmas Eve falls on a Monday City Halls are like a museum. Not only does a majority of staff take off (or want to take off), but there is usually no foot traffic. I would also argue that very little work gets accomplished on that day because crews are so minimal that they can do very little. For the police or call out purposes, we would treat it like a normal holiday.

**Ongoing Schedule.** The City Council has adopted personnel regulations that establish the following holidays:

- |                |  |                           |
|----------------|--|---------------------------|
| New Year’s Day | Martin Luther King Birthday                              | Washington’s Birthday     |
| Memorial Day   | Fourth of July   | Labor Day                 |
| Veteran’s Day  | Thanksgiving Day   | Friday after Thanksgiving |
| Christmas Day  | Employee’s Birthday (after completing 1 year of service) |                           |

I would like the Council to approve a modification to the holiday schedule to fix some wording of days and to put the skeleton day concept in place permanently. As I understand it, the City

in the past has given this kind of holiday on a regular basis. It is also one that organizations will provide at the last minute for employees. However, I believe that it would be better for employees to know what the schedule will be months in advance so they can plan for the best use of their time off. For these reasons, the following is the new language I would like to adopt.

**D-8. Holiday Compensation.** *All regular full time employees will receive (8) eight hours of pay for holidays in addition to any compensation they might receive for hours worked on that holiday. Departments whose duties require that employees work holidays may grant compensatory time off or pay their employees for the holiday at the prerogative of the City. Compensation for actual hours worked on holidays will be made at the rate of one and one half times the employee's regular hourly rate of pay.*

*The following days or days observed as such shall be paid holidays at straight time pay, if the employee is not required to work.*

<i>New Year's Day</i>	<i>January 1</i>
<i>Martin Luther King, Jr. Day</i>	<i>Third Monday of January</i>
<i>President's Day</i>	<i>Third Monday in February</i>
<i>Memorial Day</i>	<i>Last Monday of May</i>
<i>Independence Day</i>	<i>July 4</i>
<i>Labor Day</i>	<i>First Monday of September</i>
<i>Veterans Day</i>	<i>November 11</i>
<i>Thanksgiving Break</i>	<i>Fourth Thursday in November and the Friday following</i>
<i>Christmas Day</i>	<i>December 25</i>
<i>Holiday Flex Day</i>	<i>See Definition Below</i>
<i>Personal Holiday</i>	<i>See Definition Below</i>

*Personal Day. A Personal Day will be awarded to each employee annually once they have completed one year's service to the City. The Personal Day must be used within the calendar year or it will be lost. Personal Days will be treated the same as annual leave for purposes of overtime and holiday pay.*

*Holiday Flex Day. A Holiday Flex Day will be established each year by the City Council. The Holiday Flex Day may either be set as:*

- 1. a day which City Hall offices will be closed to create a four-day weekend; or*

2. *a floating day off for each employee to occur between December 21st and January 5<sup>th</sup> which supervisors would manage to keep adequate staffing levels during the holidays.*

*A Holiday Flex Day where offices would be closed will be treated as a set holiday for overtime and holiday pay purposes. A floating Holiday Flex Day would be treated as a personal day for overtime and holiday pay purposes.*

*Any holiday falling on a Saturday will be observed on Friday, a holiday falling on Sunday will be observed on Monday, except for shift workers. They will observe the holiday on the day it falls. In order to be eligible for holiday pay, the employee must work on the last working day preceding the holiday and the first working day after the holiday, unless absent on paid leave. There shall be no pyramiding of overtime pay.*

*When an employee is scheduled or required to work on any of the above named holidays, or days observed as such, they will receive their regular holiday pay plus one and one half times their normal rate of pay for each hour worked during their basic work day.*

**COUNCIL ACTION NEEDED:** Discuss.

**STAFF RECOMMENDATION TO COUNCIL:** Provide direction to staff for a formal amendment to be presented.



## MEMORANDUM

**To:** Mayor and City Council  
**From:** Don Cawby, City Manager  
**Re:** **Projects & Issues Update**  
**Date:** October 25, 2012

### Projects

**Zoning Regulations Update.** We need to reschedule the joint Planning Commission meeting for November. I still have been unable to complete the review because of other issues. Scott has given me three dates for November that will work for him, Tuesday the 13<sup>th</sup>, Tuesday the 27<sup>th</sup> and Thursday the 29<sup>th</sup>. If we were to choose the 29<sup>th</sup>, I would suggest that we cancel the 15<sup>th</sup> Council meeting and move our meeting to the 29<sup>th</sup>. That way we could do one or two small items and have the rest of the meeting as a joint work session with the Planning Commission. Your direction of this matter would be appreciated.

**RFP for Defense Services.** On Monday, I issued an RFP for Public Defense Services for our Municipal Court. This was a measure that we identified in February as a way to keep our case costs down and to also provide more continuity and efficiency in managing the court docket and caseloads.

An example of how we could expect to save money is the increase in our cost per case for public defenders. Currently our assigned counsel caseloads have been dropping. From 2010 to 2011 our caseloads dropped from 514 cases to 439 cases and we are on pace to be below 300 for 2012. However, the cost for public defender services has increased dramatically over the same time. The average public defender cost from 2010 to 2011 has increased from \$26 to \$43 per case. In 2012, it has almost doubled over 2011 at \$80 per case.

We have asked for responses to be returned by November 5<sup>th</sup> and will have a vendor for you to approve at the November 8 Council meeting. We hope to have an approved contract by the 2<sup>nd</sup> meeting in November for your approval as the draft contract was included with the RFP.

**Baehr Grant.** We received notification from the Baehr Foundation Charitable Trust that we received the \$35,000 grant which we requested for the new playground equipment at the Karl E. Cole Sports Complex. The Parks & Recreation Committee and staff will immediately begin working on getting bids for the proposed equipment and working on layout to work with any future building replacement at the site. I have also asked staff to develop a timeline for me so we can make sure the project is completed by early spring.

**Library Building.** Dick Wetzler, Elizabeth Trigg and I have been working on the issues surrounding the settling of foundation of a portion of the Library Building. We have spoken with the contractor,



architect and their legal counsel concerning the issue and are pursuing discussions concerning the possible causes of this problem. Any further discussion of this matter should be done in executive session as a matter of Attorney-Client privilege.

**Levees.** This week we received the Corp of Engineers' levee inspection report. While I haven't had time to absorb any of it, I am using this as the jumping off point for getting our Engineers, the Corp and hopefully FEMA to come together to discuss where we go from here. I will be working with Wilson and Company to lead this effort so we can form a plan for both funding and certification.

### Issues

**Sewer Rates.** I have postponed this discussion to November 8.

**ETI Building.** A couple of weeks ago, I met with representatives from the Department of Commerce, our realtor Ken Attebery, and a prospective tenant for the ETI building. We came to verbal terms on a contract for a three year lease with a purchase option at the end of the three years. The agreement would be for the taxes and lease payments to go to the Department of Commerce over the three years and the tenant would be responsible for the taxes and maintenance and improvements to the property. The agreement would require the City to continue to provide insurance coverage on the building, but the tenant would have renter's insurance to cover personal property, contents and liability. The City currently covers the building at a cost of approximately \$1,200 per year. The City would also be responsible for a septic inspection at a cost of a few hundred dollars. I believe this to be a really good contract and we will have a property on the tax rolls. Once a written contract is approved I will be able to release the name of the proposed tenant.

Should the contract be approved, we will need to work with Ken Attebery for how to handle the commission on the building. Depending on how the purchase is worded, as an option or as a balloon, it will probably affect how we structure a settlement with our realtor. They have indicated they will work with us to structure whatever will work for us.

**Website.** We have begun the website update process which requires several meetings for our staff on the committee. We have a "Go-Live" date of February 22, but hope to be able to move that up by a few weeks if everything goes smoothly. **Also, we are asking all of our citizens to submit electronic photos from the community for inclusion on the website.** Those pictures can be of landmarks, community events, school activities, or general pictures of structures or nature. However, we would really like to have some pictures of the people of our community to demonstrate to the world what a vibrant and active community we are. Photos should be submitted by November 13 via email or dropped off in electronic format, so we have time to get them all uploaded to our on-line worksite.

**Accounting Position.** We offered the job to Tammy Seamands and she accepted. She is scheduled to begin on November 1. We will have some overlap with Lynette, but not as much as we would have liked. However, Tammy has a good work history as both an accountant and office manager in the private sector. We believe that the skills she brings with her will help her rapidly assume the duties of the position and will allow her to help us grow as an organization.

### Recognition

I would like to recognize the efforts of our Fire Department and all the volunteers that make it work. They did a tremendous job at their recent open house despite the much needed rain. This week they

also dealt with a fire that seriously burned the occupant and destroyed the structure. Their efforts in saving the life of the burned individual is appreciated and worthy of recognition.

**Upcoming Meetings/Dates**

Nov 8	City Council Meeting
Nov 12	Veterans Day Observed (Office Closed) & Celebration at High School
Nov 15	Potential City Council Meeting
Nov 17	Christmas Opener and Lighting Ceremony
Nov 22-23	Thanksgiving Break (Offices Closed)
Nov 26	Miami County Elected Officials Dinner in Paola
Nov 29	Potential City Council Meeting / Joint Planning Commission Work Session

**Manager's Out-of-town Schedule**

October 26	East Central Kansas Pool Tour
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## CITY OF OSAWATOMIE - CASH FLOW REPORT

Date: September 2012	BEGINNING BALANCE	REVENUE	EXPENDITURES	CASH BALANCE	ENCUMBERANCES (ORD.12-18)	CASH BALANCE 10/11/2012
GENERAL OPERATING	30,824.04	1,751,142.21	1,522,086.50	259,879.75	18,654.89	241,224.86
WATER	43,575.36	638,900.63	539,561.82	142,914.17	8,656.87	134,257.30
ELECTRIC	296,090.62	3,268,621.78	2,812,670.90	752,041.50	6,288.36	745,753.14
EMPLOYEE BENEFIT	28,831.77	548,149.33	438,059.06	138,922.04	-	138,922.04
REFUSE	4,725.30	281,098.50	248,917.44	36,906.36	-	36,906.36
LIBRARY	91,625.55	17,596.78	5,612.86	103,609.47	-	103,609.47
RECREATION	713.87	99,962.37	99,945.87	730.37	16.50	713.87
RURAL FIRE	3,387.12	27,411.41	27,780.64	3,017.89		3,017.89
INDUSTRIAL	48,169.46	21,801.89	1,420.00	68,551.35	4,000.00	64,551.35
REVOLVING LOAN	72,670.12	43.90		72,714.02		72,714.02
SPECIAL PARKS & REC	12,692.43	285,079.25	191,433.95	106,337.73	4,428.32	101,909.41
STREET IMPROVEMENTS	4,662.26	151,755.23	75,850.94	80,566.55	2,652.66	77,913.89
BOND & INTEREST	61,001.68	457,675.18	374,013.32	144,663.54		144,663.54
PUBLIC SAFETY EQUIP.	9,771.80	69.21	(900.00)	10,741.01	900.00	9,841.01
FIRE INS PROCEEDS	0.84	-	-	0.84		0.84
SEWER	361,440.35	557,504.28	562,174.57	356,770.06	2,148.02	354,622.04
RECREATION BENEFIT	-	12,514.95	12,514.95	-		-
GOLF COURSE	3,328.34	207,165.85	199,092.72	11,401.47	6,878.11	4,523.36
SPECIAL REVENUE (911)	9,897.41		-	9,897.41		9,897.41
LLEBG GRANT	-			-		-
TOURISM	3,722.53	45,913.15	42,461.02	7,174.66	2,022.72	5,151.94
EVIDENCE LIABILITY	-	14,361.29		14,361.29		14,361.29
CAPITAL - GENERAL	3,790.29	327,164.26	2,640.00	328,314.55		328,314.55
CAPITAL IMP. - STREETS	-	567,710.04	539,860.30	27,849.74	-	27,849.74
CAPITAL IMP - SEWER	-			-		-
CAPITAL IMP - GRANTS	0.02			0.02		0.02
CAFETERIA 125 # 50	137.54	33,801.24	20,142.14	13,796.64	1,269.00	12,527.64
COURT ADSAP # 51	5,001.00	1,610.00		6,611.00		6,611.00
COURT BONDS # 52	5,658.54	2,633.83	671.00	7,621.37		7,621.37
FORFEITURES # 53	19.09	38.20		57.29		57.29
OLD STONE CHURCH # 54	13.10		13.10	-		-
PAYPAL # 55	-	0.35		0.35		0.35
<b>TOTALS</b>	<b>1,101,750.43</b>	<b>9,319,725.11</b>	<b>7,716,023.10</b>	<b>2,705,452.44</b>	<b>57,915.45</b>	<b>2,647,536.99</b>

**CITY OF OSAWATOMIE - BUDGET REPORT**

<b>DATE: SEPT 2012</b>	<b>BUDGETED</b>	<b>REIMBS</b>	<b>EXPENDITURES</b>	<b>UNEN BALANCE</b>
<b>GENERAL</b>				
Administration	523,875.00	682.00	397,729.91	126,827.09
Sports Complex	78,940.00		39.95	78,900.05
Public Safety	952,725.00	50.00	622,799.57	329,975.43
John Brown Cabin	44,750.00		30,141.87	14,608.13
Public Works	261,050.00		181,274.27	79,775.73
Swimming Pool	37,600.00		27,793.67	9,806.33
Cemeteries	117,239.00		89,310.17	27,928.83
Parks & Lakes	17,450.00		186.33	17,263.67
Municipal Court	101,784.00	4,603.00	84,318.87	22,068.13
Levees & Storm Water	27,000.00		26,745.67	254.33
Library	129,130.00	190.85	80,401.11	48,919.74
<b>TOTAL</b>	<b>2,291,543.00</b>	<b>5,525.85</b>	<b>1,540,741.39</b>	<b>756,327.46</b>
<b>WATER</b>				
Administration	239,333.00	35,195.36	163,282.05	111,246.31
Water Treatment	377,189.00	-	242,126.38	135,062.62
Water Distribution	215,503.00		142,810.26	72,692.74
<b>TOTAL</b>	<b>832,025.00</b>	<b>35,195.36</b>	<b>548,218.69</b>	<b>319,001.67</b>
<b>ELECTRIC</b>				
Administration	950,050.00	900.26	905,427.44	45,522.82
Electric Production	2,295,256.00		1,548,298.35	746,957.65
Elect Transmission	519,706.00	200.00	365,233.47	154,672.53
<b>TOTAL</b>	<b>3,765,012.00</b>	<b>1,100.26</b>	<b>2,818,959.26</b>	<b>947,153.00</b>
EMPLOYMENT BENEFIT	521,318.00	4,400.00	438,059.06	87,658.94
REFUSE	376,700.00		248,917.44	127,782.56
LIBRARY	109,551.00		5,612.86	103,938.14
RECREATION	174,829.00		99,962.37	74,866.63
RURAL FIRE	35,000.00		27,780.64	7,219.36
INDUSTRIAL	12,000.00		5,420.00	6,580.00
REVOLVING LOAN	-		-	-
SPECIAL PARKS & REC	13,674.00	1,058.63	195,862.27	(181,129.64)
ST IMPROVEMENT	120,500.00		78,503.60	41,996.40
BOND & INTEREST	544,658.00		374,013.32	170,644.68
PUBLIC SAFETY EQUIP.	9,520.00		-	9,520.00
FIRE INS PROCEEDS	15,000.00		-	15,000.00
SEWER	837,988.00	-	564,322.59	273,665.41
REC EMP BENEFITS	12,629.00		12,514.95	114.05
GOLF COURSE	282,892.00		205,970.83	76,921.17
SPECIAL REV (FIRE EQUIP)	-		-	-
SPECIAL REVENUE (911)	9,897.00		-	9,897.00
LLEBG GRANT	-		-	-
TOURISM	17,750.00		44,483.74	(26,733.74)
DISASTER	-		-	-
CAPITAL - GENERAL	-		2,640.00	(2,640.00)
CAPITAL IMP. - STREET	-		539,860.30	(539,860.30)
CAPITAL IMP - SEWER				-
CAPITAL IMP - GRANTS				-
CAFETERIA 125 #50			21,411.14	(21,411.14)
COURT ADSAP #51				-
COURT BONDS #52			671.00	(671.00)
FOREITURES #53				-
OLD STONE CHURCH #54	-		13.10	(13.10)
PAY PAL #55	-		-	-
<b>GRAND TOTAL</b>	<b>9,982,486.00</b>	<b>47,280.10</b>	<b>7,773,938.55</b>	<b>2,255,827.55</b>