



City Manager's Office  
602 S. Main Street  
Joplin, Missouri 64801  
(417) 624-0820 Ext. 205  
(417) 625-4707 (Fax)

TO: City Council  
FROM: Sam Anselm, Interim City Manager  
DATE: 4/25/2014  
RE: Weekly Report

---

Good afternoon, M & CC. Here you go!

### **Key Meetings**

- Following up on Monday's council meeting, staff and I have had several meetings to discuss the renovations at Joe Becker and our lease with the Blasters. An RFQ for architecture and engineering services will be going out soon so we can officially get the renovations under way. The sticking point has involved parking, and we're moving towards a resolution on that topic; as soon as we have some details worked out I will give you an update.
- On Wednesday Director Haase and I sat in on a conference call with representatives from FEMA, the school district, and the state to discuss the relocation of the remaining storm shelters used by the schools. FEMA will be following federal regulations for the disposal of surplus property, but we're working closely with officials at the state level to ensure that the surrounding communities who contacted us with an interest in our shelters will have an equal opportunity to acquire the ones used by the school district.
- On Wednesday afternoon I met with Dr. Huff to discuss a number of topics, including an opportunity for the council and the school board to get together, perhaps sometime in June.
- Also on Wednesday afternoon, our city attorney, mayor and pro tem met with representatives from Mercy to discuss the short- and long-term plans for the former St. John's site. Our staff is in communication with their staff to kick around some ideas to have in place by the five-year anniversary of the tornado. More details to come as they develop.
- Yesterday I met with Director Heatherly and staff to discuss other options for curbside recycling. The YPN is planning to address Council on the 5<sup>th</sup> to ask the city to continue to explore options, but I wanted to let you know that we're already doing that.
- This afternoon I met with members of staff and the Design Review Board to begin looking at our existing design review standards for downtown, in order to identify any

opportunities we may have to recommend changes (if any) to the Historic Preservation Commission, for eventual codification of the guidelines by council. We've given ourselves a 60-day deadline to get our recommendation to HPC for approval before we present them to you for consideration.

### **Miscellaneous**

- Staff has submitted an application for TIGER grant funding to develop a grade separation on 32<sup>nd</sup> Street east of Range Line. That application was due today. This project is one that MoDOT had identified as important to them during our review of CIST projects, but ultimately did not make the cut. Staff feels this would be a good TIGER project if awarded. The review process can take some time, but when a decision is reached, I will let you know.
- At our last council meeting a citizen voiced her concern about the lead remediation program we have in place, and staff was asked to investigate the matter. I have attached a memo from Director Heatherly that provides some background on the program, specific issues at Mrs. Bingham's property, and our plans to move forward. As you will see in the memo, we believe that some of the issues with standing water on her property do not appear to be caused by the yard restoration, but we are continuing to work with the homeowner to fix any issues that may have been caused by the work of the contractor.
- Our new trolley is scheduled to arrive in Joplin on May 6<sup>th</sup>. Some finishing touches will need to be done to the vehicle (installing radios, etc.) before it is road-ready, but there have been discussions of giving council members a first look/ride along on the new trolley. Lynn Onstot will be coordinating that event with public works, with details to follow.
- As a heads up, an issue came up yesterday regarding a potential business owner who wanted to open a business that is currently prohibited by Section 82-15 of our municipal code. However, a similar ordinance in another city was determined to be unconstitutional over 10 years ago, but we have never removed this section from our books. There are some separate zoning issues with the particular location of the proposed business that may prevent it from opening in that location, but our current and past city attorneys have both affirmed that this particular section is no longer enforceable. So we will be taking steps to ask you to remove it from our code.
- Finally, I wanted to let you know that pending a successful physical and drug screen, our new Assistant to the City Manager should start on May 5<sup>th</sup>. I am looking forward to introducing our new employee during that evening's informal meeting. Some key projects this person will be working on are revisions to our personnel manual, and our pay plan and performance evaluation systems. The two-year period of our current plan expires October 31<sup>st</sup>, and to put it bluntly, it simply doesn't work well. There are also some policies and procedures that need to be reworked as well. All of these projects will need Personnel Board action before they come to you for approval, but I intend to address these issues with you well before we get to that point in the process.

Looking ahead to next week, I will be attending the Missouri City/County Manager's Association annual conference from April 30-May 2<sup>nd</sup> at the Lake of the Ozarks, so there will be no weekly update for you. But as always, I will be available by phone/text/email to address any issues that come up while I'm out of the office.

April 25, 2014

To: Mayor Seibert and Members of City Council

Thru: Interim City Manager Sam Anselm

From: Nick Heatherly  
Director of Public Works

RE: 1320-22 E. 18<sup>th</sup> Street  
Mrs. Bingham's home

In accordance to the request of City Council at the meeting of April 21, 2014, Dan Pekarek, Director of Health, Lynden Lawson, Assistant Director of Public Works, Leslie Heitkamp, Construction Inspector and myself went to the home of Mrs. Bingham on April 23<sup>rd</sup> to investigate the issues related to the soil remediation work performed by the City.

**Background:**

The remediation was started on the above address on 10/22/2012. The west half of the property was excavated to 12" deep and the east half of the property was excavated to 18" deep. A visual barrier was placed in the east half of the yard at a depth of 18". This barrier consists of orange construction fencing material and is placed to provide a warning to anyone digging in the yard that if they dig deeper they will be digging in contaminated soil. The yard was seeded and covered with straw the week of 11/1/2012.

During the following weeks we had very high winds and heavy rains. The straw was blown from the yard and runoff washed deep ruts in the yard. The Contractor returned and filled in the washed out areas, re-leveled the yard and reseeded the disturbed areas. The yard was repaired two additional times after the initial seeding, with the final application being completed by the no later than the middle of December 2012.

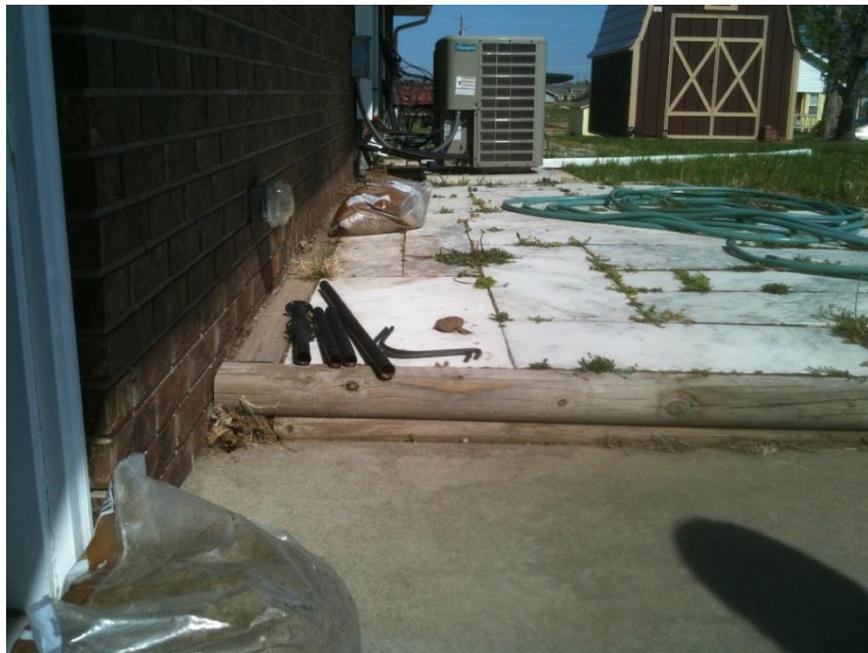
The next time the homeowner contacted us was in June of 2013 to notify us of water problems in the back yard. The City responded by having our storm water engineer, the Director of Public Works and the Director of Health meet the contractor on site to investigate and the issue. Although aerial photography, with topographic information, showed a natural down gradient from the south to the north (into the structure), all parties agreed to re-contour the western half of the back yard to re-direct the surface water around the structure. The contractor performed this work without any additional compensation. We heard nothing further until March 2014 when the grass issue was brought to our attention and we assured the homeowner at that time that we would remedy the grass issue.

**Inspection of April 23<sup>rd</sup>:**

Staff found the surface of the yard to be rough and grass growth was not consistent or complete. As staff noted at the Council meeting, we have had five yards out of over 220 that have failed to develop in this manner. We are working on each to rectify the problems.



Examination of the drainage issues, found that the existing western concrete patio slab has a slight down slope toward the patio door. Although not a significant slope, any rainwater that lands on the slab will have a tendency to flow toward the doorway; the intensity and duration of any rain event will determine if and how much water will enter the structure. A possible solution will be to have the existing caulking removed from under the door threshold and replace it with new material. Another observation was that the door (southern exposure) did not have a storm door unit which allowed any rain that might be blowing from a southerly direction to blow through the screen door and enter the structure.



The air conditioner condenser units sit upon a concrete slab that also has a down slope toward the building structure. Silt and sediment is ponded against the structure indicating the flow pattern and a historical event. In addition, the structure has a roof downspout that discharges onto this slab as well. A

pipe section was available to extend the discharge out past the slab, but it was not connected when we arrived on the 23rd. It was somewhat attached on the 24<sup>th</sup> when a member of the staff returned to take the next photo. Please note the reflection of standing water on the concrete slab and silt build-up.



The location of this slab is such that any water that lands on this slab will flow toward the building, drop down along the outside of the foundation and then take the path of least resistance to go wherever it goes underground. From what staff observed, it appears to that the “water coming up through the garage floor” issue is actually water finding its way from this exterior slab to the garage. The water did not appear to be coming up through the floor, but rather that it was following the concrete foundations of the garage walls; all evidence of water stains was along the base of these walls.





**Actions Proposed:**

The entire yard surface will be power raked and re-seeded in accordance with the contract specifications. Mrs. Bingham has indicated that she does not wish for this to be done until after May 2, 2014. We have advised her that we will need to proceed as expeditiously as possible in order to remain within an optimal seeding season.

An examination of the depth of top soil and the fill material will be made to verify that both materials meet or exceed contract specifications.

The drainage issues all appear to be related to pre-existing conditions that were not impacted by the work of our contractor. This matter was left open for further discussion should additional evidence to the contrary be discovered. No further action is proposed to address the identified water/drainage issues.

Recommendations related to the western patio door will be relayed to the property owner.