

OFFICIAL MINUTES
OF THE MEETING OF THE
GOVERNING BODY OF THE
CITY OF PITTSBURG, KANSAS
July 9th, 2019

A Regular Session of the Board of Commissioners was held at 5:30 p.m. on Tuesday, July 9th, 2019, in the City Commission Room, located in the Law Enforcement Center, 201 North Pine, with Mayor Patrick O'Bryan presiding and the following members present: Sarah Chenoweth, Dan McNally, Dawn McNay and Chuck Munsell.

Mayor O'Bryan led the flag salute.

PUBLIC INPUT –

Reverend Don Smith provided an invocation.

City Commissioner Dawn McNay provided information regarding the dispute between the City of Pittsburg and the City of Frontenac pertaining to the improved right-of-way of Wild Red Road at the intersection of Atkinson Avenue. Commissioner McNay discussed correspondence received by the City of Pittsburg from the City of Frontenac, as well as a meeting held between the two cities regarding improvement of the approach on Wild Red Road at Atkinson. Commissioner McNay further provided a response to statements published in The Morning Sun regarding the issue.

Cheryl Brooks, 1533 Hampton, thanked the City for the recent use of Street Sales Tax to repair and maintain streets throughout town. Ms. Brooks asked the Governing Body to respond to her recent request to rescind the motion to use Economic Development funds in the amount of \$60,000 and other City funds for the construction of roads associated with the Silverback Landing Project.

Jodi Ellenburg, 1007 East 31st Street, spoke in opposition to closing Wild Red Road to resolve the dispute between the City of Pittsburg and the City of Frontenac regarding the approach on Wild Red Road at Atkinson.

Michelle Jordan, 901 East 31st Street, spoke in opposition to closing Wild Red Road to resolve the dispute between the City of Pittsburg and the City of Frontenac regarding the approach on Wild Red Road at Atkinson.

Libby Smith, 3201 North Radell Drive, spoke in opposition to closing Wild Red Road to resolve the dispute between the City of Pittsburg and the City of Frontenac regarding the approach on Wild Red Road at Atkinson.

William Strenth, 1515 Hampton, asked how the final plat of Wild Red Road was approved, as it was a dead-end road. Mr. Strenth inquired who paid for the extra road and what fund the money came from for the project.

APPROVAL OF MINUTES – On motion of Chenoweth, seconded by Munsell, the Governing Body approved the June 25th, 2019, City Commission Meeting minutes as presented. Motion carried.

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CEREAL MALT BEVERAGE LICENSE APPLICATION – On motion of Chenoweth, seconded by Munsell, the Governing Body approved the application submitted by Leroy Smith for a Cereal Malt Beverage License for the Second Annual Celebration to honor the life of Brandon Smith to be held at the Frisco Event Center (210 East 4th Street) from 4:00 p.m. until 11:00 p.m. on Saturday, July 20th, 2019, and authorized the City Clerk to issue the license. Motion carried.

CHANGE ORDER AND FINAL PAYMENT – 2018 STREET IMPROVEMENTS PROJECT – On motion of Chenoweth, seconded by Munsell, the Governing Body approved of Change Order No. 2 reflecting a decrease of \$12,688.57, making a new contract construction amount of \$504,648.61, and final payment due to Blevins Asphalt Construction Co., Inc., of Mt. Vernon, Missouri, in the amount of \$25,956.33 for the 2018 Street Improvements Project. Motion carried.

APPROPRIATION ORDINANCE – On motion of Chenoweth, seconded by Munsell, the Governing Body approved the Appropriation Ordinance for the period ending July 9th, 2019, subject to the release of HUD expenditures when funds are received with the following roll call vote: Yea: Chenoweth, McNally, McNay, Munsell and O'Bryan. Motion carried.

CEREAL MALT BEVERAGE LICENSE APPLICATION – On motion of O'Bryan, seconded by McNally, the Governing Body approval the application submitted by the Pittsburg Kiwanis Club for a Cereal Malt Beverage License for a beer garden to be located at the intersection of 10th and Broadway during the Little Balkans Day Festival from 7:00 p.m. until 11:00 p.m. on Saturday, August 31st, 2019, and authorized the City Clerk to issue the license. Motion carried.

PURCHASE OF PAVING MACHINE – On motion of O'Bryan, seconded by Chenoweth, the Governing Body approved staff request to purchase a 2010 Model Roadtec RP190 Paver for the Pittsburg Street Division in the total amount of \$179,467.00 and authorized staff to enter into a five-year lease/purchase agreement with Commerce Bank (Clayton Holdings), of Pittsburg, Kansas, based on an interest rate of 2.52% and annual payments in the amount of \$37,701.86, and authorized the Mayor to sign the necessary lease/purchase agreement once prepared. Motion carried.

OLSSON, INC. - INSPECTION SERVICES AGREEMENT – On motion of O'Bryan, seconded by McNally, the Governing Body approved staff recommendation to enter into an agreement with Olsson, Inc., in which Olsson, Inc. will perform testing and some construction engineering/inspection tasks on the milling, overlay and restriping of sections of North and South Broadway and areas on South Stilwell on either side of East Centennial for an amount not to exceed \$60,100.00 and that the cost be paid from the City's Street Sales Tax. Motion carried.

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ALLGEIER, MARTIN AND ASSOCIATES, INC. – WATER DISTRIBUTION NETWORK MODEL AGREEMENT – On motion of Munsell, seconded by McNay, the Governing Body approved staff recommendation to enter into an agreement with Allgeier, Martin and Associates, Inc. for the creation and calibration of a Water Distribution Network Model and to provide on-call engineering services relating to the water model for an amount not-to-exceed \$16,000. Motion carried.

VACATION – PORTION OF WARREN STREET – On motion of O'Bryan, seconded by Chenoweth, the Governing Body approved the recommendation of the Planning Commission/Board of Zoning Appeals to vacate of a portion of Warren Street from the south right-of-way line of West 1st Street to the north right-of-way line of the South Kansas and Oklahoma (SKO) Railroad right-of-way located in the City of Pittsburg, Crawford County, Kansas. Motion carried.

PRESENTATION OF THE CITY MANAGERS SUBMITTED 2020 BUDGET - City Manager Daron Hall and Director of Finance Jamie Clarkson presented the City Manager's Submitted Budget for 2020.

UPDATE - POTENTIAL MUNICIPALLY OWNED ELECTRIC UTILITY - Deputy City Manager Jay Byers provided an update on the potential establishment of a City-owned electric utility.

Commissioner Munsell requested City staff provide City Commissioners with information from other cities regarding the pitfalls of City-owned electric utilities. Commissioner McNally asked for a timeline for the next steps of the process. Deputy City Manager Byers indicated that he does not have a timeline at this time, but he hopes to have information available for the City Commission by the first quarter of 2020.

It was the consensus of the Governing Body to direct staff to obtain a written cost proposal, to be approved by the Governing Body, prior to spending funds on the creation and delivery of educational material in relation to the potential establishment of a City-owned electric utility.

DEBT AND MORTGAGE SUBORDINATION AGREEMENT – On motion of McNay, seconded by O'Bryan, the Governing Body entered into a Debt and Mortgage Subordination Agreement between the City, Arvest Bank, and P & L Development, LLC, placing the City in second position to Arvest Bank for the repayment of funding by P & L Development, LLC, in regard to the Silverback Landing Project, and authorized the Mayor to sign the Agreement on behalf of the City. Motion carried.

RESOLUTION NO. 1223 – On motion of McNay, seconded by Munsell, the Governing Body adopted Resolution No. 1223 accepting up to \$100,000 from Live Well Crawford County to be utilized by the City of Pittsburg for connectivity in the area of the Community Health Center, and authorized the Mayor to sign the Resolution on behalf of the City. Motion carried.

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APPOINTMENTS TO SUSTAINABILITY ADVISORY COMMITTEE – On motion of McNally, seconded by McNay, the Governing Body appointed Nancy Scott and Andrew Ouellette to fill unexpired terms as members of the Sustainability Advisory Committee effective immediately and to conclude on December 31, 2020. Motion carried.

The Governing Body took a brief recess at 7:20 p.m.

The Governing Body reconvened the regular session at 7:25 p.m.

NON-AGENDA REPORTS AND REQUESTS:

BI-MONTHLY BUDGET REVIEW - Director of Finance Jamie Clarkson provided the June 30, 2019, bi-monthly budget review.

4th OF JULY CELEBRATION – City Manager Daron Hall thanked City Staff for a successful 4th of July Celebration.

STREET REPAIRS – City Manager Daron Hall acknowledged the numerous street repair projects currently underway in Pittsburg.

DEPARTMENT REPORTS – Public Information Manager Sarah Runyon asked for feedback regarding the Department Reports she prepares each month for the Governing Body. It was the consensus of the Governing Body that the Department Reports continue to be prepared on a monthly basis. Commissioner McNay suggested the reports be discussed during the Commission's next Strategic Planning Session.

WILD RED ROAD APPROACH PROJECT – City Manager Daron Hall stated that Economic Development Sales Tax funds were used to improve the approach on Wild Red Road. Mr. Hall noted that Street Sales Tax funds were not used for the project. Commissioner Munsell asked why members of the Governing Body were not notified of the Wild Red Road approach project. City Manager Hall indicated that the project was common and the City already had an agreement with the contractor for on-call concrete projects. Commissioner Chenoweth suggested the Economic Development Advisory Committee prepare bylaws or an updated description of the duties of the EDAC members. Commissioner McNay indicated that the role of the EDAC members is outlined in the City Ordinances.

FIREWORKS – Commissioner McNay asked City staff to follow up with the operator of the fireworks stand that was located next to Mazzios Pizza to confirm the funds raised were supporting a non-profit organization (Nazarene Church Youth Camp). Commissioner McNay indicated that if the stand is supporting a non-profit organization, the Governing Body may consider a reduction in the license fee for that stand.

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SILVERBACK LANDING – Commissioner McNay responded to the Public Input of Cheryl Brooks earlier in this meeting regarding the funding of the concrete road in Silverback Landing. Commissioner McNay stated that Commissioner Munsell previously made a motion to rescind the motion to use Economic Development funds in the amount of \$60,000 and other City funds for the construction of roads associated with the Silverback Landing Project – the motion died for lack of a second. Commissioner McNay indicated that the decision had been made and that the topic would not be discussed further.

LAND USE PLAN – Assistant City Planner Brittan Brenner invited City Commissioners and community members to a Land Use Plan Visioning Session to be held on July 16th, 2019, from 8:00 a.m. until 11:00 a.m. and a Land Use Plan Open House to be held on July 17th, 2019, from 5:00 p.m. to 7:00 p.m. Both events will take place in the Community Conference Room at Block 22 (402 North Broadway).

PAVING UPDATE – Director of Public Utilities Matt Bacon announced that Stilwell south of Centennial would be paved on Saturday, July 13th, 2019.

ADJOURNMENT: On motion of Munsell, seconded by McNally, the Governing Body adjourned the meeting at 7:59 p.m. Motion carried.


Patrick J. O'Bryan, Mayor

ATTEST:


Tammy Nagel, City Clerk

