

Mr. Mayor, I would like to submit a statement under public comments. I feel that it is important to provide a more representative picture of the interaction with Frontenac city leadership in regards to improvement of the existing approach in the right of way from Wild Berry Road to Atkinson at the onset of our meeting.

I was first made aware of the improved right away at my bi-weekly meeting with Daron. He shared that the Pittsburg Highland developer and street contractor had received letters from Frontenac City Clerk demanding money and that the road be removed.

He also shared that he had brief conversation with Frontenac City Administrator, Brad Reams and Brad mentioned that our communities could just draft a MOA to address the maintenance of the right of way.

I was already planning to invite Frontenac Mayor Linda Grilz to meet just to touch base on shared interests and offered to visit with her regarding Wild Berry road. Linda and I met for coffee on May 28<sup>th</sup>. We agreed that we could facilitate a meeting between city staff to discuss the right of way. It was surprising that at that meeting she was unaware that the previous Friday, the Frontenac City Clerk had sent an open record request to our City Clerk.

With Frontenac homecoming taking place during this time, it took several weeks to get the meeting scheduled. During that time Henry Menghini received two additional letters from Tim Fielder, their city attorney. I did reach out to Linda and Henry responded to Mr. Fielder that we would not be responding to the attorney's demands until after our meeting. I am still unclear if the Mayor or City Manager authorized or was even aware of the continued letters sent by their attorney.

On Tuesday, June 18<sup>th</sup> we held our meeting which included me, Daron, Henry, Cameron & Matt. In attendance for Frontenac were Mayor Grilz, Brad, their City Attorney Tim Fielder, Police Chief John Zafuta, Public Works superintendent Brian Cussimano and their city clerk, Teri Kutz.

We had a healthy discussion - it was about half through that I realized that Linda's remarks were based on misinformation. She believed that we had created a road instead of paving an existing approach in the right of way.

The discussion around this revelation included confirmation by Frontenac public works superintendent Brian Cussimano that there was an existing access from Atkinson to what is old Atkinson Road and Frontenac staff sometimes have to still use it to access water lines. It was at that moment that Mayor Grilz directed the discussion towards determining what a long-term maintenance agreement would look like between our communities. She did preface this by saying that she knew Mr. Fielder would not agree with this direction, which Mr. Fielder confirmed. The agreed upon actions from that meeting were that Henry would outline the components of an agreement addressing the issues brought up in the meeting, which Daron would forward to Brad for consideration by their City Commission on July 1<sup>st</sup>. Pittsburg complied and prepared the relevant points by the deadline so that Frontenac could share the details of the proposed agreement with their City Council. In the proposed agreement, Pittsburg would hold Frontenac harmless from any claims, purchase an insurance rider naming Frontenac as an additional insured, assume all maintenance responsibilities, and not encroach on Frontenac.

I am somewhat perplexed that the reports of the Frontenac City Commission meeting do not seem to reflect any input from the City Mayor or City Administrator as to our meeting discussion and agreed

action plan. Their City Attorney was given great latitude to provide his interpretation of the meeting, questionable legal advice and a false narrative as to the reasons for improving the right of way. Examples of the false narrative from the Frontenac meeting as reported by the Morning Sun are:

1. The proposed agreement requested by Frontenac of Pittsburg would be an illegal agreement – This is a standard encroachment agreement. Encroachment agreements are utilized in many different situations and are clearly legal.
2. The Developer, and now Pittsburg should remove the road – Removing a road that has existed since at least 1991 would increase the liability at this location. This area is vastly improved from what it was fifteen years prior. The improvements add to the overall safety of the area by reducing response time for emergency vehicles utilizing the improved pre-existing connection to Atkinson.
3. No traffic study was conducted prior to the improvement – Two engineering firms have stated that the traffic volume did not and does not warrant a traffic study.
4. It is dangerous because people are pulling out into traffic that is going 55 mph - The speed limit is 30 and 35mph.
5. Frontenac gets no property tax from the development – It is important that Frontenac mention that they are not getting any money from this housing development. This was one reason Pittsburg did not ask them to pay for their share of the improvement. It didn't seem appropriate. We never considered they would view this improvement a harmful in any way.
6. No storm water study was done – All of the storm water from this development and the improved approach previously drained into Pittsburg and will continue to drain into Pittsburg. The new storm water pipe is in Pittsburg, not Frontenac. There is no impact to Frontenac.
7. An alternative exit from Wild Red road to hook into Atkinson to the west – This suggestion is not only impractical but would be extremely unsafe.
8. Pittsburg has a sense of entitlement, they planned it, and didn't seek Frontenac's permission – Pittsburg has a history in providing support to contractors and staff in Frontenac and other smaller neighboring communities without hesitation and without seeking Frontenac City Council approval. We also get assistance from those same communities at times. That regional support is nothing new. Just this year Pittsburg crews repaired, with Pittsburg equipment and tools, a serious sewer main break in the city limits of Frontenac. Pittsburg staff never sought permission from the Frontenac City Council and never asked for anything in return. No one from Frontenac ever mentioned it.

In this case, again, Pittsburg staff took action to provide a safety improvement which included a portion of the improvement on the right-of-way in Frontenac because it was a needed improvement to the families in the area. This necessary secondary access to a twenty-unit housing development is to provide emergency access; it was completed with the same intent as was our assistance in repairing the Frontenac sewer. It was completed by our contractor, who was approved through a competitive bidding process by the Pittsburg City Commission. The approach was inspected throughout construction.

I do have copies of this statement for my fellow Commissioners and for the press with Tammy if needed.

Thank you