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Consider the recommendation of the Economic Development
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years of 2019-2023 to the years of 2020-2024, with the first loan
payment to be due on November 1st, 2020, with all other loan
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NON-DISCRIMINATION ORDINANCE - Continue discussion
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CITY OF PITTSBURG, KANSAS
COMMISSION AGENDA
Tuesday, November 26, 2019
5:30 PM

CALL TO ORDER BY THE MAYOR:

- a. Flag Salute Led by the Mayor
- b. Public Input
- c. Proclamation - Small Business Saturday - Received by Roger and Heather Horton

CONSENT AGENDA:

- a. Approval of the November 12th, 2019, City Commission Meeting minutes.
- b. Approval of the November 21st, 2019, Special City Commission Meeting minutes.
- c. Approval of the applications submitted by Dollar General Store #3785 (2810 North Broadway) and Dollar General Store #188856 (820 West 4th Street) to sell Cereal Malt Beverages for the year 2019 and direct the City Clerk to issue the licenses.
- d. Approval of the applications submitted by The City of Pittsburg (Four Oaks Golf Course and Lincoln Park), Casey's General Store #2893 (2912 North Broadway), Casey's General Store #2961 (612 South Broadway), Walmart Inc. Store #72 (2710 North Broadway), Walmart Inc. Store #5791 (1011 East Centennial), Walmart Inc. Store #5791 Fuel Station (1015 East Centennial), Bo's 1 Stop (1116 West 4th Street), Dollar General Store #3785 (2810 North Broadway), Dollar General Store #188856 (820 West 4th Street), Walgreens #09049 (1911 North Broadway), Ron's Supermarket (310 East Centennial Drive), Pete's #07 (1307 South Broadway), Pete's #13 (4002 North Broadway), Pete's #21 (1711 North Broadway), and Pizza Hut #1652 (102 East Quincy) to sell Cereal Malt Beverages for the year 2020 and direct the City Clerk to issue the licenses.
- e. Approval of staff request to declare three self contained breathing apparatus (SCBA) packs and one SCBA bottle, currently utilized by the Pittsburg Fire Department, as surplus equipment and authorize staff to donate the surplus items to the Neosho Township Volunteer Fire Department.

CITY OF PITTSBURG, KANSAS
COMMISSION AGENDA
Tuesday, November 26, 2019
5:30 PM

- f. Approval of final payment to Satterlee Mechanical Contracting Corp., of Joplin, Missouri, in the amount of \$15,580.00 for the Cooling Tower Replacement Project at Fire Station #1.
- g. Approval of Change Order No. 1 reflecting a deduct of \$6,408.66, making a new contract construction amount of \$121,594.20, and for final payment due the contractor ProSeal, Inc., of El Dorado, Kansas, in the amount of \$121,594.20 for the 2019 Asphalt Rejuvenation Project.
- h. Approval of staff recommendation to award the bid for the purchase of AB-3 Limestone Rock and 3/4 Clean Rock for a period of January 1st through December 31st, 2020 with the option to renew the contract for two (2) additional one (1) year periods to the low bidder meeting specifications, Kunshek Chat & Coal, Inc., of Pittsburg, based on their low bid of \$8.23 per ton for AB-3 Limestone Rock and \$11.13 per ton for 3/4 Clean Rock and, if approved, authorize the Mayor and City Clerk to execute the contract documents once prepared.
- i. Approval of staff recommendation to award the bid for the purchase of Ready Mix Cement/Flowable Fill for a period of January 1st through December 31st, 2020 with the option to renew the contract for two (2) additional one (1) year periods to the low bidder, American Concrete Co., Inc., of Pittsburg, based on their low bids of \$88.30 per cubic yard for 3500 psi concrete; \$90.40 per cubic yard for 4000 psi concrete; \$101.10 per cubic yard for high early strength concrete; \$67.10 per cubic yard for flowable fill; \$5.00 per cubic yard for hot water; and \$5.00 per cubic yard for 2% calcium chloride and, if approved, authorize the Mayor and City Clerk to execute the contract documents once prepared.
- j. Approval of staff recommendation to award the bid for Directional Drilling of Water Line Pipe for the period of January 1st through December 31st, 2020 with the option to renew the contract for two (2) additional one (1) year periods to the lone bidder, Jim Radell Construction Co., Inc., of Pittsburg, based on their bid of \$10.00 per linear foot for 3/4" Water Pipe; \$10.00 per linear foot for 1" Water Pipe; \$10.00 per linear foot for 2" Water Pipe; \$10.00 per linear foot for 4" Water Pipe; \$18.00 per linear foot for 6" Water Pipe; \$20.00 per linear foot for 8" Water Pipe; \$20.00 per linear foot for 10" Water Pipe; \$28.00 per linear foot for 12" Water Pipe; and \$40.00 per linear foot for 16" Water Pipe and, if approved, authorize the Mayor and City Clerk to execute the contract documents once prepared.

CITY OF PITTSBURG, KANSAS
COMMISSION AGENDA
Tuesday, November 26, 2019
5:30 PM

- k. Approval of staff recommendation to award the bid for Exclusive Contract Towing Services to Larry Barrett Body, Frame and Towing for the period of January 1, 2020, through December 31, 2021, based on their bid of \$165 per vehicle tow and \$25.00 per day for vehicle storage.
- l. Approval of staff recommendation to award the bid for Pulsar Plus Calcium Hypochlorite to Commercial Aquatics Services Inc., Olathe, KS for the period of January 1, 2020, through December 31, 2021, based on their bid of \$115.81 per 50 gallons.
- m. Approval of Ordinance No. G-1304, amending Section 58-2 of the Pittsburg City Code regarding the Pittsburg Area Farmers Market Advisory Board to remove the qualifications that one (1) appointee be a current member of Growing Growers program at the Southeast Kansas Career and Technical Education Center of Crawford County and one (1) appointee shall be a member of the Downtown Advisory Board and include two (2) appointees as members at-large from the community, and authorize the Mayor to sign the Ordinance on behalf of the City.
- n. Approval of Ordinance No. G-1305, amending Section 58-31 of the Pittsburg City Code to reduce the Parks and Recreation Advisory Board membership term lengths from a four-year term to a three-year term beginning January 1, 2020, and authorize the Mayor to sign the Ordinance on behalf of the City.

Approval of the Appropriation Ordinance for the period ending November 26, 2019, subject to the release of HUD expenditures when funds are received.
ROLL CALL VOTE.

PUBLIC HEARING:

- a. 2019 BUDGET AMENDMENT - The City advertised for a Public Hearing to be held on Tuesday, November 26, 2019, at 5:30 p.m. in the City Commission Room, located in the Law Enforcement Center, located at 201 North Pine, to hear and answer objections of taxpayers relating to the proposed amended use of 2019 funds in the 2019 budget. **Following the Public Hearing, approve or disapprove the amended use of funds.**

CITY OF PITTSBURG, KANSAS
COMMISSION AGENDA
Tuesday, November 26, 2019
5:30 PM

SPECIAL PRESENTATION:

- a. Brad Snow, Chairman of the Pittsburg Farmers' Market Advisory Board, will provide the end of year update to the City Commission on the 2019 Farmers' Market season.

CONSIDER THE FOLLOWING:

- a. E & J INVESTMENTS (RENU MEDICAL & SPA) PROJECT - Consider the recommendation of the Economic Development Advisory Committee (EDAC) to contribute \$100,000 in non-repayable funds to E & J Investments (Dr. Jacqueline Youtsos) for the construction of a new medical facility on East 530th Street, contingent on the total value of the project exceeding \$1 million and the property being annexed into the City limits. **Approve or disapprove recommendation and, if approved, authorize the Mayor to sign the appropriate documents on behalf of the City.**
- b. RIGGS CHIROPRACTIC REQUEST - Consider the recommendation of the Economic Development Advisory Committee (EDAC) to contribute 10% of the total project value (with the City's portion not to exceed \$75,000) in non-repayable funds and a loan in the amount of \$12,000 to be repaid to the City over three years at 5% interest to Dr. Kayla and Tyler Riggs for the rehabilitation of the property at 4th Street and the Highway 69 Bypass to house their medical facility. **Approve or disapprove recommendation and, if approved, authorize the Mayor to sign the appropriate documents on behalf of the City.**
- c. CDL ELECTRIC PROJECT - Consider the recommendation of the Economic Development Advisory Committee (EDAC) to provide \$43,000 or 10% (whichever is less) in non-repayable funds to CDL Electric for the renovation of the properties located at 508 and 510 North Broadway, with the funds to be provided to CDL upon completion of the project. **Approve or disapprove recommendation and, if approved, authorize the Mayor to sign the appropriate documents on behalf of the City.**

CITY OF PITTSBURG, KANSAS
COMMISSION AGENDA
Tuesday, November 26, 2019
5:30 PM

- d. BLOCK 22 FORGIVABLE LOAN TIMELINE ADJUSTMENT - Consider the recommendation of the Economic Development Advisory Committee (EDAC) to update the timeline associated with the forgiveness of the \$300,000 Block 22 loan from the years of 2019-2023 to the years of 2020-2024, with the first loan payment to be due on November 1st, 2020, with all other loan details to remain unchanged. **Approve or disapprove recommendation and, if approved, authorize the Mayor to sign the appropriate documents on behalf of the City.**
- e. NON-DISCRIMINATION ORDINANCE - Continue discussion regarding the potential adoption of a Non-Discrimination Ordinance. **Take that action deemed appropriate.**
- f. LETTER AGREEMENT - Consider approval of a letter agreement for the City Manager for calendar year 2020. **Approve or disapprove the City Manager's Letter Agreement and, if approved, authorize the Mayor to sign the Agreement on behalf of the City.**

NON-AGENDA REPORTS & REQUESTS:

ADJOURNMENT

Office of the Mayor

CITY OF PITTSBURG, KANSAS

Proclamation

Whereas: Advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday; and

Whereas: Small Business Saturday has illuminated the importance of supporting small, independently owned businesses across the country, bringing customers and local entrepreneurs closer together since 2010; and

Whereas: Small Business Saturday, falling between Black Friday and Cyber Monday, is a day dedicated to supporting the diverse range of local businesses that help create jobs, boost the economy and keep communities across the country thriving; and

Whereas: The City of Pittsburg, Kansas, celebrates our local small businesses and the contributions they make to our local economy and community throughout the year; and

Whereas: The City of Pittsburg supports our local businesses that create jobs, boost our local economy and preserve our communities.

Now, therefore, I, Patrick, J. O'Bryan, Mayor of The City of Pittsburg, Kansas, do hereby proclaim, November 30, 2019, as:

SMALL BUSINESS SATURDAY

and urge the residents of our community to support small businesses and merchants on Small Business Saturday and throughout the year.

Dated this 26th day of November, 2019.

ATTEST:

City Clerk

Mayor

OFFICIAL MINUTES
OF THE MEETING OF THE
GOVERNING BODY OF THE
CITY OF PITTSBURG, KANSAS
November 12th, 2019

A Regular Session of the Board of Commissioners was held at 5:30 p.m. on Tuesday, November 12th, 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 –

Mark Chambers, on behalf of the First United Methodist Church, provided an invocation.

Ali Smith, Pittsburg resident, requested the Governing Body consider adopting a non-discrimination Ordinance.

Cheryl Brooks, 1533 Hampton Road, spoke in opposition to the Governing Body adding an Executive Session to the City Commission Meeting agenda for this evening.

Elishia Seals, spoke in favor of the Governing Body adopting a non-discrimination Ordinance.

Angel-Lea Childers, spoke in favor of the Governing Body adopting a non-discrimination Ordinance.

Amber Hames, Pittsburg resident, spoke in favor of the Governing Body adopting a comprehensive non-discrimination Ordinance.

PROCLAMATION - Mayor O'Bryan proclaimed November 20th, 2019, as Disability Mentoring Day in Pittsburg.

PROCLAMATION - Mayor O'Bryan proclaimed November 14th, 2019, as Project Warmth Day in Pittsburg.

APPROVAL OF MINUTES – On motion of McNally, seconded by McNay, the Governing Body approved the October 22nd, 2019, City Commission Meeting minutes as presented. Motion carried.

HVAC PURCHASE – PITTSBURG PUBLIC LIBRARY – On motion of McNally, seconded by McNay, the Governing Body approved the request submitted by Bev Clarkson, Pittsburg Public Library Director, to use \$6,215 from the Library Building Annuity to partially fund the purchase of two new HVAC units for the Pittsburg Public Library. Motion carried.

FINAL PAYMENT – WASTEWATER TREATMENT PLANT PRIMARY CLARIFIER #1 – On motion of McNally, seconded by McNay, the Governing Body approved final payment to Unique Metal Fabrications, Inc., of Pittsburg, in the amount of \$3,750.00 for the Wastewater Treatment Plant Primary Clarifier #1 Steel Support Column Replacement Project. Motion carried.

OFFICIAL MINUTES
OF THE MEETING OF THE
GOVERNING BODY OF THE
CITY OF PITTSBURG, KANSAS
November 12th, 2019

RAILROAD CROSSING AGREEMENT – On motion of McNally, seconded by McNay, the Governing Body approved Agreement No. 006193029 between the South Kansas and Oklahoma Railroad Company, the City of Pittsburg, and the Secretary of Transportation of the State of Kansas, to provide for the installation of railway-highway crossing signals, flashing light cantilever type and gates at a grade crossing (DOT #423131X) on Rouse Street North of 20th Street and authorized the Mayor to execute the necessary documents on behalf of the City. Motion carried.

APPROPRIATION ORDINANCE – On motion of McNally, seconded by McNay, the Governing Body approved the Appropriation Ordinance for the period ending November 12th, 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.

IMAGINE PITTSBURG 2030 UPDATE – Joe Dellasega provided an update regarding the Imagine Pittsburg 2030 (IP2030) initiative. Mr. Dellasega announced that on December 5th, 2019, an Imagine Pittsburg 2030 Planning Session will be held at Block 22.

DISPOSITION OF BIDS - DEMOLITION OF MIKE'S NEW AND USED – On motion of O'Bryan, seconded by Chenoweth, the Governing Body awarded the bid for the demolition of the structure at 716 North Broadway to the lowest bidder, JRB Industries, Inc., of Parsons, Kansas, with a total bid of \$38,500.00, and authorized the Mayor and City Clerk to execute the contract documents once prepared. Motion carried.

PLAT - 1000 BLOCK OF EAST 10TH STREET – On motion of McNally, seconded by McNay, the Governing Body approved the recommendation of the Planning Commission/Board of Zoning Appeals to accept the Short Form Plat submitted by Rod Zinn of Cornerstone Regional Surveying, LLC, for the re-platting of a lot located in the 1000 Block of East 10th Street, and authorized the Mayor to sign the plat on behalf of the City. Motion carried.

ORDINANCE NO. G-1300 - On motion of McNay, seconded by Chenoweth, the Governing Body adopted Ordinance No. G-1300, creating Article VIII in Chapter 42 of the Pittsburg City Code to regulate the use of dockless vehicles within the city limits of the City of Pittsburg, Kansas, and providing for regulation of permits, fees and penalties for violations thereof, and authorized the Mayor to sign the Ordinance on behalf of the City. Motion carried.

Commissioner McNay suggested that 30 days prior to deployment of scooters, the City initiate a public education campaign regarding the scooters.

NON-AGENDA REPORTS & REQUESTS –

BI-MONTHLY BUDGET REVIEW - Director of Finance Jamie Clarkson provided the October 31, 2019, bi-monthly budget review.

OFFICIAL MINUTES
OF THE MEETING OF THE
GOVERNING BODY OF THE
CITY OF PITTSBURG, KANSAS
November 12th, 2019

NON-DISCRIMINATION ORDINANCE – Commissioner Chenoweth requested a Non-Discrimination Ordinance be considered at an upcoming City Commission meeting.

ADDITION TO CITY COMMISSION MEETING AGENDA – Commissioner Munsell stated that the late addition of an Executive Session to the City Commission meeting agenda was unethical. Commissioner Munsell said that the addition to the agenda was not transparent.

INSTALLATION OF NEW COMMISSIONERS – Mayor O'Bryan suggested the installation date of the newly elected Commissioners be postponed until after the first of the year. Commissioner McNally indicated that he would not support altering the date.

SPECIAL MEETING – EXECUTIVE SESSION - On motion of McNay, seconded by Chenoweth, the Governing Body scheduled an Executive Session to be held at 5:30 p.m. on Thursday, November 21st, 2019, at 5:30 p.m. to continue the discussion of the City Manager's 2019 work performance and achievements. Motion carried.

EXECUTIVE SESSION - On motion of McNay, seconded by O'Bryan, the Governing Body recessed into Executive Session for forty-five minutes to discuss personnel matters of non-elected personnel pursuant to K.S.A. 75-4319(b)(1), to discuss the 2019 work performance and achievements of the City Manager. Motion carried.

The Governing Body recessed into Executive Session at 6:32 p.m.

The Governing Body reconvened into Regular Session at 7:03 p.m.

Mayor O'Bryan announced that no decisions were made and no votes were taken during the Executive Session.

ADJOURNMENT: On motion of Chenoweth, seconded by McNay, the Governing Body adjourned the meeting at 7:04 p.m. Motion carried.

Patrick J. O'Bryan, Mayor

ATTEST:

Tammy Nagel, City Clerk

OFFICIAL MINUTES
OF THE MEETING OF THE
GOVERNING BODY OF THE
CITY OF PITTSBURG, KANSAS
November 21st, 2019

A Special Session of the Board of Commissioners was held at 5:32 p.m. on Thursday, November 21st, 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.

EXECUTIVE SESSION - On motion of Chenoweth, seconded by McNay, the Governing Body recessed into Executive Session for sixty minutes to discuss personnel matters of non-elected personnel pursuant to K.S.A. 75-4319(b)(1), to discuss the 2019 evaluation and 2020 employment terms and conditions for the City Manager. Motion carried.

The Governing Body recessed into Executive Session at 5:32 p.m.

The Governing Body reconvened into Regular Session at 6:05 p.m.

Mayor O'Bryan announced that no decisions were made and no votes were taken during the Executive Session.

ADJOURNMENT: On motion of Chenoweth, seconded by McNally, the Governing Body adjourned the meeting at 6:05 p.m. Motion carried.

Patrick J. O'Bryan, Mayor

ATTEST:

Tammy Nagel, City Clerk

INTEROFFICE MEMORANDUM

To: City Manager Daron Hall

From: Fire Chief Mike Simons

CC:

Date: Tuesday, November 26, 2019

Subject: Surplus Property Declaration for SCBA to Neosho Township Fire Department

I am seeking City Commission action to declare the following SCBA's surplus property so that they may be transferred to the Neosho Township Fire Department. The Neosho Township Volunteer Fire Department needs these SCBA's for the safety of their firefighter while fighting fires. Recently, most of their existing SCBA's failed their annual testing and had to be deemed permanently out of service. These particular SCBA's are the metal bottles with 2216 psi. These SCBA's were replaced with our new SCBA's. Permission was given from SCOTT and Feld Fire to donate this equipment and we will not be held accountable for any financial obligations. The following is a list of the equipment that we are requesting to be declared surplus property:

Equipment Description	DOT Number	Serial #
SCBA Pack		S/N 89200289
SCBA Pack		S/N 89200245
SCBA Pack		S/N 89200223
SCBA Bottle	DOT-E6498-2216	

Would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, November 26, 2019? Action necessary will be approval or disapproval of this request.

If you have any questions concerning this matter, please do not hesitate to contact me.

TRANSFER OF SCBA EQUIPMENT

HOLD HARMLESS AGREEMENT

I, _____ Fire Chief of the Neosho Township Fire Department in Kansas, hereby agree to hold harmless the City of Pittsburg, Kansas, and its employees or agents, from any and all causes of action, claims, demands, judgements, damages, costs, expenses, attorney fees, and liability as a result of the use of the following SCBA equipment:

Equipment Description	DOT Number	Serial #
SCBA Pack		S/N 89200289
SCBA Pack		S/N 89200245
SCBA Pack		S/N 89200223
SCBA Mask	DOT-E6498-2216	

Signed: _____

Date: _____

ACKNOWLEDGEMENT

STATE OF KANSAS)
) SS
CRAWFORD COUNTY)

BE IT REMEMBERED, THT ON THIS ____ DAY OF _____, 2001, before me the undersigned, a Notary Public in and for the County and State aforesaid, came _____, who is personally known to me to be the same person executing this instrument.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year last above written.

Notary Public

My Appointment Expires: _____



DEPARTMENT OF PUBLIC WORKS

201 West 4th Street • Pittsburg KS 66762

(620) 231-4170

www.pittks.org

Interoffice Memorandum

TO: DARON HALL
City Manager

FROM: MATT BACON
Director of Public Utilities

MIKE SIMONS
Fire Chief

DATE: November 19, 2019

SUBJECT: Agenda Item – November 26, 2019
Final Payment
Cooling Tower Replacement Project – Fire Station #1

The contractor, Satterlee Mechanical Contracting Corp., of Joplin, Missouri, has completed all work on the above-referenced project and is now requesting final payment in the amount of \$15,580.00 (see attached invoice).

The Governing Body previously approved Change Order No. 1 reflecting an increase of \$9,568.15 making a new contract construction amount of \$73,268.15. The additional amount included scope of work changes for services and material as well as additional control wiring work.

Would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, November 26, 2019. Action necessary will be approval or disapproval of final payment to Satterlee Mechanical Contracting Corp. in the amount of \$15,580.00. This project is being funded by Public Safety Building Funds.

If you have any questions concerning this matter, please do not hesitate to contact us.

Attachment: Final Payment Invoice

Satterlee Mechanical Contracting

Phone: (417) 624-3660 ~ Fax (417) 624-3544 ~ www.satterleelumbing.com
3423 N. Main Street Road Joplin, MO 64801
Since 1892 "Have it done right"

Invoice

Invoice#: 1106F

Date: 09/17/2019

Billed To: City of Pittsburg, KS
201 W 4th Street
Pittsburg KS 66762

PO# 1910

Attn: Matt Bacon

Remit to:
PO Box 400
Joplin, MO 64802

Replacement of cooling tower located at Fire Station #1.

Description	Amount
Contract Amount: \$63,700.00	
Change Orders: \$5,838.15 + \$3,730.00	
Billing #1: \$31,850.00	
Billing #2 : \$25,838.15	
Final Billing	15,580.00

Due Date: 10/17/2019

Terms: 30DY

Notice to Owner

Failure of this contractor to pay those persons supplying material or to complete this contract can result in the filing of a mechanic's lien on the property which is the subject of this contract pursuant to chapter 428 RsMO. To avoid this result you may ask this contractor for lien waivers from all persons supplying material or supplies for work as described in this contract. Failure to secure lien waivers may result in your paying for labor and material twice.

Invoice Total	15,580.00
Retention:	0.00
Amount Due	15,580.00



DEPARTMENT OF PUBLIC UTILITIES

(620) 240-5126

1506 North Walnut · Pittsburg KS 66762

www.pittks.org

Interoffice Memorandum

TO: DARON HALL
City Manager

FROM: MATT BACON
Director of Public Utilities

DATE: November 20, 2019

SUBJECT: Agenda Item – November 26, 2019
Final Payment and Change Order 1
2019 Asphalt Rejuvenation Project

The contractor, ProSeal, Inc., of El Dorado, Kansas, has completed all work on the above-referenced project and is now requesting final payment. They have also submitted Change Order No. 1 for consideration. This change order reflects a deduct of \$6,408.66 making a new contract construction amount of \$121,594.20. The contractor is requesting final payment in the amount of \$121,594.20.

Would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, November 20, 2019. Action necessary will be approval or disapproval of Change Order No. 1 and final payment to ProSeal, Inc. in the amount of \$121,594.20. This project is being funded by sales tax street program funds.

If you have any questions concerning this matter, please feel free to contact me.

Attachments: Final Payment and CO#1 Documents



DEPARTMENT OF PUBLIC WORKS
201 W. 4th Street • Pittsburg KS 66762

PROJECT:

2019 ASPHALT SURFACE MAINTENANCE WITH AN ASPHALT REJUVENATING AGENT (FURNISHED AND APPLIED)
(Memorial Drive - US69 Bypass to Walnut Street; Olive Street - Kansas Avenue to US 69 Bypass; Mill Road - Woodgate Drive to Rouse Street; Centennial Drive - Rouse Street to East City Limits; Hobson Place Addition Streets; Rouse Street - KCS Tracks to Centennial Drive; 4th Street - Overpass to Free King Hwy.; Smelter Street - 10th Street to 20th Street)

DATE: November 13, 2019
PAY ESTIMATE: Final

CONTRACTOR: ProSeal, Inc.
P.O. Box 741
El Dorado, Kansas 67042

ORIGINAL CONTRACT CONSTRUCTION AMOUNT.....	\$ 128,002.86
CHANGE ORDER NO. 1 DATED 11-13-2019.....	\$ (6,408.66)
NEW CONTRACT CONSTRUCTION AMOUNT.....	\$ 121,594.20

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	CONTRACT AMOUNT	ADD QUANTITY	UNIT	NEW QUANTITY	NEW CONTRACT	% COMPLETE	VALUE
1	Base Bid	125,493	S.Y.	\$ 1.02	\$ 128,002.86	-6283	S.Y.	119,210	\$ 121,594.20	100%	\$ 121,594.20
Contract Construction Amount											\$ 121,594.20
Value of Completed Work											\$ 121,594.20
Less 10% Retainage											\$ -
Less Previous Estimates											\$ -
Total Deductions											\$ -
Amount Due Contractor on this Estimate											\$ 121,594.20

REQUESTED BY: PROSEAL, INC.

Chris Linnell DATE: 11/15/19

REVIEWED BY: GREG HARDISTER, ENGINEERING SUPERVISOR, CITY OF PITTSBURG

Greg Hardister DATE: 11/15/19

APPROVED BY: CAMERON ALDEN, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER, CITY OF PITTSBURG

Cameron Alden DATE: 11/15/19



2019 ASPHALT SURFACE MAINTENANCE WITH ASPHALT REJUVENATING AGENT

(Memorial Drive - US69 Bypass to Walnut Street; Olive Street - Kansas Avenue to US 69 Bypass; Mill Road
- Woodgate Drive to Rouse Street; Centennial Drive - Rouse Street to East City Limits; Hobson Place
Addition Streets; Rouse Street - KCS Tracks to Centennial Drive; 4th Street - Overpass to Free King Hwy.;
Smelter Street - 10th Street to 20th Street)

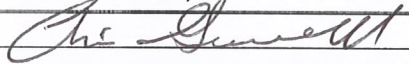
Change Order No. 1

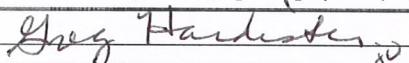
CONTRACTOR: ProSeal, Inc.	Date: November 13, 2019
P.O. Box 741	
El Dorado, Kansas 67042	

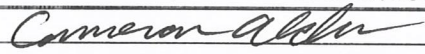
ORIGINAL CONTRACT CONSTRUCTION AMOUNT.....	\$ 128,002.86
CHANGE ORDER NO. 1 DATED 11-13-2019.....	\$ (6,408.66)
NEW CONTRACT CONSTRUCTION AMOUNT.....	\$ 121,594.20

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL
1	Base Bid - Reclamite Asphalt Rejuvenator Application	-6283	S.Y.	\$ 1.02	\$ (6,408.66)

TOTAL CHANGE ORDER NO. 1.....	(\$6,408.66)
NEW CONTRACT CONSTRUCTION AMOUNT.....	\$ 121,594.20
ENGINEERING AND INSPECTION (10%).....	\$ -
LEGAL AND ADMINISTRATIVE (5%).....	\$ -
NEW PROJECT TOTAL.....	\$ 121,594.20

ACCEPTED BY: PROSEAL, INC.
 DATE: 11/15/19

SUBMITTED BY: Greg Hardister, Engineering Supervisor, City of Pittsburg
 DATE: 11/15/19

APPROVED BY: Cameron Alden, Director of Public Works/City Engineer, City of Pittsburg
 DATE: 11/15/19



DEPARTMENT OF PUBLIC WORKS

201 W. 4th Street • Pittsburg KS 66762

FINAL PAYMENT DUE CONTRACTOR

PROJECT:

2019 ASPHALT SURFACE MAINTENANCE WITH AN ASPHALT REJUVENATING AGENT (FURNISHED AND APPLIED)
(Memorial Drive - US69 Bypass to Walnut Street; Olive Street - Kansas Avenue to US 69 Bypass; Mill Road - Woodgate Drive to Rouse Street; Centennial Drive - Rouse Street to East City Limits; Hobson Place Addition Streets; Rouse Street - KCS Tracks to Centennial Drive; 4th Street - Overpass to Free King Hwy.; Smelter Street - 10th Street to 20th Street)

Date: November 13, 2019

CONTRACTOR: ProSeal, Inc.
P.O. Box 741
El Dorado, Kansas 67042

ORIGINAL CONTRACT CONSTRUCTION AMOUNT.....	\$	128,002.86
CHANGE ORDER NO. 1 DATED 11-13-2019.....	\$	(6,408.66)
TOTAL CONSTRUCTION COST.....	\$	121,594.20
Less Previous Payments.....	\$	-
BALANCE DUE CONTRACTOR (FINAL PAYMENT).....	\$	121,594.20

ACCEPTED BY: ProSeal, Inc.

Chris Seidl

DATE: 11/15/19

SUBMITTED BY: Greg Hardister, Engineering Supervisor, City of Pittsburg

Greg Hardister

DATE: 11/15/19

APPROVED BY: Cameron Alden, Director of Public Works/City Engineer, City of Pittsburg

Cameron Alden

DATE: 11/15/19

DATE OF APPROVAL BY CITY COMMISSION:

**TO BE TYPED
ON COMPANY LETTERHEAD**

**CONSENT OF SURETY
TO REDUCTION IN OR
RELEASE OF RETAINAGE**

PROJECT: 2019 Asphalt Rejuvenation Project

TO: City of Pittsburg, Kansas
201 W. 4th Street
Pittsburg, KS 66762

CONTRACT FOR: Proseal, Inc.

CONTRACT DATE: May 30, 2019

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the Nationwide Mutual Insurance Company
1100 Locust St., Dept 2006, Des Moines, IA 50391, Surety
on bond of Proseal, Inc., Contractor,
hereby approves the reduction in or partial release of retainage to the Contractor, as
follows: One Hundred Twenty One Thousand Five Hundred Ninety Four Dollars and 20/100 (\$121,594.20)

The Surety agrees that such reduction in or partial or total release of retainage to the Contractor shall not relieve the Surety of any of its obligations to:

City of Pittsburg, Kansas

, OWNER,

as set forth in the said Surety's bond.

IN WITNESS WHEREOF, Nationwide Mutual Insurance Company
the Surety has hereunto set its hand this 15th day of November, 2019.

ATTEST:



Nationwide Mutual Insurance Company

Surety

Jolene Erpelding

Signature of Authorized Representative, Jolene Erpelding

Title, Attorney-in-Fact

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation

hereinafter referred to severally as the "Company" and collectively as "the Companies" does hereby make, constitute and appoint:
Jolene Erpelding

each in their individual capacity, its true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

One Hundred Fifty Thousand Dollars and No/100 (\$150,000.00)

and to bind the Company thereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company; and all acts of said Attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

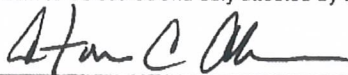
"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, memorandums, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require; and to modify or revoke, with or without cause, any such appointment or authority; provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and countersign any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereto; provided, however, that said seal shall not be necessary for the validity of any such documents."

This power of attorney is signed and sealed under and by the following bylaws duly adopted by the board of directors of the Company.

Execution of Instruments. Any vice president, any assistant secretary or any assistant treasurer shall have the power and authority to sign or attest all approved documents, instruments, contracts, or other papers in connection with the operation of the business of the company in addition to the chairman of the board, the chief executive officer, president, treasurer or secretary; provided, however, the signature of any of them may be printed, engraved, or stamped on any approved document, contract, instrument, or other papers of the Company.

IN WITNESS WHEREOF, the Company has caused this instrument to be sealed and duly attested by the signature of its officer the 27th day of February, 2019.



Antonio C. Albanese, Vice President of Nationwide Mutual Insurance Company

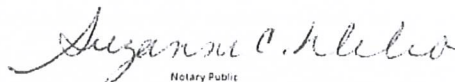


ACKNOWLEDGMENT

STATE OF NEW YORK, COUNTY OF NEW YORK: ss

On this 27th day of February, 2019, before me came the above-named officer for the Company aforesaid, to me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposes and says, that he is the officer of the Company aforesaid, that the seal affixed hereto is the corporate seal of said Company, and the said corporate seal and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Company.

Suzanne C. Delio
Notary Public, State of New York
No. 02DE6126649
Qualified in Westchester County
Commission Expires September 16, 2021

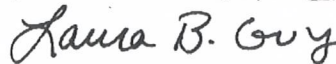


Notary Public
My Commission Expires
September 16, 2021

CERTIFICATE

I, Laura B. Guy, Assistant Secretary of the Company, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the boards of directors and the same has not been revoked or amended in any manner; that said Antonio C. Albanese was on the date of the execution of the foregoing power of attorney the duly elected officer of the Company, and the corporate seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors; and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of said Company this 15th day of November, 2019.



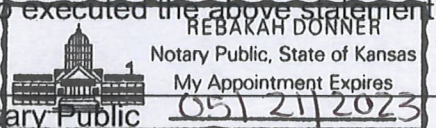
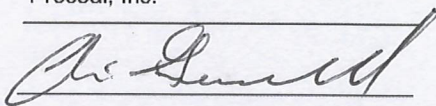

Assistant Secretary

**TO BE TYPED
ON COMPANY LETTERHEAD**

**TO: CITY CLERK
CITY OF PITTSBURG
PITTSBURG, KANSAS 66762**

PROJECT: 2019 Asphalt Rejuvenation Project

In accordance with the provisions of the Contract of the above Project, I/We hereby certify and swear that all subcontractors, vendors, persons or firms who have furnished labor or materials for the work, and all rentals of materials, equipment, or property used in connection with the work, and that all taxes have been paid in full or otherwise satisfied.

<p>State of Kansas, <u>Butler</u> County</p> <p>On this <u>15</u> day of <u>November</u>, 20 <u>19</u>, before me, a Notary Public in and for the aforementioned County and State, personally appeared <u>CHRIS GREENWELL</u>, to me known to be the identical person who executed the above statement.</p> <div style="text-align: center;"><p>Notary Public, State of Kansas My Appointment Expires <u>05/21/2023</u></p></div> <p>My Commission Expires: <u>may 21, 2023</u></p>	<p>Contractor: <u>Proseal, Inc.</u></p> <p>By: <u></u></p> <p>Title: <u>President</u></p> <p>Seal: _____ (If Corporate)</p> <div style="text-align: right;"></div>
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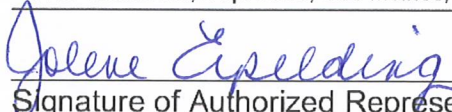
The Nationwide Mutual Insurance Company, Surety Company
on bond for the above project hereby approves the final payment to the Contractor, and
agrees that the final payment shall not relieve the Surety Company of any of its
obligations to the City of Pittsburg as set forth in the Surety Company's bond.

IN WITNESS this 15th day of November, 2019.



Nationwide Mutual Insurance Company

1100 Locust St., Dept 2006, Des Moines, IA 50391



Signature of Authorized Representative, Jolene Erpelding

ATTORNEY-IN-FACT

RESIDENT AGENT.

cc: Engineering Division

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS THAT:

Nationwide Mutual Insurance Company, an Ohio corporation

hereinafter referred to severally as the "Company" and collectively as "the Companies" does hereby make, constitute and appoint:

Jolene Erpelding

each in their individual capacity, its true and lawful attorney-in-fact, with full power and authority to sign, seal, and execute on its behalf any and all bonds and undertakings, and other obligatory instruments of similar nature, in penalties not exceeding the sum of

One Hundred Fifty Thousand Dollars and No/100 (\$150,000.00)

and to bind the Company thereby, as fully and to the same extent as if such instruments were signed by the duly authorized officers of the Company; and all acts of said Attorney pursuant to the authority given are hereby ratified and confirmed.

This power of attorney is made and executed pursuant to and by authority of the following resolution duly adopted by the board of directors of the Company:

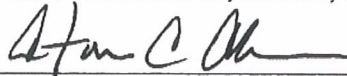
"RESOLVED, that the president, or any vice president be, and each hereby is, authorized and empowered to appoint attorneys-in-fact of the Company, and to authorize them to execute and deliver on behalf of the Company any and all bonds, forms, applications, memorandums, undertakings, recognizances, transfers, contracts of indemnity, policies, contracts guaranteeing the fidelity of persons holding positions of public or private trust, and other writings obligatory in nature that the business of the Company may require; and to modify or revoke, with or without cause, any such appointment or authority; provided, however, that the authority granted hereby shall in no way limit the authority of other duly authorized agents to sign and countersign any of said documents on behalf of the Company."

"RESOLVED FURTHER, that such attorneys-in-fact shall have full power and authority to execute and deliver any and all such documents and to bind the Company subject to the terms and limitations of the power of attorney issued to them, and to affix the seal of the Company thereto; provided, however, that said seal shall not be necessary for the validity of any such documents."

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IN WITNESS WHEREOF, the Company has caused this instrument to be sealed and duly attested by the signature of its officer the 27th day of February, 2019.



Antonio C. Albanese, Vice President of Nationwide Mutual Insurance Company

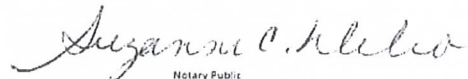


ACKNOWLEDGMENT

STATE OF NEW YORK, COUNTY OF NEW YORK: ss

On this 27th day of February, 2019, before me came the above-named officer for the Company aforesaid, to me personally known to be the officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, deposes and says, that he is the officer of the Company aforesaid, that the seal affixed hereto is the corporate seal of said Company, and the said corporate seal and his signature were duly affixed and subscribed to said instrument by the authority and direction of said Company.

Suzanne C. Delio
Notary Public, State of New York
No. 0206126649
Qualified in Westchester County
Commission Expires September 16, 2021

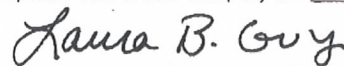


Notary Public
My Commission Expires
September 16, 2021

CERTIFICATE

I, Laura B. Guy, Assistant Secretary of the Company, do hereby certify that the foregoing is a full, true and correct copy of the original power of attorney issued by the Company; that the resolution included therein is a true and correct transcript from the minutes of the meetings of the boards of directors and the same has not been revoked or amended in any manner; that said Antonio C. Albanese was on the date of the execution of the foregoing power of attorney the duly elected officer of the Company, and the corporate seal and his signature as officer were duly affixed and subscribed to the said instrument by the authority of said board of directors; and the foregoing power of attorney is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto subscribed my name as Assistant Secretary, and affixed the corporate seal of said Company this 15th day of November, 2019.



Assistant Secretary

Division of Taxation
109 SW 9th Street
Topeka, KS, 66601-3506
Mark A. Burghart, Secretary



Phone: 785-296-3081
Fax: 785-296-7928
www.ksrevenue.org
Laura Kelly, Governor

STATE OF KANSAS PROJECT COMPLETION CERTIFICATION

TO: City of Pittsburg

Name of Entity to whom Project Exemption Certificate was Issued

201 W 4th St	Pittsburg	KS	66762
Street Address	City	State	Zip Code

This is to certify, to the best of my knowledge and belief, that all materials purchased under **Exemption Certificate Number** 0000079128, issued by the Kansas Department of Revenue, were incorporated into the building or project for which the exemption was issued and were entitled to an exemption pursuant to K.S.A. 79-3606(c), (d), (e), (xx), (aaa), (ccc), (iii), (qqq), (sss), (ttt), (uuu), (xxx) and (yyy) as amended.

Proseal, Inc.

Contractor / Subcontractor

P.O. Box 741

P.O. Box and/or Street Number and Name

El Dorado, Kansas 67042

City, State Zip

Signature and Title of Authorized Representative

11/15/19
Date

INSTRUCTIONS

Upon completion of a tax exempt project, the contractor must furnish this certification to the exempt entity for which the work was performed. The exempt entity needs to retain this document in their files and record the actual date that the project was completed on-line at <https://www.kdor.ks.gov/apps/kcsc/>. All invoices must be retained by the contractor for a period of five (5) years and are subject to audit by the Kansas Department of Revenue.

PR-77 (Rev. 09/16)

Interoffice Memorandum

TO: DARON HALL
City Manager

FROM: MATT BACON
Director of Public Utilities

DATE: November 20, 2019

SUBJECT: Agenda Item – November 26, 2019
Disposition of Bids
AB-3 Limestone Rock and $\frac{3}{4}$ Clean Rock

Bids were received on Tuesday, November 19th, 2019, for the purchase of AB-3 Limestone Rock and $\frac{3}{4}$ Clean Rock for the period of January 1st through December 31st, 2020 with the option to renew the contract for two (2) additional one (1) year periods (see attached bid tabulation). On the yearly anniversary date of this contract, prices as bid may remain at the price bid or may be based on a price adjustment, either upward or downward, keyed to industry and changes. Contractor shall furnish figures at least thirty (30) days prior to expiration date to substantiate any claim for increase. Price increases shall not exceed three percent (3%) of the existing contract. If parties to the contract cannot agree on renewal terms, the contract will be re-bid.

After reviewing the bids received, City staff is recommending the bids be awarded to the low bidder meeting specifications as follows:

AB-3 Limestone Rock

Kunshek Chat & Coal, Inc. \$8.23/ton
308 Memorial Drive
Pittsburg, Kansas 66762
(Last year's bid–Kunshek Chat & Coal, Inc. – low bid of \$7.69/ton)

$\frac{3}{4}$ Clean Rock

Kunshek Chat & Coal, Inc. \$11.13/ton
(Last year's bid–Kunshek Chat & Coal, Inc. - low bid of \$10.54/ton)

MEMO TO: DARON HALL
NOVEMBER 20, 2019
PAGE TWO

These materials are used for the maintenance of streets and alleys and bedding and filling for water mains, sanitary sewers and storm sewers and will be purchased with funds allocated in the street improvements sales tax, special fuels and utilities general operating budgets.

Would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, November 26th, 2019. Action necessary will be approval or disapproval of staff's recommendation to award the bids to the low bidder as stipulated above and, if approved, authorize the Mayor and City Clerk to execute the contract documents once prepared.

If you have any questions concerning this matter, please do not hesitate to contact me.

Attachment: Bid Tab Sheet



The City of Pittsburg, Kansas
Recapitulation of Bids - Street Materials
Tuesday, November 19th, 2019 - 2:00 p.m.

Name and Address of Bidder	AB-3 Limestone Rock (Per Ton)	¾ Clean Rock (Per Ton)
Jeff Asbell Excavating and Trucking, Inc. 9400 State Hwy. 171 Carl Junction, Missouri 64834	\$11.25	\$14.75
Kunshak Chat & Coal, Inc. 308 Memorial Drive Pittsburg, Kansas 66762	\$8.23	\$11.13
Midwest Minerals P.O. Box 412 Pittsburg, Kansas 66762	\$12.40	\$15.60
Randy Vilela Trucking, Hauling & Demolition 103 South Elm, P.O. Box 208 Pittsburg, Kansas 66762	NO BID	NO BID

Interoffice Memorandum

TO: DARON HALL
City Manager

FROM: MATT BACON
Director of Public Utilities

DATE: November 20, 2019

SUBJECT: Agenda Item – November 26, 2019
Disposition of Bids
Ready Mix Cement/Flowable Fill

Bids were received on Tuesday, November 19th, 2019, for the purchase of ready mix cement/flowable fill for the period of January 1st through December 31st, 2020 with the option to renew the contract for two (2) additional one (1) year periods (see attached bid tab sheet). On the yearly anniversary date of this contract, prices as bid may remain at the price bid or may be based on a price adjustment, either upward or downward, keyed to industry and changes. Contractor shall furnish figures at least thirty (30) days prior to expiration date to substantiate any claim for increase. Price increases shall not exceed three percent (3%) of the existing contract. If parties to the contract cannot agree on renewal terms, the contract will be re-bid.

After reviewing the bids received, staff is recommending that the bid be awarded to the low bidder, American Concrete Co., Inc., of Pittsburg, based on their bids as shown on the bid tabulation. In this regard, would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, November 26th, 2019. Action necessary will be approval or disapproval of staff's recommendation to award the bid to American Concrete Co., Inc. and, if approved, authorize the Mayor and City Clerk to execute the contract documents once prepared.

If you have any questions concerning this matter, please do not hesitate to contact me.

Attachments: Bid Tab Sheet



City of Pittsburg, Kansas
Recapitulation of Bids
Purchase of Ready Mix/Flowable Fill
Tuesday, November 19th, 2019 – 2:00 p.m.

NAME/ADDRESS OF BIDDER	3500 psi Concrete (per cubic yard)	4000 psi Concrete (per cubic yard)	High Early Strength (per cubic yard)	Flowable Fill (per cubic yard)	Hot Water (per cubic yard)	2% Calcium Chloride (per cubic yard)
American Concrete Co., Inc. 504 North Smelter Pittsburg, Kansas 66762	\$88.30	\$90.40	\$101.10	\$67.10	\$5.00	\$5.00
O'Brien Ready Mix P.O. Box 217 St. Paul, Kansas 66771	\$89.38	\$91.58	\$103.22	\$66.53	\$5.00	\$5.15

Interoffice Memorandum

TO: DARON HALL
City Manager

FROM: MATT BACON
Director of Public Utilities

DATE: November 20, 2019

SUBJECT: Agenda Item – November 26, 2019
DISPOSITION OF BIDS
Directional Drilling of Water Line Pipe

Bids were received on Tuesday, November 19th, 2019, for Directional Drilling of Water Line Pipe for the period of January 1st to December 31st, 2020 with the option to renew the contract for two (2) additional one (1) year periods. On the yearly anniversary date of this contract, prices as bid may remain at the price bid or may be based on a price adjustment, either upward or downward, keyed to industry and changes. Contractor shall furnish figures at least thirty (30) days prior to expiration date to substantiate any claim for increase. Price increases shall not exceed three percent (3%) of the existing contract. If parties to the contract cannot agree on renewal terms, the contract will be re-bid.

Bid packets were sent out to seven (7) contractors; however, only one bid was received (see attached bid tabulation). After reviewing the bids received, staff is recommending that the bids be awarded to the lone bidder, Jim Radell Construction Co., Inc., of Pittsburg, based on their bids as shown on the bid tabulation. In this regard, would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, November 26th, 2019. Action necessary will be approval or disapproval of staff's recommendation and, if approved, authorize the Mayor and City Clerk to execute the contract documents once prepared.

If you have any questions concerning this matter, please do not hesitate to contact me.

Attachment: Bid Tabulation



The City of Pittsburg, Kansas
Recapitulation of Bids Received for Directional Drilling of Water Line Pipe
Tuesday, November 19th, 2019 – 2:00 p.m.

NAME AND ADDRESS OF BIDDER		Jim Radell Construction Co., Inc. 1200 West 4 th Street Pittsburg, Kansas 66762		
¾" Water Pipe	Per L.F.	\$10.00		
1" Water Pipe	Per L.F.	\$10.00		
2" Water Pipe	Per L.F.	\$10.00		
4" Water Pipe	Per L.F.	\$10.00		
6" Water Pipe	Per L.F.	\$18.00		
8" Water Pipe	Per L.F.	\$20.00		
10" Water Pipe	Per L.F.	\$20.00		
12" Water Pipe	Per L.F.	\$28.00		
16" Water Pipe	Per L.F.	\$40.00		



BRENT NARGES
Chief of Police

PITTSBURG

POLICE DEPARTMENT

Beard-Shanks Law Enforcement Center

201 North Pine Street
Pittsburg, Kansas 66762
(620) 235-0400

INTEROFFICE MEMORANDUM

To: City Manager Daron Hall

From: Chief Brent Narges
Major Tim Tompkins

CC:

Date: Tuesday, November 19, 2019

Subject: Disposition of Bids for Towing Contract

Bids were solicited from interested towing companies to perform services for vehicles towed by the police department in conjunction with law enforcement activities, and for certain vehicles owned by the City of Pittsburg. Pursuant to the bid request, one bid for towing services was received by the submission deadline of Tuesday, November 19, 2019. The bid was opened and reviewed according to City of Pittsburg bid policy. Following is a summation of the bid received:

Larry Barrett Body Frame and Towing, Pittsburg, Kansas

Price per tow: \$165.00
Storage per day: \$25.00

Bean's Towing and Auto Body is the current holder of the Exclusive City tow contract. The city is currently paying \$85.00 per tow, and \$15.00 per day for storage fees. The current contract began on January 1, 2018 and will expire on December 31, 2019. Based on the bid submitted, staff would recommend awarding the bid for contract towing services for the period of January 1, 2020 through December 31, 2021 to Larry Barrett Body, Frame and Towing, based on their low submitted bid. Should you have any questions on staff's recommendation, please contact us.



**Recapitulation of Bids Received
2020– 2021 Exclusive Tow Service
Tuesday, November 19th, 2019 - 2:00 p.m.**

Name and Address of Bidder	Price Per Tow	Daily Storage Fee
Larry Barrett Body*Frame*Towing 1601 East 27 th Street Terrace Pittsburg, Kansas 66762	\$165.00	\$25.00

INTEROFFICE MEMORANDUM

To: Daron Hall, City Manager
From: Kim Vogel, Director of Parks and Recreation
CC: Tammy Nagel, City Clerk
Date: November 19, 2019
Subject: November 26, 2019 City Commission Meeting Agenda Item
Aquatic Center Chemical Bids

The City of Pittsburg Parks and Recreation Department has taken bids on Pulsar Plus Calcium Hypochlorite for the Aquatic Center. We received one bid for this product from Commercial Aquatic Services, Olathe, KS.

Commercial Aquatic Services bid was \$115.81 per 50 lb. bucket. This bid, which met specifications, included freight and delivery charges as long as the minimum required order is met.

In this regard would you please place an item on the November 26, 2019 City Commission Agenda. Action necessary is to approve or deny contracting with Commercial Aquatic Services, Inc., Olathe, KS. The bid tab sheet has been attached for your reference.

If you have any questions regarding this item please do not hesitate to contact me.



Bid Recapitulation Sheet
City of Pittsburg Aquatic Center Chemicals
Tuesday, November 19th, 2019 -- 2:00 p.m.

Name and Address of Bidder	Pulsar Plus Calcium Hypochlorite (including delivery fee, freight charge, and container deposit fee)	Delivery Fee	Freight Charge	Container Deposit Fee
Commercial Aquatic Services, Inc. 1542 East Spruce Street Olathe, Kansas 66061	\$115.81 400 Lb. Minimum Order Requirement 3-4 Business Days Advance Order	NO CHARGE	NO CHARGE	NO CHARGE

INTEROFFICE MEMORANDUM

To: DARON HALL
CITY MANAGER

From: KIM VOGEL
DIRECTOR OF PARKS AND RECREATION

CC: TAMMY NAGEL
CITY CLERK

Date: NOVEMBER 18, 2019

Subject: Agenda Item – November 26, 2019
Ordinance Number G-1304

The Pittsburg Area Farmers' Market Advisory Board was established in 2017. Membership qualifications were established at the time of inception that seemed to be in the best interest of the market. Upon reviewing these qualifications with our current board, in preparation for new appointments for 2020, a need for restructuring has been recommended.

City staff, along with the Farmers' Market Advisory Board, is proposing that the positions currently qualified under Growing Growers and the Downtown Advisory Board be changed to members at-large. This change will create a board with the following position qualifications: three dues paying vendors; one member of Eat Well/Live Well Crawford County or a similar organization; one current employee of the Kansas State Research and Extension office (Wildcat Extension District); and two members at-large.

In this regard, would you place an item on the agenda for the City Commission meeting scheduled for Tuesday, November 26, 2019. Action necessary would be the approval or disapproval of Ordinance Number G-1304 and if approved authorize necessary actions to be taken for publication.

If you have questions, please do not hesitate to contact me.

(Summary Published in The Morning Sun on November 29, 2019)

ORDINANCE NO. G-1304

AN ORDINANCE amending Section 58-2 of the Pittsburg City Code to remove qualifications that one (1) appointee be a current member of Growing Growers program at the Southeast Kansas Career and Technical Education Center of Crawford County and one (1) appointee be a member of the Downtown Advisory Board and include two (2) appointees as members at-large from the community.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PITTSBURG, KANSAS:

Section 1. Section 58-2 of the Pittsburg City Code is amended to read as follows:

Sec. 58-2 Member Qualifications.

Three (3) appointees to the Board shall be current dues paying vendors at the Pittsburg Area Farmers Market; one (1) appointee shall be a member of Eat Well/Live Well Crawford County or a similar organization; and one (1) appointee shall be a current employee of the Kansas State Research and Extension office (Wildcat Extension District). Appointees shall be drawn from diverse segments of the public, and shall be selected for their wisdom, broad perspective, and ability to assist in planning and development of the Pittsburg Area Farmers Market.

Section 2. This Ordinance shall take effect upon its passage and publication in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY this the 26th day of November, 2019

Mayor – Patrick O' Bryan

ATTEST:

Tammy Nagel – City Clerk

INTEROFFICE MEMORANDUM

To: DARON HALL
CITY MANAGER

From: KIM VOGEL
DIRECTOR OF PARKS AND RECREATION

CC: TAMMY NAGEL
CITY CLERK

Date: NOVEMBER 18, 2019

Subject: Agenda Item – November 26, 2019
Ordinance G-1305 Parks and Recreation Advisory Board Term Amendment

City staff, and members of the Parks and Recreation Advisory Board, are proposing Ordinance G-1305 to change Ordinance G-707 Section 58-31. Current code states that members will serve a four-year term to the board. Staff, and current members, propose changing to three-year board terms for recruitment and retention of board members. Additionally, this brings the board terms to similar lengths as the majority of the City's volunteer boards.

All members of this board are At Large and one member can reside within an area of the county bounded by an eight linear mile radius from the intersection of Fourth and Broadway Streets. Members can serve two consecutive terms.

In this regard, would you place an item on the agenda for the City Commission meeting scheduled for Tuesday, November 26, 2019. Action necessary would be the approval or disapproval of the change of Ordinance G-1305 and if approve authorize publication.

If you have questions, please do not hesitate to contact me.

(Summary Published in The Morning Sun on November 29, 2019)

ORDINANCE NO. G-1305

AN ORDINANCE amending Section 58-31 of the Pittsburg City Code to reduce the Parks and Recreation Advisory Board membership term lengths from a four-year term to a three-year term beginning January 1, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PITTSBURG, KANSAS:

Section 1. Section 58-31 of the Pittsburg City Code is amended to read as follows:

Sec. 58-31 Created.

There is hereby created a Parks and Recreation Advisory Board. It shall consist of five members, one of whom may be a nonresident of the City, appointed by the Governing Body. No nonresident may be appointed to the board unless he or she resides within an area of the county bounded by an eight linear mile radius from the intersection of Fourth and Broadway Streets. Upon the expiration of the term of any member, the Governing Body shall appoint that member or some other qualified individual to a three-year term of office; provided, however, that no member shall serve more than two consecutive terms.

Section 2. This Ordinance shall take effect on January 1, 2020 following publication in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY this the 26th day of November, 2019.

Mayor – Patrick O' Bryan

ATTEST:

Tammy Nagel – City Clerk

VENDOR SET: 99 City of Pittsburg, KS

BANK: * ALL BANKS

DATE RANGE:11/06/2019 THRU 11/19/2019

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
C-CHECK	VOID CHECK	V	11/08/2019			185862		
C-CHECK	VOID CHECK	V	11/08/2019			185863		
C-CHECK	VOID CHECK	V	11/08/2019			185896		
C-CHECK	VOID CHECK	V	11/08/2019			185897		
C-CHECK	VOID CHECK	V	11/08/2019			185898		
C-CHECK	VOID CHECK	V	11/15/2019			185911		
C-CHECK	VOID CHECK	V	11/15/2019			185912		

* * T O T A L S * *

NO

INVOICE AMOUNT

DISCOUNTS

CHECK AMOUNT

REGULAR CHECKS:

0

0.00

0.00

0.00

HAND CHECKS:

0

0.00

0.00

0.00

DRAFTS:

0

0.00

0.00

0.00

EFT:

0

0.00

0.00

0.00

NON CHECKS:

0

0.00

0.00

0.00

VOID CHECKS:

7 VOID DEBITS

0.00

VOID CREDITS

0.00

0.00

0.00

TOTAL ERRORS: 0

VENDOR SET: 99	BANK:	TOTALS:	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
			7	0.00	0.00	0.00
BANK:		TOTALS:	7	0.00	0.00	0.00

VENDOR SET: 99 City of Pittsburg, KS

BANK: 80144 BMO HARRIS BANK

DATE RANGE:11/06/2019 THRU 11/19/2019

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0224	KDOR	D	11/07/2019			000000		8,138.00
0321	KP&F	D	11/15/2019			000000		45,050.81
0728	ICMA	D	11/15/2019			000000		10,515.00
1050	KPERS	D	11/15/2019			000000		42,967.47
5904	TASC	D	11/15/2019			000000		6,081.05
6415	GREAT WEST TANDEM KPERS 457	D	11/15/2019			000000		4,644.83
6952	ADP INC	D	11/15/2019			000000		7,821.00
7290	DELTA DENTAL OF KANSAS INC	D	11/08/2019			000000		2,564.20
7290	DELTA DENTAL OF KANSAS INC	D	11/15/2019			000000		2,362.40
7877	CORESOURCE	D	11/07/2019			000000		5,627.92
7877	CORESOURCE	D	11/14/2019			000000		56,633.35
0046	ETTINGERS OFFICE SUPPLY	E	11/12/2019			006425		345.75
0054	JOPLIN SUPPLY COMPANY	E	11/12/2019			006426		853.37
0055	JOHN'S SPORT CENTER, INC.	E	11/12/2019			006427		517.00
0062	LINDSEY SOFTWARE SYSTEMS, INC.	E	11/12/2019			006428		911.00
0084	INTERSTATE EXTERMINATOR, INC.	E	11/12/2019			006429		430.00
0105	PITTSBURG AUTOMOTIVE	E	11/12/2019			006430		184.94
0117	THE MORNING SUN	E	11/12/2019			006431		90.60
0128	VIA CHRISTI HOSPITAL	E	11/12/2019			006432		491.00
0133	JIM RADELL CONSTRUCTION COMPAN	E	11/12/2019			006433		9,280.00
0194	KANSAS STATE TREASURER	E	11/12/2019			006434		4,165.00
0202	CLIFF HIX ENGINEERING INC	E	11/12/2019			006435		49.00

VENDOR SET: 99 City of Pittsburg, KS

BANK: 80144 BMO HARRIS BANK

DATE RANGE:11/06/2019 THRU 11/19/2019

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0292	UNIFIRST CORPORATION	E	11/12/2019			006436		53.60
0328	KANSAS ONE-CALL SYSTEM, INC	E	11/12/2019			006437		403.20
0335	CUSTOM AWARDS, LLC	E	11/12/2019			006438		39.98
0364	CRAWFORD COUNTY SHERIFF'S DEPA	E	11/12/2019			006439		5,810.00
0409	WISEMAN'S DISCOUNT TIRE INC	E	11/12/2019			006440		40.00
0516	AMERICAN CONCRETE CO INC	E	11/12/2019			006441		4,498.84
0636	SAM BROWN & SON SHEET METAL	E	11/12/2019			006442		160.00
0866	AVFUEL CORPORATION	E	11/12/2019			006443		20,403.14
1075	COASTAL ENERGY CORP	E	11/12/2019			006444		2,082.60
1199	SCURLOCK INDUSTRIES OF NORTH M	E	11/12/2019			006445		1,305.59
1238	SEWARD ELECTRIC, INC.	E	11/12/2019			006446		651.80
1478	KANSASLAND TIRE #1828	E	11/12/2019			006447		319.26
1792	B&L WATERWORKS SUPPLY, LLC	E	11/12/2019			006448		3,293.60
2921	DATAPROSE LLC	E	11/12/2019			006449		4,662.06
3192	MUNICIPAL CODE CORP	E	11/12/2019			006450		950.00
3802	BRENNTAG MID-SOUTH INC	E	11/12/2019			006451		2,259.00
4307	HENRY KRAFT, INC.	E	11/12/2019			006452		198.26
4618	TRESA LYNNE MILLER	E	11/12/2019			006453		734.00
5014	MID-AMERICA SANITATION INC.	E	11/12/2019			006454		6,850.00
5464	TURN-KEY MOBILE INC	E	11/12/2019			006455		4,354.29
5640	WELLPATH LLC	E	11/12/2019			006456		18.00
5713	SODEXO INC	E	11/12/2019			006457		3,131.70

VENDOR SET: 99 City of Pittsburgh, KS

BANK: 80144 BMO HARRIS BANK

DATE RANGE:11/06/2019 THRU 11/19/2019

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
5855	SHRED-IT US JV LLC	E	11/12/2019			006458		159.12
6485	MISSION CONSTRUCTION CO INC	E	11/12/2019			006459		42,546.78
7028	MATTHEW L. FRYE	E	11/12/2019			006460		400.00
7038	SIGNET COFFEE ROASTERS	E	11/12/2019			006461		45.50
7043	DREXEL TECHNOLOGIES	E	11/12/2019			006462		713.14
7100	FIRST UNITED METHODIST CHURCH	E	11/12/2019			006463		19,455.53
7427	OLSSON INC	E	11/12/2019			006464		9,257.65
7735	ELIZABETH KING	E	11/12/2019			006465		64.00
7743	JACKIE D COLTRANE	E	11/12/2019			006466		5.00
7744	DARREN L SWARTZ	E	11/12/2019			006467		82.00
7749	CHARLIE PHILLIPS	E	11/12/2019			006468		39.00
7751	MATTHEW DEMOSS	E	11/12/2019			006469		36.00
7852	TRIA HEALTH, LLC	E	11/12/2019			006470		1,305.71
0046	ETTINGERS OFFICE SUPPLY	E	11/18/2019			006471		528.89
0055	JOHN'S SPORT CENTER, INC.	E	11/18/2019			006472		175.00
0084	INTERSTATE EXTERMINATOR, INC.	E	11/18/2019			006473		100.00
0105	PITTSBURG AUTOMOTIVE	E	11/18/2019			006474		557.06
0112	MARRONES INC	E	11/18/2019			006475		108.13
0117	THE MORNING SUN	E	11/18/2019			006476		183.55
0133	JIM RADELL CONSTRUCTION COMPAN	E	11/18/2019			006477		17,075.00
0207	PEPSI-COLA BOTTLING CO OF PITT	E	11/18/2019			006478		162.00
0409	WISEMAN'S DISCOUNT TIRE INC	E	11/18/2019			006479		82.00

VENDOR SET: 99 City of Pittsburg, KS

BANK: 80144 BMO HARRIS BANK

DATE RANGE:11/06/2019 THRU 11/19/2019

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0476	TRIAD ENVIRONMENTAL SERVICE	E	11/18/2019			006480		250.00
0577	KANSAS GAS SERVICE	E	11/18/2019			006481		2,730.85
0597	CORNEJO & SONS LLC	E	11/18/2019			006482		645.51
0746	CDL ELECTRIC COMPANY INC	E	11/18/2019			006483		187.50
0866	AVFUEL CORPORATION	E	11/18/2019			006484		19,949.23
0968	LEE ENTERPRISES	E	11/18/2019			006485		100.00
1478	KANSASLAND TIRE #1828	E	11/18/2019			006486		38.39
1619	MIDWEST TAPE, LLC	E	11/18/2019			006487		21.99
2767	BRENNTAG SOUTHWEST, INC	E	11/18/2019			006488		1,436.00
2825	STATE OF KANSAS	E	11/18/2019			006489		461.63
4307	HENRY KRAFT, INC.	E	11/18/2019			006490		189.32
4452	RYAN INSURANCE, LLC	E	11/18/2019			006491		605.00
5014	MID-AMERICA SANITATION INC.	E	11/18/2019			006492		2,910.00
5275	US LIME COMPANY-ST CLAIR	E	11/18/2019			006493		4,490.04
5396	MIDWEST REGIONAL BALLET, LLC	E	11/18/2019			006494		11,766.73
5482	JUSTIN HART	E	11/18/2019			006495		60.00
5746	LAYNE CHRISTENSEN COMPANY	E	11/18/2019			006496		2,605.00
6060	UNIQUE METAL FABRICATIONS INC	E	11/18/2019			006497		3,750.00
6175	HENRY C MENGhini	E	11/18/2019			006498		748.80
6528	GALE GROUP/CENGAGE	E	11/18/2019			006499		109.56
7128	SWABY MFG	E	11/18/2019			006500		1,379.00
7239	JERRY MILLER	E	11/18/2019			006501		800.00

VENDOR SET: 99 City of Pittsburg, KS

BANK: 80144 BMO HARRIS BANK

DATE RANGE:11/06/2019 THRU 11/19/2019

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
7377	US AWARDS INC	E	11/18/2019			006502		650.00
7407	LIMELIGHT MARKETING LLC	E	11/18/2019			006503		5,000.00
7418	NEWEDGE SERVICES, LLC	E	11/18/2019			006504		3,640.00
7493	EMERY SAPP & SONS INC	E	11/18/2019			006505		144,626.20
7514	NTHERM, LLC	E	11/18/2019			006506		934.68
7572	OZARK MOUNTAIN ENERGY, INC	E	11/18/2019			006507		17,644.89
7629	EARLES ENGINEERING & INSPECTIO	E	11/18/2019			006508		11,033.10
7806	CORE & MAIN LP	E	11/18/2019			006509		19,306.42
7839	VISION SERVICE PLAN INSURANCE	E	11/18/2019			006510		1,795.34
7841	AD-WEAR & SPECIALTY OF TEXAS I	E	11/18/2019			006511		390.98
7872	WOOD-DULOHERY INSURANCE INC	E	11/18/2019			006512		6,856.00
7959	ALL ABOARD FOUNDATION	E	11/18/2019			006513		2,609.31
8079	GWG JOPLIN, LLC	E	11/18/2019			006514		35.00
0523	AT&T	R	11/08/2019			185861		7,403.79
5480	BITNER MOTORS	R	11/08/2019			185864		19.16
8180	LESLEY ALEXANDRA BOCANEGRA	R	11/08/2019			185865		50.00
4263	COX COMMUNICATIONS KANSAS LLC	R	11/08/2019			185866		1,387.69
4263	COX COMMUNICATIONS KANSAS LLC	R	11/08/2019			185867		13.23
4263	COX COMMUNICATIONS KANSAS LLC	R	11/08/2019			185868		29.40
4263	COX COMMUNICATIONS KANSAS LLC	R	11/08/2019			185869		96.14
4263	COX COMMUNICATIONS KANSAS LLC	R	11/08/2019			185870		39.91
4263	COX COMMUNICATIONS KANSAS LLC	R	11/08/2019			185871		91.62

VENDOR SET: 99 City of Pittsburg, KS

BANK: 80144 BMO HARRIS BANK

DATE RANGE:11/06/2019 THRU 11/19/2019

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
4263	COX COMMUNICATIONS KANSAS LLC	R	11/08/2019			185872		78.28
7517	CRAW-KAN TELEPHONE COOPERATIVE	R	11/08/2019			185873		1,121.14
0375	WICHITA WATER CONDITIONING	R	11/08/2019			185874		6.50
1	FARM BUREAU INSURANCE	R	11/08/2019			185875		62.00
6712	GOVQA INC	R	11/08/2019			185876		6,489.00
8179	HAYDEN TOWER SERVICE INC	R	11/08/2019			185877		1,900.00
6923	HUGO'S INDUSTRIAL SUPPLY INC	R	11/08/2019			185878		143.11
5228	KDHE	R	11/08/2019			185879		20.00
0226	KDOR LIQUOR TAX	R	11/08/2019			185880		44.77
7903	TAMMY L KLENKLEN	R	11/08/2019			185881		18.00
7904	MICHELLE MCCLURE	R	11/08/2019			185882		19.00
7601	MEYER LAW FIRM, LLC	R	11/08/2019			185883		342.00
1	NANCE, ADAN	R	11/08/2019			185884		39.60
7151	TOTALFUNDS	R	11/08/2019			185885		500.00
8146	WASTE CORPORATION OF KANSAS, L	R	11/08/2019			185886		546.69
6697	PITTSBURG EMERGENCY PHYSICIAN,	R	11/08/2019			185887		232.69
1	PROGRESSIVE INSURANCE	R	11/08/2019			185888		42.00
0175	REGISTER OF DEEDS	R	11/08/2019			185889		21.00
0175	REGISTER OF DEEDS	R	11/08/2019			185890		21.00
8103	ANDY ROBERTS	R	11/08/2019			185891		28.00
7270	SECURITY 1ST TITLE, LLC	R	11/08/2019			185892		315.00
1	SHELTER INSURANCE	R	11/08/2019			185893		52.00

VENDOR SET: 99 City of Pittsburg, KS

BANK: 80144 BMO HARRIS BANK

DATE RANGE:11/06/2019 THRU 11/19/2019

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
6260	TRANE	R	11/08/2019			185894		230.00
5589	VERIZON WIRELESS SERVICES, LLC	R	11/08/2019			185895		10,200.54
1	AGUIRRE-MORENO, CESAR	R	11/15/2019			185905		326.00
7856	BARDAVON HEALTH INNOVATIONS, L	R	11/15/2019			185906		350.00
6545	CENTER POINT INC	R	11/15/2019			185907		148.02
0856	COLLEGIO/PSU	R	11/15/2019			185908		178.75
7990	COMPASS HEALTH TECHNOLOGIES	R	11/15/2019			185909		3,000.00
7657	COPY PRODUCTS, INC.	R	11/15/2019			185910		2,131.08
0375	WICHITA WATER CONDITIONING	R	11/15/2019			185913		68.25
8090	THOMAS CUPPETT	R	11/15/2019			185914		1,095.00
8178	DENALI STEEL COMPANY LLC	R	11/15/2019			185915		156.40
1	FIELDS, ALICE	R	11/15/2019			185916		3,039.45
7993	GERALD E WARREN, II	R	11/15/2019			185917		2,843.75
1	HANSON, BRYAN	R	11/15/2019			185918		100.00
7826	JOHN HARRISON	R	11/15/2019			185919		3.50
5228	KDHE	R	11/15/2019			185920		20.00
2877	KDHE - BUREAU OF WATER	R	11/15/2019			185921		1,110.00
7945	LUCKY-BUT LAWN CARE, LLC	R	11/15/2019			185922		55.00
7938	ROSANO DEL PILAR MENDEZ	R	11/15/2019			185923		25.00
7392	ASSURECO RISK MANAGEMENT & REG	R	11/15/2019			185924		350.00
1	NIEGSCH, JANICE	R	11/15/2019			185925		100.00
7817	NORTON POWER SYSTEMS INC	R	11/15/2019			185926		400.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	INVOICE AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
8054	NSPJ ARCHITECTS PA	R	11/15/2019			185927		4,202.75
1	PITTSBURG HIGHLANDS LP	R	11/15/2019			185928		12,777.50
6536	POLYDYNE INC	R	11/15/2019			185929		6,427.62
1	REED, LINDA	R	11/15/2019			185930		40.00
8182	SCHENKER FAMILY FARMS, INCORPO	R	11/15/2019			185931		32.00
4839	VB ENTERPRISES, INC	R	11/15/2019			185932		740.00
7740	LARRY WARNER	R	11/15/2019			185933		1,095.00
0831	WATER ENVIRONMENT FEDERATION	R	11/15/2019			185934		85.00
2350	WCA WASTE SYSTEMS INC	R	11/15/2019			185935		312.45
5371	PITTSBURG FAMILY YMCA	R	11/15/2019			185936		380.04
2877	KDHE - BUREAU OF WATER	R	11/19/2019			185937		25.00

* * T O T A L S * *		NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
REGULAR CHECKS:		64	73,220.82	0.00	73,220.82
HAND CHECKS:		0	0.00	0.00	0.00
DRAFTS:		11	192,406.03	0.00	192,406.03
EFT:		90	442,374.11	0.00	442,374.11
NON CHECKS:		0	0.00	0.00	0.00
VOID CHECKS:	0 VOID DEBITS	0.00			
	VOID CREDITS	0.00	0.00	0.00	

TOTAL ERRORS: 0

	NO	INVOICE AMOUNT	DISCOUNTS	CHECK AMOUNT
VENDOR SET: 99 BANK: 80144 TOTALS:	165	708,000.96	0.00	708,000.96
BANK: 80144 TOTALS:	165	708,000.96	0.00	708,000.96
REPORT TOTALS:	165	708,000.96	0.00	708,000.96

Passed and approved this 26th day of November, 2019.

Patrick J. O'Bryan, Mayor

ATTEST:

Tammy Nagel, City Clerk

Interoffice Memorandum

TO: Daron Hall, City Manager

FROM: Jamie Clarkson, Finance Director

DATE: November 18, 2019

SUBJECT: Budget Hearing and Adoption of the 2019 Budget Amendment

The City of Pittsburg's 2019 Adopted Budget requires amendments to two funds as follows:

- Special Parks and Recreation Fund – increase the budget from \$100,000 to \$110,000. This is because the 2019 liquor tax revenues are more than the original 2019 adopted budget.
- Section 8 Housing Fund – increase the budget from \$1,492,150 to \$1,564,869. This is due to more housing units being leased up in 2019.

Per Kansas statute, staff is requesting that there be a public hearing on the November 26, 2019 City Commission meeting and that the 2019 proposed budget amendment be adopted and that the amended budget certificate be signed by the governing body.

cc: Tammy Nagel, City Clerk

City of Pittsburg

2019

Adopted Budget Special Parks & Recreation	2019 Adopted Budget	2019 Proposed Amended Budget
Unencumbered Cash Balance January 1	0	0
Receipts:		
Intergovernmental	100,000	110,000
Total Receipts	100,000	110,000
Resources Available:	100,000	110,000
Expenditures:		
Special Parks and Recreation	100,000	110,000
Total Expenditures	100,000	110,000
Unencumbered Cash Balance December 31	0	0

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City of Pittsburg

2019

Adopted Budget Section 8 Housing	2019 Adopted Budget	2019 Proposed Amended Budget
Unencumbered Cash Balance January 1	0	4,364
Receipts:		
Intergovernmental	1,487,000	1,554,755
Interest on Idle Funds	150	250
Miscellaneous	5,000	5,500
Total Receipts	1,492,150	1,560,505
Resources Available:	1,492,150	1,564,869
Expenditures:		
Section 8 Housing	1,492,150	1,564,869
Total Expenditures	1,492,150	1,564,869
Unencumbered Cash Balance December 31	0	0

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2019

**Notice of Budget Hearing for Amending the
2019 Budget**

The governing body of

City of Pittsburg

will meet on the day of November 26, 2019 at 5:30 PM at the Law Enforcement Center for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at City Hall
and will be available at this hearing.

Summary of Amendments

Fund	2019 Adopted Budget			2019 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Special Parks & Recreation			100,000	110,000
Section 8 Housing			1,492,150	1,564,869

Tammy Nagel
Official Title: City Clerk

Page No. 3

INTEROFFICE MEMORANDUM

To: DARON HALL
CITY MANAGER

From: KIM VOGEL
DIRECTOR OF PARKS AND RECREATION

CC: TAMMY NAGEL
CITY CLERK

Date: NOVEMBER 18, 2019

Subject: Agenda Item – November 26, 2019
Farmers' Market Update

Brad Snow, Chairman of the Pittsburg Farmers' Market Advisory Board, will provide the end of year update to the City Commission on the 2019 Farmers' Market season.

In this regard, would you place an item on the agenda for the City Commission meeting scheduled for Tuesday, November 26, 2019. No action should be necessary following the presentation.

If you have questions, please do not hesitate to contact me.



Memorandum

TO: Daron Hall, City Manager

FROM: Blake Benson, Economic Development Director

DATE: November 20, 2019

SUBJECT: November 26, 2019 Agenda Item
E & J Investments (Renu Medical & Spa) request

Dr. Jacqueline Youtsos, a dermatologist and owner of Renu Medical & Spa, opened her practice upon moving to Pittsburg in 2016. Since then, Dr. Youtsos has grown her practice to include eight employees and five satellite offices. Dr. Youtsos is currently the only dermatologist practicing in southeast Kansas.

This growth has necessitated a larger, more modern Pittsburg facility. As such, Dr. Youtsos has announced plans to build a new facility, valued at \$1.1-\$1.2 million, on East 530th Street. This property is currently outside the city limits, but Dr. Youtsos plans to request annexation into the Pittsburg city limits.

To support this project, Dr. Youtsos has requested \$100,000 (through her company, E & J Investments) to assist with this development. This \$100,000 would be matched by \$300,000 in cash from Dr. Youtsos and \$800,000 in conventional financing. Dr. Youtsos estimates the project would begin construction in summer 2020.

The EDAC considered this request at its November 13, 2019, meeting and felt the project would provide a substantial economic impact to the community, particularly given the past growth of Dr. Youtsos' business and the very limited availability of dermatological care in the region. The EDAC recommended contributing \$100,000 in non-repayable funds upon completion of the project. This is contingent on the total value of the project exceeding \$1 million and that the property is annexed into the Pittsburg city limits.

Please place this item on the agenda for the City Commission meeting scheduled for Tuesday, November 26, 2019. Action being requested is approval or denial of the EDAC recommendation and, if approved, authorize the Mayor to sign the appropriate documents.



APPLICATION FOR LOAN
CITY OF PITTSBURG, KANSAS
ECONOMIC DEVELOPMENT REVOLVING LOAN FUND
(SALES TAX)

I. GENERAL INFORMATION

- | | | |
|----|---|--|
| 1. | E & J Investments, LLC
Name of Applicant Firm | 10/28/2019
Date of Request |
| 2. | 970 South 240th Street, Pittsburg KS 66762
Firm Address | 620-308-6123
Firm Phone Number |
| 3. | Names and addresses of all persons or corporation who would be obligated as either applicant or personal guarantors of loans: | |
| | Jacqueline M. Youtsos, MD
Name | 970 S. 240th St., Pittsburg, KS 66762
Address |
| | Eric Bradshaw
Name | 970 S. 240th St., Pittsburg, KS 66762
Address |
| 4. | Names and addresses of the principal officers and directors of the applicant: | |
| | Jacqueline M. Youtsos, MD
Name | 970 S. 240th St., Pittsburg, KS 66762
Address |
| | Eric Bradshaw
Name | 970 S. 240th St., Pittsburg, KS 66762
Address |
| | Name | Address |
| | Name | Address |
| 5. | Nature of applicant's business: Real estate investment company related to dermatology medical practice of member in limited liability company | |
| 6. | The products to be assembled or manufactured or service to be rendered:
Commercial real estate development, primarily focused on medical facilities for offices of member for dermatology practice | |
| 7. | Mark A. Werner
Applicant's Attorney | 620-232-2442
Phone Number |
| 8. | Dan Younglove - Morgan Stanley
Applicant's Financial Advisor | 630-203-6170
Phone Number |

9. John Gaither - Baker Davis Roderique 620-231-0652
Applicant's Accountant Phone Number
10. Estimated amount of loan: \$ 100,000 (10% of total project)
11. Number of years to retire loan: 3-5
12. List previous loans and credit references:
Labette Bank - Mike Green 620-231-9280

II. **USE OF LOAN PROCEEDS**

1. Amount requested for purchase of land: \$ _____
2. Amount requested for land improvements (bldgs): \$ 100,000.00
3. Amount requested for machinery and equipment: \$ _____
4. Capitalized debt service: \$ _____
5. Loan closing costs: \$ _____
6. Working capital: \$ _____
7. Other (specify) \$ _____
- TOTAL REQUEST: \$ 100,000.00

III. **LOAN PROPOSAL**

1. Will the loan refinance an existing project? No
2. Will the loan proceeds be used to expand or replace an existing facility? No
3. Is the applicant presently located in the City of Pittsburg? No
4. What type and size of building will be constructed?
7,500 sq. ft. new construction medical office and spa
5. Name and address of contractor and/or architect:
Dan Scales
891 S. 7 Highway
Pittsburg, KS 66762 620-249-1264
6. What type of equipment will be financed? None

7. If the applicant will be in direct competition with local firms,

(a) Name of firms: None

(b) Describe nature of the competition: None

IV. LOAN ANALYSIS

1. Has a financial advisor submitted an analysis indicating the need for the loan, the advisability of the loan or benefit to the applicant of the loan?

Financial spreadsheet provided with application

(If yes, attach a copy to this application.)

2. Has additional financing, whether internally generated or through other loans, been arranged? (If yes, explain on an attached sheet)

Bank financing in process

3. Has the applicant investigated conventional financing?

Yes, applications are pending with local lenders.

V. PROPOSED LOCATION

1. Location of the proposed facility: 9xx E. 530th Street, Pittsburg, KS (E. Centennial St.)

2. If the facility is a proposed expansion or replacement of another plant, state size and location of current operations:

2401 S. Tucker, Suite 6, Pittsburg, KS 66762 (leased space)

3. What percentage of the facility will be occupied by the applicant? 100%

4. Is the prospective location properly zoned? pending

5. If a zoning change is pending, cite application number and present status. If application has not been made, briefly describe what change will be needed and plans for submitting application:

Request for annexation into City of Pittsburg at completion of construction of project is anticipated, and would be considered as condition for RLF grant.

6. If unusual demands for water or sewer services or police or fire protection will be made, specify the demands:

None

VI. OWNERSHIP AND MANAGEMENT

1. Describe the organizational structure of applicant (proprietorship, partnership, subsidiary, corporation, etc.):

Limited liability company

Note relationship to a parent company: None

2. What portion of the project is being financed from other company funds (in addition to this loan)?

\$ 800,000 conventional financing

Please explain \$300,000 personal funds

3. Describe all threatened or outstanding litigation

None

4. Attach proforma statements for the first three (3) years of operation after issuance of the loan, including revenue projections, operating expense projections and a debt amortization schedule.

VII. MEASURE OF ECONOMIC GROWTH AND BENEFIT

1. What dollar amount of sales is contemplated? \$1.2 Million projected 2020

2. What percentage of sales will be sold locally? 100%

3. What is the estimated amount of merchandise and services purchased locally, per year?
\$50,000
4. How many people will the project employ:

Type: Professional	2-5
Technical	
Clerical	2
General Labor	
5. Number of current full-time employees at applicant's present location: 7
6. What is ratio of loan fund dollars to jobs created? Under consideration

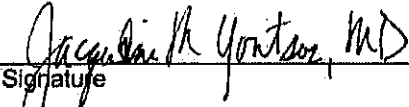
VIII. In order to facilitate the timely processing of the application, please attach as part of the proposal the following items:

1. Copies of applicant's financial statements for the past three years certified as correct by the owner or an authorized officer.
2. Applicant's most recent annual or quarterly financial report.
3. Interim financial statements, to date, for the current fiscal year.
4. Financial statements, current to date, for each personal guarantor, on forms, certified by a Certified Public Accountant or the guarantor.
5. Copies of both federal and state income tax returns filed by applicant and each personal guarantor during the past three years.
6. In certain cases, due to the size of the loan, audited financials may be required.
7. Completed business plan with three year financial projections.
8. Loan (if approved) must be personally guaranteed.

IX. Applicant should be aware that additional financial data shall be required if requested by the City Manager, City Attorney or any other persons authorized by the City of Pittsburg, Kansas, including the Economic Development Revolving Loan Fund (Sales Tax) Committee (EDAC).

X. Attached hereto is a copy of the Collateral Requirements for the Economic Development Revolving Loan Fund (Sales Tax) for informational purposes. HOWEVER, APPLICANT ACKNOWLEDGES AND AGREES THAT SAID REQUIREMENTS AS WELL AS THIS APPLICATION ARE A SET OF GUIDELINES AND ANY OF THE PROVISIONS STATED THEREIN MAY BE WAIVED OR ADDED TO AT THE DISCRETION OF THE PITTSBURG CITY COMMISSION.

- XI. EACH APPLICANT ALSO EXPRESSLY AGREES AND UNDERSTANDS THAT THE CITY'S MONETARY PLEDGE OF MONIES FROM THE FUND AND COMMITMENTS MADE IN ANY AGREEMENT SHALL BE CONTINGENT UPON THE CITY CONTINUING TO COLLECT THE ONE-HALF CENT CITY RETAILERS' SALES TAX; AND APPLICANT ACKNOWLEDGES THAT SAID SALES TAX MAY BE DISCONTINUED AS PROVIDED BY THE PROVISIONS OF K.S.A. 12-187 et. seq. AND AMENDMENTS THERETO, AT ANY TIME.



Signature

10/28/19

Date

Member

Title

E & J Investments, LLC & ReNu Medical & Spa, LLC Business Plan 2019

Jacqueline M. Youtsos Background and Business Plan

Born in raised Wausau, WI the fourth out of five daughters. I graduated valedictorian of my high school graduating class. Went to the University of Minnesota for my undergraduate and majored in biology and physiology where I graduated summa cum laude. I went to the American University of Caribbean for medical school and the University of Chicago for my Family Medicine residency, with a specialty in dermatology. After graduating in 2012, I moved from Chicago to Ruidoso, NM where I joined a private dermatology practice.

After a few months, I met my now husband in Roswell and after 15 months in practice in Ruidoso, I moved to Roswell and joined Eastern New Mexico Medical Center. I developed the department of dermatology and was very successful producing over the 90% of the governmental standards. After moving to Pittsburg in 2016 and starting ReNu Medical & Spa we have been very successful and currently have 5 satellite offices with a staff of eight!

The opportunity to continue to expand my practice with my staff is very exciting and look forward to taking the next steps in my professional career. I am married with two daughters and have lived in Pittsburg for the past three and a half years. My practice is entirely medical and cosmetic dermatology. My goal is to build a new office building and to open a luxury spa.

Open date: Feb 22, 2016

Type of practice is: General Medical and Cosmetic Dermatology.

No other specialties at this time.

Practice is owned by physician (Jacqueline M Youtsos, MD)

No teledermatology at this time

Location: 2401 S Tucker St, Suite #6, Pittsburg, KS 66762

Phone/Fax: 62-308-6123/620-308-6264

- 2500 sq feet, 7 exam rooms, reception, waiting room, physician office, NP office and office manager office
- Lease started 2/2017 for \$900/month x 12
- I am looking to build an office building that will require financing.
- Design Assistance by Mary King Interiors (432)- 638-6217

Satellite office located in Nevada Region Medical Center (Tuesdays), Neosho Memorial Medical Center (Wednesdays), Allen County Region Hospital (every other Thursday) and Girard Medical Clinic (every other Monday)

ReNu Medical & Spa Office Hours:

- Monday – Thursday 8am-5pm, Friday 8am-12pm
- New and Established patient visits all week
- Medical and Cosmetic procedures done throughout the week
- Will have 1-2 procedure days per month (surgeries only done in office)
- Fridays are saved for new Beautifill procedures that started 6/2019
- Possible Cosmetic Day Saturdays (once a quarter)

Patient Demographics: (see below for community demographics)

- Adults/Geriatrics (85%) /Pediatrics (15%)
- All general medical dermatology/aging skin
- Cosmetic/Aesthetic Rejuvenation

Payer Mix: (Based on my research with other providers)

Cash: 10% (all cosmetic procedures at cash – paid in full at time of service)

Medicare/Medicaid: 50%

Private Insurance: 40%

Kansas Medical License has been issued on 9/24/15 (#04-38483)

Credentialing Service: Pinnacle Care, Inc., Pittsburg, KS 66762 (620)231-7600

Lasers to be purchased through Quanta Aesthetic Lasers and Alma Lasers

Electronic Medical Record and Practice Management System: Modernizing Medicine

E & J Investments, LLC, a Kansas limited liability company owned by Jackie Youtsos and Eric Bradshaw, wife and husband, and created to purchase the undeveloped real estate located East of the KCS railroad tracks North of East Centennial Street, where the proposed new office building will be constructed. E & J Investments, LLC will construct and own the building and improvements and will lease the property to ReNu Medical & Spa by a triple net lease agreement, and E & J will be liable for all payments on the construction loan and permanent financing on the property.

New office building:

General Contactor: Dan Scales (620-249-1264)

Funding Needed: \$1.1 million

Financial Supporters:

1.) Via Christi Hospital initially in 2016 – Income Guarantee up to \$200,000 for the first year (\$16,000/month) – however, I only borrowed one month and paid it back the following month. Also, a \$36,000 start up loan forgivable over 3 years. 2019 is the last year.

2.) City of Pittsburg, KS Economic Development Fund: We will be asking for \$100,000 (10%) of the project to help support building/office furnishings.

3.) New Project Traditional Bank Loan – Currently have three banks making proposals for the remainder of the loan needed (\$800,000) Labette Bank, Community National Bank & Trust and GN Bank.

Top 5 Total Revenue Procedures:

Therapeutic Surgical:

- Skin Cancer/cyst/lipoma Excisions
- Laser Destructures (skin cancer/precancer/benign)
- Cryotherapy
- Mole Removal
- Botox for migraines

Cosmetic Surgical Procedures:

- Dermal Filler
- Ablative/Fractional Laser peels
- Botox
- Laser hair removal
- Laser Liposuction Body Contouring

ReNu Medical & Spa Staffing:

Nurse Practitioner: Jenna King, APRN, started at ReNu after graduation, annual salary \$105,000+ and health insurance and retirement.

Office Manager: Ashley Galindo, 2 years experience managing at Pitsco. Annual is \$42,000+ and health insurance.

Medical Assistants: Currently staff 3, pay \$12.50-\$15.00/hr and health insurance

Receptionist/Front Desk: Currently staff, pay \$10-\$13/hr.

CME for staff – yes, Nurse practitioners will get \$1000 for CME yearly.

Legal Counsel: Mark Werner - (620- 232-2442)

Accounting services: John Gaither: Baker, Davis and Roderique – (620-231-0652)

ReNu Medical & Spa Services and Products Currently Offered:

Services offered:

- | | | |
|---|----------------------|-----------------|
| - | Acne Treatment | - Vitiligo |
| - | Alopecia/Hair loss | - Sclerotherapy |
| - | Full Skin checks | - Botox |
| - | Biopsy/Tumor Removal | - Filler |

- Cysts/Lipoma excisions - Chemical
- Peels
- Cryotherapy - Laser hair removal
- Skin Cancer - Kybella
- Psoriasis/Eczema -
- IPL/Fractional/Ablative laser peels
- Rosacea - Beautifill Laser Liposuction
- Melasma/hyperpigmentation - And
- many more...
- Pediatric Rashes
- Botox for Migraines

New Services to be offered in Office Expansion and Luxury Spa Development:

- New services to be offered:
 - Massage therapy
 - Luxury Facials
 - Accent Prime – radio/ultrasound frequency non-invasive body contouring (also no one in the four state area offering this procedure)
 - Body wraps/scrubs
 - Couples massages
 - Reiki
 - Reflexology
 - Dermaplaning
 - Waxing
 - Appointment only Manicure/Pedicure in the future that will require a technician to be hired additionally.

Financial Income Projections done based on my current offices in Pittsburg, Girard, Iola and Chanute offices:

Average Monthly Net Revenue: (\$85,000-\$120,000+)

Financial Expense Projections:

Rent: new office rent will increase to \$5000/month depending on final payments of the loan.

Satellite office rents: \$250/month

Laser down payment: no new lasers to be purchased in the next three years

Laser lease: \$5,000/month between two leases (\$3700 will be done in 2/20)

Hydrafacial: \$25,000 – one time cost (already purchased and paid off)

Malpractice Insurance: \$10,000 – yearly

EMR: \$7,000 – initial cost for platform and provider (paid off already)

EMR – Modernizing Medicine: \$1200/month

New Office Supplies/Equipment:

- New Equipment needed (Three exam chairs, refrigerator, desks/chairs) (<\$35,000)
- Phone lines installment, Electrical outlet for laser 220 volt installment) - with new office construction.
- Decorating Budget (\$15,000) - for new office
- Advertising (\$2500 - \$5000 /year)
- Daily Supplies for exam rooms procedures (\$1200/month)
- Cosmetic (Botox/Filler) (\$12000/ every 3 months)
- Office Supplies (\$500/month)
- Office Cleaning staff (\$200/month)

Utilities: \$750/month (unknown exactly costs at this time)

Office Staff Costs: Payroll and Payroll Taxes - John Gaither for exact information

Demographic Studies:

ReNu Medical & Spa will support the communities of Pittsburg, Girard, Frontenac, Arma and all the surrounding counties and communities of Kansas, Missouri and Oklahoma.

Closest Dermatology Practice:

M&T Dermatology in Joplin, MO - 35 miles away.

- One dermatologist, three PAs, minimal cosmetics

Phelan Dermatology in Joplin, MO - 35 miles away

- New practice in 2019, no insurance accepted.

No Cosmetic or MedSpa's in Pittsburg, KS, Well Medica recently opened in Summer 2019 and they do mostly weight loss and vitamin injection with minimal botox and filler.

Springfield, MO - two dermatology practices (1.5 hrs away from Pittsburg)

Kansas City, KS - multiple dermatology and specialty practices (2 hrs away from Pittsburg)

My research has found with the help of the help of the CEOs of Ascension Via Christi Pittsburg hospital, Randy Cason, and Girard Hospital, formerly Michael Payne, there is no dermatology care in 9 counties in Southeast Kansas.

Pittsburg State University is located in Pittsburg, KS, which enrolls approximately 7,500 students per year from all throughout Kansas, Missouri, Oklahoma and international students. I also see students at the PSU Health Center 4-5 times in a semester.

2016-2019 Recap of Business Expansion

2/16 – opened practice 2/22/16 in Pittsburg at the Lindburg medical office buildings. Started with 6 patients. Staff of 4 employees and 2 lasers.

9/16 – opened Nevada and Girard satellite offices

11/16 – Jenna King, APRN hired and opened Iola satellite office

2/17 – moved from Lindburg medical office to Pittsburg medical complex. Average 40 patients/day.

8/18 – consolidated to one record system that does both EMR and PMR – Hired new office manager

10/18 – hired new medical assistant to help with referral and prescriptions due to volume

5/19 – Bought new Beautifill Laser – First in Kansas and Missouri to own the laser.

9/19 – opened Chanute satellite office, became a luminary with Alma lasers to speak nationally

10/19 – Current staff size of 7 full time and 2 part time, average of 60 patients/day. 4 lasers owned/leased. Onward to a new office!!

Personal things that occurred during this time:

12/16 – Dr. Youtsos had 4 wk maternity leave

10/17 – Jenna King had 8 wk maternity leave

6/18 – Dr. Youtsos had 6 wk maternity leave

11/18 – 7/19 – Dr. Youtsos went through cancer treatment and is cancer free!

2019 – 2022 Business plan projections

My goal is to expand my clinic volume and also open a luxury spa for the Pittsburg area!

Clinic Expansion:

- Hire a new Nurse Practitioner once the office opens
- Expanded volume of patients with new provider will require us to hire 2-3 new medical assistants or nurses.

- Increased volume would also require 1-2 receptionists to help with referrals and patient calls.
- Dermatology requires procedures at times and although we do outreach clinics, some procedures can only be done here in Pittsburg with my lasers. Therefore, with expanded patient volume overall, it will require more patients traveling to Pittsburg for both medical and cosmetic treatments.
 - Most patients eat lunch/dinner
 - Go to the casino
 - Fill up on gas
 - Other doctor appointments
 - Spend the night after a procedure
- Adding to the greater medical specialties offered in the SEK area and having it be a central hub for people to travel to for their medical care.
- Referrals to other surgeons/physicians in the area that will do larger procedures that require more travel to the area.
- Plan to expand my Beautifill laser liposuction and body contouring practice as there is no one else in the four state area with this procedure.
- Looking at the financial growth over the past three years, I project that the future three years will continue to grow with expansion of providers, patients and services offered.

ReNu Spa development:

- Hire full time massage therapist (possibly 2), one already planning to be hired once building is ready and will be the spa manager. (Annual salary \$50,000+)
- Hire full time receptionist (Annual salary \$25,000+)
- Hire full time esthetician Annual Salary \$40,000+)

Land Development Plan:

- Actively recruit other businesses to develop other medical complexes or offices
- Discussed with Dan Scales, my general contractor, about having progressive expansion and building high-end townhomes for residential development. He said he would be very interested in building.
- In 2017, discussed with Mickey Vena about similar townhome or commercial development that would match his in Silverback Landings.
- With new development, once the land is annexed into the city, comes more property taxes, city sewer and water income with each business that comes.

- **Pittsburg is expanding to the Southeast direction and the possibilities are endless!!!**

I appreciate your consideration at the EDAC for a \$100,000 forgivable loan. My success over the past three years in the SEK area has been exponential and I look forward to growing in new ways over the the next three years!

Exhibit - XX													
631 Investments, LLC													
Historical & Projected Pre-Tax Cash Flows													
Year	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Baseline Pre-Tax Cash Flow													
Total Revenue	581,005	1,113,590	1,065,912	1,140,208	1,197,218	1,257,079	1,319,933	1,385,928	1,455,216	1,527,987	1,604,387	1,684,605	1,768,895
Total Expenses	(133,386)	(807,018)	(607,448)	(637,818)	(669,709)	(703,155)	(738,954)	(775,223)	(814,036)	(854,738)	(897,434)	(942,348)	(989,658)
Total Baseline Cash Flow	247,619	606,572	478,465	502,390	527,509	553,884	581,578	610,657	641,180	673,250	706,952	742,257	779,237
Project Cash Flow Adjustments													
Plitcholder													
Total Adjusted Projected Cash Flow	247,619	606,572	478,465	502,390	527,509	553,884	581,578	610,657	641,180	673,250	706,952	742,257	779,237
Projected Annual Loan Payment													
Excess Cash Flow after Debt Service	181,468	606,572	478,465	502,390	527,509	553,884	581,578	610,657	641,180	673,250	706,952	742,257	779,237
Cash Flow Assumptions													
1) Revenue and Expense Growth													
15th Percent Beyond 2028													
2) Revenue and Expense Data													
For 2016 to 2018 represents													
actual cash flow data taken													
from Anna Medical &													
Sm, LLC tax returns													
3) Due to the amount of excess													
cash flow after debt service,													
the effects of income taxes													
have been ignored.													
4) Construction loan begins													
1/1/2020													

Exhibit - XX	
E&J Investments	
Loan Amortization Schedule	
Principal Amount	700,000
Loan Rate	5.00%
Loan Term	15
Total Payments	180
Total Payment per Month	(5,513)
Total Payment per Year	(66,151)
Total Interest over Loan Life	(292,266)
Total Principal over Loan Life	(700,000)



Memorandum

TO: Daron Hall, City Manager

FROM: Blake Benson, Economic Development Director

DATE: November 20, 2019

SUBJECT: November 26, 2019 Agenda Item
Riggs Chiropractic request

Drs. Kayla and Tyler Riggs have owned and operated Riggs Chiropractic at 2707 North Broadway since 2016. Since opening, Riggs Chiropractic has experienced substantial growth and now features four doctors and five support staff, along with a satellite location in Riverton, KS.

This has created a need for a larger medical office to accommodate Riggs Chiropractic's impressive growth. To address this, the Riggs are pursuing a project that would not only provide them the needed space to accommodate future growth, but would also significantly improve the appearance of a very visible Pittsburgh intersection.

The Riggs are proposing to rehabilitate the long abandoned Tyrell's service station property at 4th Street & the Highway 69 bypass. This would be a \$750,000 project that would remove the fuel tanks and convert the property into an attractive new medical facility. The project will be financed by a combination of conventional financing and personal savings. However, there is a gap financing need of \$87,000 in order for the project to proceed.

At its November 13, 2019, meeting, the EDAC considered a request from Riggs Chiropractic for an \$87,000 forgivable loan. EDAC members felt it was a very worthwhile project that would not only create substantial economic impact, but would greatly improve a visible entryway into the community. However, there was discussion related to the request (\$87,000) being more than 10% of the total project

value (\$750,000), so to maintain consistency with previous recommendations, the EDAC recommended providing 10% of the total project value (with the City's portion not to exceed \$75,000) in non-repayable funds, with the rest to be repaid to the City over three years at 5% interest.

Please place this item on the agenda for the City Commission meeting scheduled for Tuesday, November 26, 2019. Action being requested is approval or denial of the EDAC recommendation and, if approved, authorize the Mayor to sign the appropriate documents.



APPLICATION FOR LOAN
CITY OF PITTSBURG, KANSAS
ECONOMIC DEVELOPMENT REVOLVING LOAN FUND
(SALES TAX)

I. GENERAL INFORMATION

- | | | |
|----|---|--|
| 1. | Riggs Chiropractic LLC
Name of Applicant Firm | 10/15/19
Date of Request |
| 2. | 2707 N Broadway St A
Firm Address | 620-308-5374
Firm Phone Number |
| 3. | Names and addresses of all persons or corporation who would be obligated as either applicant or personal guarantors of loans: | |
| | Kayla Riggs, DC
Name | 2011 Colonial Dr. Pittsburg, KS 66762
Address |
| | Tyler Riggs, DC
Name | 2011 Colonial Dr. Pittsburg, KS 66762
Address |
| 4. | Names and addresses of the principal officers and directors of the applicant: | |
| | Name | Address |
| | Name | Address |
| | Name | Address |
| 5. | Nature of applicant's business: Healthcare | |
| 6. | The products to be assembled or manufactured or service to be rendered:
Chiropractic Services- Healthcare | |
| 7. | Kyle Fleming, CPA JD
Applicant's Attorney | (620) 230-0832
Phone Number |
| 8. | N/A
Applicant's Financial Advisor | Phone Number |

9. Tom Sewell, CPA (620) 331-2170
Applicant's Accountant Phone Number
10. Estimated amount of loan: \$ 87,000 + 100,000 + 384,262
11. Number of years to retire loan: forgivable
12. List previous loans and credit references:
no previous from RLF
other loans from project- local bank

II. USE OF LOAN PROCEEDS

1. Amount requested for purchase of land: \$ _____
2. Amount requested for land improvements (bldgs): \$ _____
3. Amount requested for machinery and equipment: \$ _____
4. Capitalized debt service: \$ _____
5. Loan closing costs: \$ _____
6. Working capital: \$ _____
7. Other (specify) \$ _____
- TOTAL REQUEST: \$ _____

III. LOAN PROPOSAL

1. Will the loan refinance an existing project? no
2. Will the loan proceeds be used to expand or replace an existing facility? yes
3. Is the applicant presently located in the City of Pittsburg? yes
4. What type and size of building will be constructed?
Metal building- 5,670sq feet
5. Name and address of contractor and/or architect:
Tri State
816 E Jefferson, Pittsburg, KS 66762
620-231-5260
6. What type of equipment will be financed? none

7. If the applicant will be in direct competition with local firms,

(a) Name of firms: _____

None- Utilization too low (room to grow market)

(b) Describe nature of the competition: _____

n/a

IV. LOAN ANALYSIS

1. Has a financial advisor submitted an analysis indicating the need for the loan, the advisability of the loan or benefit to the applicant of the loan?

no

(If yes, attach a copy to this application.)

2. Has additional financing, whether internally generated or through other loans, been arranged? (If yes, explain on an attached sheet)

contingent upon RLF - in process

3. Has the applicant investigated conventional financing?

yes

V. PROPOSED LOCATION

1. Location of the proposed facility: 1117 W 4th St, Pittsburg, KS 66762

2. If the facility is a proposed expansion or replacement of another plant, state size and location of current operations:

Replacement of 2707 N Broadway St A, Pittsburg, KS

1200sq feet

3. What percentage of the facility will be occupied by the applicant? 100% - 90% if tenant space occupied
4. Is the prospective location properly zoned? yes

5. If a zoning change is pending, cite application number and present status. If application has not been made, briefly describe what change will be needed and plans for submitting application:

n/a - possible change to allow intern living (not mandatory for project to proceed)

6. If unusual demands for water or sewer services or police or fire protection will be made, specify the demands:

n/a

VI. OWNERSHIP AND MANAGEMENT

1. Describe the organizational structure of applicant (proprietorship, partnership, subsidiary, corporation, etc.):

TKR Management LLC and Riggs Chiropractic LLC

are LLCs taxed as S-corp owned jointly by Tyler and Kayla Riggs 50%

Note relationship to a parent company:

2. What portion of the project is being financed from other company funds (in addition to this loan)?

\$ 25,000 cash 85% from bank funds

Please explain

3. Describe all threatened or outstanding litigation

n/a

4. Attach proforma statements for the first three (3) years of operation after issuance of the loan, including revenue projections, operating expense projections and a debt amortization schedule.

VII. MEASURE OF ECONOMIC GROWTH AND BENEFIT

1. What dollar amount of sales is contemplated? year one - 750,000

2. What percentage of sales will be sold locally? 100%

3. What is the estimated amount of merchandise and services purchased locally, per year?

\$50,000

4. How many people will the project employ:

Type: Professional

6

Technical

Clerical

10

General Labor

5. Number of current full-time employees at applicant's present location:

7

6. What is ratio of loan fund dollars to jobs created?

\$9,600:1

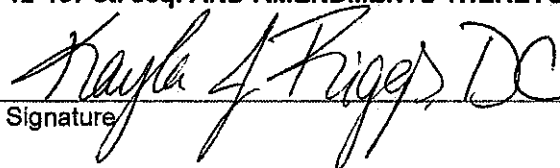
VIII. In order to facilitate the timely processing of the application, please attach as part of the proposal the following items:

1. Copies of applicant's financial statements for the past three years certified as correct by the owner or an authorized officer.
2. Applicant's most recent annual or quarterly financial report.
3. Interim financial statements, to date, for the current fiscal year.
4. Financial statements, current to date, for each personal guarantor, on forms, certified by a Certified Public Accountant or the guarantor.
5. Copies of both federal and state income tax returns filed by applicant and each personal guarantor during the past three years.
6. In certain cases, due to the size of the loan, audited financials may be required.
7. Completed business plan with three year financial projections.
8. Loan (if approved) must be personally guaranteed.

IX. Applicant should be aware that additional financial data shall be required if requested by the City Manager, City Attorney or any other persons authorized by the City of Pittsburg, Kansas, including the Economic Development Revolving Loan Fund (Sales Tax) Committee (EDAC).

X. Attached hereto is a copy of the Collateral Requirements for the Economic Development Revolving Loan Fund (Sales Tax) for informational purposes. HOWEVER, APPLICANT ACKNOWLEDGES AND AGREES THAT SAID REQUIREMENTS AS WELL AS THIS APPLICATION ARE A SET OF GUIDELINES AND ANY OF THE PROVISIONS STATED THEREIN MAY BE WAIVED OR ADDED TO AT THE DISCRETION OF THE PITTSBURG CITY COMMISSION.

- XI. EACH APPLICANT ALSO EXPRESSLY AGREES AND UNDERSTANDS THAT THE CITY'S MONETARY PLEDGE OF MONIES FROM THE FUND AND COMMITMENTS MADE IN ANY AGREEMENT SHALL BE CONTINGENT UPON THE CITY CONTINUING TO COLLECT THE ONE-HALF CENT CITY RETAILERS' SALES TAX; AND APPLICANT ACKNOWLEDGES THAT SAID SALES TAX MAY BE DISCONTINUED AS PROVIDED BY THE PROVISIONS OF K.S.A. 12-187 et. seq. AND AMENDMENTS THERETO, AT ANY TIME.


Signature

10/18/19

Date

Revised 11/8/19

Owner

Title



**Optimal Health and Wellness
through Chiropractic Care**

*Drs. Tyler & Kayla Riggs
2707 N Broadway St A
Pittsburg, KS 66762*

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Riggs Chiropractic

Riggs Chiropractic's mission is to provide the people of Pittsburg and surrounding areas a service that will help patients achieve and maintain their highest potential for health. Chiropractic health care focuses primarily on spinal function and its relationship to the nervous system and overall health. The science of chiropractic is based on the premise that good health depends, in part, on a normally functioning nervous system. Chiropractic principle emphasizes that the body is a self-regulating, self-healing organism and that body function is controlled and coordinated by the brain, spinal cord and the nerves that branch throughout the body. The chiropractic approach to better health is to locate and remove spinal disfunction and nerve interference, returning the body to its natural state of health and wellness. Riggs Chiropractic will promote chiropractic education to the public as well as provide quality chiropractic care.

Riggs Chiropractic is applying for a Forgivable loan of \$87,000 to continue growth of chiropractic practice.

The following business plan illustrates our future financial goals and abilities for growth of the community.

Executive Summary

Type of business

Riggs Chiropractic is an established business that will provide chiropractic care to the people of Pittsburgh and surrounding areas.

Company summary

Riggs Chiropractic is an established as a (S)LLC to maximize liability protection of the shareholders' personal assets and minimize income taxes. Riggs Chiropractic will maintain necessary licenses and permits needed to operate a chiropractic clinic.

With the new location, it is expected Riggs Chiropractic will satisfy the nationally increasing demand for chiropractic health care services. Riggs Chiropractic will provide the following primary chiropractic health care services; chiropractic adjustments, acupuncture, physiotherapy modalities, rehabilitation, radiological examinations, physical examinations, and patient education.

Riggs Chiropractic is an independent business that is profitable for several reasons. Currently, alternative health care is the fastest growing form of health care in the United States. Chiropractic is receiving greater acceptance every day through education and research. Numerous independent research studies demonstrate the effectiveness and economic benefit of chiropractic care. This is creating a greater public awareness and utilization of chiropractic services nationwide. In a 2016 Gallup Poll over ½ of all U.S. adults have seen a chiropractor and over 35 million in the last 12 months. (<http://www.palmer.edu/alumni/research-publications/gallup-report/>)

Most adults in the United States prefer drug-free pain management. Given a choice, 78% of U.S. adults prefer to try other ways to address physical pain before they take pain medication prescribed by a doctor, while 22% prefer to take pain medication prescribed by a doctor to treat physical pain. In addition, eight out of 10 adults in the United States (81%) think chiropractic care can help a great deal (41%) or help some (40%) with back and neck pain. (2017 Gallup-Palmer Report)

The goal of the doctor of Riggs Chiropractic is to operate a successful chiropractic health and wellness center by providing the community with quality chiropractic care. Long-term goals include expansion of the business to include additional office locations in surrounding communities.

Riggs Chiropractic is open for business Monday through Friday with extended hours for working patients. As an additional service to our patients Riggs Chiropractic will offer services by appointment outside our regularly scheduled hours. To capitalize on all new patient opportunities Riggs Chiropractic will have the office phones attended during all business hours. The use of cell forwarding or an answering service will be used if necessary.

The doctors of Riggs Chiropractic are graduates of Cleveland Chiropractic College as well as Parker Chiropractic College, which is accredited by the Commission on Accreditation, of the Council on Chiropractic Education. The Doctor of Chiropractic degree required 90 or more

semester credit units prior to starting the program and the core curriculum requires over 4,400 hours of classroom instruction and clinical experience, including the internship. The purpose of the Doctor of Chiropractic degree is to provide the doctor with a core of knowledge in the basic and clinical sciences and related health subjects sufficient to perform the professional obligations of a primary care physician.

It is anticipated that as a result of formal education and training, enhanced by association with qualified consultants in the chiropractic profession and the field of business, Riggs Chiropractic will continue obtain its share of the marketplace.

Management overview

Knowing that proper management sets the foundation for and facilitates the success of any business, Riggs Chiropractic has contracted the services of Integrity Doctors, the largest professional chiropractic management company in the country. Following the advice of Integrity Doctors will ensure the proper development of our management protocol. Included in this proposal is a statement of Integrity Doctor's long-term success. Dr. Kayla Riggs is also employed by Integrity Doctors as a coaching consultant due to success in practice.

Products and Services

Riggs Chiropractic's primary form of treatment will be the chiropractic adjustment, the most important and profitable service. Additional forms of treatment to be used to supplement the chiropractic adjustment may include, acupuncture, rehabilitation and physiotherapy modalities, trigger point therapy, and surface EMG. The variety of services will help differentiate Riggs Chiropractic from the local health care marketplace.

Funds requested

Riggs Chiropractic is requesting forgivable loan open a new and innovative chiropractic clinic. Riggs Chiropractic is requesting a forgivable loan for the amount of \$87,000.

The loan proceeds would be applied as follows,

Furnishings and Office Equipment	0
<i>Build-out Expense (estimated)</i>	87,000
<i>Pre-Opening Expenses</i>	0
<i>Initial Start-up Working Capital</i>	0
	Total \$87,000

Company Background

Shareholder profiles

The Doctor of Riggs Chiropractic chose chiropractic as a career because it offers them a sense of achievement, personal freedom, and most importantly the satisfaction of knowing that there is a difference being made in the quality of human life. The simple truth being, there has never been a better time to be a Doctor of Chiropractic.

Drs. Tyler & Kayla Riggs graduated from Cleveland Chiropractic College in August of 2015. Their work experience includes over 6 years in chiropractic care. They have confidence, leadership skills, and the ability to effectively communicate with people through their varied experiences during her tenure doctors. Their commitment to patient welfare will be seen through the quality of patient care and positive outcomes she will provide. Furthermore, Drs. Riggs works well independently and as members of a team.

Growth and Financial Objectives

Being a start-up company, Riggs Chiropractic expects to be a competitive business by the end of year one. Being conservative, Riggs Chiropractic used the income and cash flow projections of one doctor for the first year.

Legal Structure and Ownership

By consulting with Integrity Doctors, an attorney, and an accountant Riggs Chiropractic will be legally organized as a (S)LLC. The doctors will own 100% of the outstanding shares of the corporation.

Company Location and Facilities

Riggs Chiropractic intends to conduct its business in the south part of Pittsburgh. Riggs Chiropractic plans to remodel approximately 5600 square foot space with loan payment around \$6000 a month. The selection of this location is based on the current demographics of growth of Pittsburgh. The location will have ample parking space, high visibility, and easy access for patients. Finally, the selection of this location will allow ample space for future expansion. After following Integrity Doctor's criteria for demographics and specific office location, Riggs Chiropractic feels that 4th and the Bypass is the optimal location for our new clinic.

Organization

Plans for Financing the Business

Riggs Chiropractic is applying for total lending of \$852,000 to start their new chiropractic practice. In addition, the shareholders will be contributing cash and assets totaling \$25,000 as their initial investments.

Team members

In addition to the full time doctor, Riggs Chiropractic will employ 3 full-time Chiropractic Assistant (CA) as well as 3 part time CAs. The CA will be hired prior to opening and will assist in, clinic development, including patient education and marketing. The CA and doctor will provide the secretarial and bookkeeping services. The previous work experiences of the doctor will provide Riggs Chiropractic with a competitive advantage in the marketplace, from both an operational as well as marketing aspect.

Management

The management for Riggs Chiropractic will be the responsibility of the shareholders. Integrity Doctors has been contracted to provide their "Business Development System" to aid in market/patient development and designing and controlling business systems.

A proven software designed for health care professions will be utilized. A qualified accountant will be retained to compute taxes and file quarterly returns. A legal firm will be retained to review all legal contracts and documents necessary for initiation of the business, and will be utilized as warranted thereafter on a fee-for-services basis.

The shareholders will also utilize other resources such as the Chamber of Commerce, business information centers, tax guides, and Small Business Administration management materials. The doctor is required to complete continuing education requirements and will attend other informative seminars to remain current on information pertinent to the management of Your Riggs Chiropractic.

The combination of these resources, coupled with the previous work experience and excellent education received at Cleveland Chiropractic College, will allow the clinic to establish and build a solid reputation. Riggs Chiropractic will strive to provide a service-oriented and cost-effective service, which will provide financial strength and stability to the business.

Market Analysis

Description of Market Analysis

There is a substantiated growing demand for natural health care services as the consumer becomes increasingly interested and educated in disease prevention and health maintenance. Chiropractic is recognized by federal and state governments as a viable alternative to traditional health care services and, as such, is accepted for reimbursement by government-sponsored insurance programs, most third-party payers and managed care plans.

Consumers of all ages, income and educational background are known users of chiropractic services. Riggs Chiropractic intends to serve all elements of this growing market. An estimated 80% of the population will experience back pain at some time in their lives. Chiropractic is one of the most recognized methods used to treat back pain, as well as, many other conditions.

The current population of Pittsburg and surrounding areas has steady projected growth. With the supporting population and the competitive element of only 4 other doctors of chiropractic in Pittsburg outside of Riggs Chiropractic, it is reasonable to estimate that Riggs Chiropractic would successfully achieve a new patient volume of more than 2,000 over a five-year period with subsequent return visits. As wellness is the foundation of Riggs Chiropractic's clinic patient will have return visits as dictated by their condition and lifestyle. In the future, the clinic will expand our market potential by establishing satellite clinics in surrounding communities.

Currently established chiropractors in the Pittsburg area collectively enjoying a steady to increasing share of the health care service market by offering scientifically based natural health care services. There are eight total chiropractors that will be competing for the market share in our area. Integrity Doctors recommends a chiropractor to population ratio of 1:3000. Pittsburg and the surrounding areas exhibit a ratio of 1:5000. This will enable Riggs Chiropractic a steady growth due to the sufficient ratio of chiropractors to the population. Riggs Chiropractic will have a market advantage by providing comprehensive chiropractic health care.

Marketing Plan

The Marketing Plan

Advertising for Riggs Chiropractic will be done on an internal and external basis, as suggested by Integrity Doctors. Internally, Riggs Chiropractic will utilize a patient referral program, report of findings, internal signage, healthcare classes, and patient appreciation days. External advertisements will consist of spinal screenings, health lectures, outside signage, medical/attorney referral program, participation in civic/networking groups, topic of the month, and Facebook/Social Media. Riggs Chiropractic will follow Integrity Doctors marketing program for philanthropic marketing and giving back to the community. This will come through donating a portion of services to various causes around our local area.

Promotional Strategy

Riggs Chiropractic will utilize a pre-opening promotional strategy two months prior to opening and will continue this promotion on an on-going monthly basis. Promotional activities will include exhibits/spinal screenings, website/internet marketing, grand opening/open house, and lunch and learn presentations. In addition, the doctor of Riggs Chiropractic will take every opportunity to introduce herself and promote the clinic through public exposure, attendance and speeches at local businesses, civic and social organizations. Understanding that advertising and public relations can be extremely beneficial for the growth of our practice, Riggs Chiropractic will utilize Integrity Doctors resources to help set up our monthly/yearly marketing plan.

Internet/Social Media Promotional Plans

Riggs Chiropractic will has web page that will enable the public to learn more about chiropractic health care and become familiar with our clinic. To increase exposure to our web site, we will include our web address on our business cards and any other visual advertisement. The clinic will utilize Facebook, Twitter, Instagram and other social media for continual public education and networking.

Financial Plan and Analysis**Product Pricing Strategy**

Riggs Chiropractic sets its fees and reimbursements based on the local and national average. Riggs Chiropractic believes that Pittsburg and the surrounding area will support and provide us the opportunity for rapid growth.

3-Year Income Statement and Balance Sheet

As with any new business the initial start-up cost and capitalization can be substantial. Riggs Chiropractic has developed a business plan with monthly/yearly cash flow projection to support the viability of this loan request and to illustrate our anticipated debt service requirements. The financial projections are based on a variety of factors, including demographics, marketing plan, and most importantly 35 years of history Integrity Doctors has in opening new chiropractic clinics.



Memorandum

TO: Daron Hall, City Manager

FROM: Blake Benson, Economic Development Director

DATE: November 20, 2019

SUBJECT: November 26, 2019 Agenda Item
CDL Electric request

CDL Electric has recently purchased two dilapidated properties at 508 and 510 North Broadway. The buildings were vacant on all three floors and there were no viable businesses in the first floor retail space.

CDL Electric plans to renovate all three floors of these two buildings beginning with the first floor retail space. The 508 North Broadway property will become Sign Brothers, while 510 North Broadway will become the home of a new retail venture entitled "CDL Home Store." The second floors of each building will then be renovated and will house CDL's sales and administrative offices. These functions are currently housed in the former McNally building now owned by CDL. The third floors of 508 and 510 North Broadway will be renovated and utilized as loft apartments.

The estimated timeline is as follows:

- First floors – 508 North Broadway to be completed by December 2019, with 510 North Broadway to be complete by February 2020.
- Second floors – July 2020
- Third floors – January 2021

CDL estimates the cost of the project to be approximately \$430,000, all financed by the company. At its November 13, 2019, meeting, the EDAC considered a request from CDL to provide financial assistance for the project. The EDAC felt this was a worthwhile project and would substantially rehabilitate two badly dilapidated downtown buildings. Given the anticipated investment by CDL, the EDAC

recommended providing \$43,000 or 10% of the total project value, whichever is less, in non-repayable funds at the end of the project.

Please place this item on the agenda for the City Commission meeting scheduled for Tuesday, November 26, 2019. Action being requested is approval or denial of the EDAC recommendation and, if approved, authorize the Mayor to sign the appropriate documents.



APPLICATION FOR LOAN
CITY OF PITTSBURG, KANSAS
ECONOMIC DEVELOPMENT REVOLVING LOAN FUND
(SALES TAX)

I. **GENERAL INFORMATION**

- | | | |
|----|--|--|
| 1. | CDL Electric
Name of Applicant Firm | November 7, 2019
Date of Request |
| 2. | 508 and 510 North Broadway
Firm Address | 620-231-6420
Firm Phone Number |
| 3. | Names and addresses of all persons or corporation who would be obligated as either applicant or personal guarantors of loans: | |
| | Larry Seward, Jr
Name | 1308 North Walnut - Pittsburg
Address |
| | Name | Address |
| 4. | Names and addresses of the principal officers and directors of the applicant: | |
| | Name | Address |
| | Name | Address |
| | Name | Address |
| 5. | Nature of applicant's business: There are two retail establishments: | |
| | 508 North Broadway - Sign Brothers | |
| | 510 North Broadway - The CDL Home Store | |
| 6. | The products to be assembled or manufactured or service to be rendered:
Sign Brothers will be unique and personalized signage, printing, engraving and apparel.
The CDL Home Store will include all items individuals and businesses can purchase from CDL including HVAC, Security, Generators, Solar and more. | |
| 7. | Kyle Fleming
Applicant's Attorney | Phone Number |
| 8. | Tom Yoakum - CDL CFO
Applicant's Financial Advisor | 620-231-6420
Phone Number |

9. Tom Yoakum - CDL CFO 620-231-6420
 Applicant's Accountant Phone Number
10. Estimated amount of loan: \$ TBD
11. Number of years to retire loan: TBD
12. List previous loans and credit references:

II. USE OF LOAN PROCEEDS

1. Amount requested for purchase of land: \$ n/a
2. Amount requested for land improvements (bldgs): \$ Unknown
3. Amount requested for machinery and equipment: \$ n/a
4. Capitalized debt service: \$ _____
5. Loan closing costs: \$ _____
6. Working capital: \$ _____
7. Other (specify) \$ _____
- TOTAL REQUEST: \$ _____

III. LOAN PROPOSAL

1. Will the loan refinance an existing project? _____
2. Will the loan proceeds be used to expand or replace an existing facility? Yes
3. Is the applicant presently located in the City of Pittsburg? Yes
4. What type and size of building will be constructed? 3 Story Building
 Approximately 7500 sq ft per floor

5. Name and address of contractor and/or architect:
All construction and fixture updates will be done with CDL personnel.

6. What type of equipment will be financed? n/a

7. If the applicant will be in direct competition with local firms,
- (a) Name of firms: Sign Brothers attempts to not be in competition with some others.
Our apparel/print lines are different than existing businesses with a smaller type customer and
The sign portion of our business has been competing in Pittsburg and will continue to do so.
- (b) Describe nature of the competition: Other sign/banner companies
- _____
- _____
- _____

IV. LOAN ANALYSIS

1. Has a financial advisor submitted an analysis indicating the need for the loan, the advisability of the loan or benefit to the applicant of the loan?
no
(If yes, attach a copy to this application.)
2. Has additional financing, whether internally generated or through other loans, been arranged? (If yes, explain on an attached sheet) self financed
3. Has the applicant investigated conventional financing?
no
- _____
- _____

V. PROPOSED LOCATION

1. Location of the proposed facility: 508 and 510 North Broadway
2. If the facility is a proposed expansion or replacement of another plant, state size and location of current operations:
n/a
- _____
- _____
- _____
3. What percentage of the facility will be occupied by the applicant? None
4. Is the prospective location properly zoned? Yes
- _____

5. If a zoning change is pending, cite application number and present status. If application has not been made, briefly describe what change will be needed and plans for submitting application:

n/z

6. If unusual demands for water or sewer services or police or fire protection will be made, specify the demands:

None

VI. OWNERSHIP AND MANAGEMENT

1. Describe the organizational structure of applicant (proprietorship, partnership, subsidiary, corporation, etc.):

CDL is Kansas Corporation

Note relationship to a parent company:

2. What portion of the project is being financed from other company funds (in addition to this loan)?

\$ 0

Please explain

3. Describe all threatened or outstanding litigation

n/a

4. Attach proforma statements for the first three (3) years of operation after issuance of the loan, including revenue projections, operating expense projections and a debt amortization schedule.

VII. MEASURE OF ECONOMIC GROWTH AND BENEFIT

1. What dollar amount of sales is contemplated? \$ 500,000 to \$1,000,000 annually
2. What percentage of sales will be sold locally? 90%

3. What is the estimated amount of merchandise and services purchased locally, per year?
Very little materials purchased locally due to the specificity of the materials used to make produ

4. How many people will the project employ:

Type:	Professional	15
	Technical	5
	Clerical	2
	General Labor	5

5. Number of current full-time employees at applicant's present location: 5
6. What is ratio of loan fund dollars to jobs created?

VIII. In order to facilitate the timely processing of the application, please attach as part of the proposal the following items:

1. Copies of applicant's financial statements for the past three years certified as correct by the owner or an authorized officer.
2. Applicant's most recent annual or quarterly financial report.
3. Interim financial statements, to date, for the current fiscal year.
4. Financial statements, current to date, for each personal guarantor, on forms, certified by a Certified Public Accountant or the guarantor.
5. Copies of both federal and state income tax returns filed by applicant and each personal guarantor during the past three years.
6. In certain cases, due to the size of the loan, audited financials may be required.
7. Completed business plan with three year financial projections.
8. Loan (if approved) must be personally guaranteed.

IX. Applicant should be aware that additional financial data shall be required if requested by the City Manager, City Attorney or any other persons authorized by the City of Pittsburg, Kansas, including the Economic Development Revolving Loan Fund (Sales Tax) Committee (EDAC).

X. Attached hereto is a copy of the Collateral Requirements for the Economic Development Revolving Loan Fund (Sales Tax) for informational purposes. HOWEVER, APPLICANT ACKNOWLEDGES AND AGREES THAT SAID REQUIREMENTS AS WELL AS THIS APPLICATION ARE A SET OF GUIDELINES AND ANY OF THE PROVISIONS STATED THEREIN MAY BE WAIVED OR ADDED TO AT THE DISCRETION OF THE PITTSBURG CITY COMMISSION.

- XI. EACH APPLICANT ALSO EXPRESSLY AGREES AND UNDERSTANDS THAT THE CITY'S MONETARY PLEDGE OF MONIES FROM THE FUND AND COMMITMENTS MADE IN ANY AGREEMENT SHALL BE CONTINGENT UPON THE CITY CONTINUING TO COLLECT THE ONE-HALF CENT CITY RETAILERS' SALES TAX; AND APPLICANT ACKNOWLEDGES THAT SAID SALES TAX MAY BE DISCONTINUED AS PROVIDED BY THE PROVISIONS OF K.S.A. 12-187 et. seq. AND AMENDMENTS THERETO, AT ANY TIME.

Lynn Meredith Digitally signed by Lynn Meredith
Date: 2019.11.08 14:33:26 -06'00'

11/07/19

Signature

Date

Vice President of Marketing

Title

Background

CDL Electric purchased the property at 508 and 510 North Broadway in October of 2019. The building is three stories with the first floor divided into two retail establishments. That is why there are two addresses for the property. The building is currently vacant on all floors and there were no viable businesses in the retail establishments.

Intention

First Floor - CDL intends to renovate the entire building beginning with the first-floor retail shops. The 508 North Broadway building will become the home of Sign Brothers, that was previously renting a building at 219 North Broadway. The 510 North Broadway retail shop will become the home of a new retail venture called 'The CDL Home Store'.

Second Floor – This floor will be renovated into office space. It was originally a government office in the 1960's and has not been habited since that time.

Third Floor – This floor will be renovated into loft apartments. The original use is unknown.

Renovation

On all floors, there will be a complete remodel from floor to ceiling. There are areas that require infrastructure changes and support. The original intent and look of the building will be kept whenever possible, but the entire building will be in significantly better condition than it has been in decades.

With that end, CDL will be investing thousands of dollars in labor and materials. This will include all new water and plumbing, electricity and fixtures, heating and air, security systems, digital capabilities and windows. All floors and ceilings will be completely redone, and the building will be in fantastic condition upon completion.

Timeline

The first-floor retail shops will be redone immediately with the 508 location to be completed by December 1st of this year. The 510 location will be renovated by February 1st of 2020.

Phase II will be the second floor. Existing office framework will be used as the layout and all areas that have original molding, doors and fixtures will be saved or restored. The intent on the 2nd floor is to re-capture the 1960's look and feel of the original office space. This should be done by July 1st of 2020.

Phase III will be the third floor. That area will become 2 or 3 loft apartments. That area will be designed with assistance from a local designer/architect and we should begin work on that area in the fall of 2020 with renovation completed by January 2021.



Memorandum

TO: Daron Hall, City Manager

FROM: Blake Benson, Economic Development Director

DATE: November 20, 2019

SUBJECT: November 26, 2019 Agenda Item
Block 22 forgivable loan updated timelines

On March 13, 2018, the Pittsburgh city commission approved a request from the Pittsburgh State University Foundation to provide a forgivable loan in the amount of \$300,000 to support the buildout of the Block 22 restaurant/retail space. The loan was to be forgiven in over a five year period at \$60,000 per year from 2019-2023, with the stipulation that the entire amount must be spent on permanent fixed improvements, all tenants should be sales tax-producing businesses and that the occupancy of the building must average no less than 65% over the previous twelve month period. This 65% occupancy timetable was to have begun in September 2018, but since the project was not completed until October 2019, the timetable needs to be adjusted. The funds have not yet been dispersed.

The Economic Development Advisory Committee (EDAC) considered this at its November 13, 2019, meeting and recommended updating the timeline associated with the forgiveness of the Block 22 loan to reflect a new timeline of 2020-2024 with the first loan payment due on November 1, 2020. All other details related to the loan agreement will stay the same.

Please place these items on the agenda for the City Commission meeting scheduled for Tuesday, November 26, 2019. Action being requested is approval or denial of the EDAC recommendation and, if approved, authorize the Mayor to sign the appropriate documents.



City Attorney

302 East 4th Street, Suite A
P.O. Box 1988
Pittsburg, Kansas 66762

P – 620-231-6030

F – 620-231- 1420

henry.menghini@pittks.org

INTEROFFICE MEMO

To: Daron Hall, City Manager

From: Henry C. Menghini, City Attorney

Re: Non-Discrimination Ordinance Request

Attached is a draft ordinance amending Pittsburg City Code Sections 2-331 and 2-332 as requested by Commissioner Munsell which defines the terms “gender identity” and “sexual orientation”, and also provides that the Human Relations Commission has the power and authority to investigate alleged discrimination based upon gender identity and/or sexual orientation.

I am also attaching the recent non-discrimination ordinance which was passed by the City of Overland Park, Kansas for informational purposes. Most of the communities in Johnson County, Kansas have passed similar non-discrimination ordinances. All of the Johnson County community ordinances reviewed prohibit discrimination in employment, housing and public accommodation based upon age, race, religion, color, sex, disability, national origin, ancestry, gender identity and sexual orientation. These ordinances differ, however, in several respects, mainly:

- a. The number of employees which an employer must employ to be applicable;
- b. The number of rental housing units an individual or entity must own to be applicable;
- c. The designation of the investigator and hearing officer;
- d. The time periods applicable to the investigation and hearing;
- e. The amount of the civil penalty which may be imposed by the hearing officer and the collection mechanism; and
- f. The responsibility for payment of the services of the investigator and hearing officer, and responsibility for payment of the attorney fees incurred by the parties.

All of the ordinances reviewed exempt religious organizations and non-profit fraternal or social associations, and provide an appeal procedure to district court.

Sincerely,

Henry C. Menghini
City Attorney

(Summary Published in the Morning Sun on _____)

ORDINANCE NO. G-1306

AN ORDINANCE amending Sections 2-331 and 2-332 of the Pittsburg City Code to include definitions of gender identity and sexual orientation and provide that the City's Human Relations Commission may investigate complaints filed by individuals alleging to have been discriminated against on the basis of gender identity or sexual orientation.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PITTSBURG,
KANSAS:

Section 1. Section 2-331 of the Pittsburg City Code is hereby amended to read as follows:

Sec. 2-331. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Age means an age of 18 or more years unless state law requires an individual to be older than 18 to perform a certain activity.

Disability means:

- (1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- (2) A record of such an impairment; or
- (3) Being regarded as having such an impairment by the person or entity alleged to have committed the unlawful discriminatory practice complained of.

Disability does not include current, illegal use of a controlled substance as defined in Section 102 of the Federal Controlled Substance Act (21 USC 802), in housing discrimination. In employment and public accommodation discrimination, the term "disability" does not include an individual who is currently engaging in the illegal use of drugs where possession or distribution of such drugs is unlawful under the Controlled Substance Act (21 USC 812), when the covered entity acts on the basis of such use.

Familial status means, having one or more individuals less than 18 years of age domiciled with:

- (1) A parent or another person having legal custody of such individual; or
- (2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.

Gender identity means the actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.

Sexual orientation means an individual's actual or perceived, by the individual or another, emotional, romantic, or sexual attraction to other people, such as heterosexual, homosexual, bisexual, pansexual or asexual.

Section 2. Section 2-332 of the Pittsburgh City Code is hereby amended to read as follows:

Sec. 2-332. Human Relations Commission.

- (a) *Creation; composition; terms.* There is hereby created a Human Relations Commission (HRC) for the City. It shall consist of seven members, serving without compensation. Such members shall be drawn from diverse segments of the public and to be selected for their wisdom, ability and broad perspective and not for the purpose of representing any specific group. The members of the current HRC shall continue to serve for the term for which they were appointed. Upon the expiration of the term of any member, the Governing Body shall reappoint that member or some other qualified individual to a three-year term; provided, however, that no member shall serve more than two consecutive terms. Any member may be removed by the Governing Body for failure to attend three consecutive regular meetings of such HRC.
- (b) *Officers; committees; how chosen.* The HRC at each annual meeting shall elect from its membership a chairperson, vice-chairperson and a second vice-chairperson. The chairperson, vice-chairperson and second vice-chairperson shall have and perform such duties as are commonly associated with their respective titles. The officers of the HRC shall be and constitute the executive committee thereof which shall exercise such powers between its regular meetings as may be authorized by the HRC. The HRC shall be further authorized to appoint and fix the membership of standing and temporary committees as it may find expedient for the performance of its duties.
- (c) *Meetings; regular and special.* The Human Relations Commission shall meet at least quarterly at such time and place as shall be fixed by the HRC by its standing rules. Special meetings shall be called by the chairperson, first or second vice-chairperson, or upon request of a majority of the members of the HRC. Such calls for special meetings shall state the purposes for such special meetings, and notice shall be given at least 24 hours before the time

of the meeting so called. The calls shall be read and entered into the minutes of such special meeting, and no business shall be transacted except that stated in the call for such special meeting. The HRC shall prepare its own agenda for all meetings and establish its own rules of order and publish the same in its bylaws.

(d) *Function.* The functions of the HRC shall be:

- (1) To foster, through education and persuasion, mutual understanding and respect among all persons in the City, regardless of race, color, age, sex, religion, disability, ancestry, national origin, gender identity, sexual orientation, or in housing by reason of familial status.
- (2) To encourage equality of treatment for and prevent discrimination against any person on account of race, color, age, sex, religion, disability, ancestry, national origin, gender identity, sexual orientation, or in housing by reason of familial status.
- (3) To investigate and attempt to conciliate complaints filed by individuals alleging that he or she has been discriminated against due to race, color, age, sex, religion, disability, ancestry, national origin, gender identity, sexual orientation, or in housing by reason of familial status.
- (4) To cooperate with governmental and nongovernmental agencies and organizations having like or kindred function.
- (5) To make such investigations and studies in the field of human relations as in its judgement will aid in effectuating its general purposes.

(e) *Powers and duties.* The powers and duties of the HRC shall be:

- (1) To work together with federal, state and City agencies in developing courses of instruction, for presentation to various groups and organizations and in public and private schools, public libraries, and other suitable places, on techniques for achieving harmonious intergroup relations within the City.
- (2) To enlist the cooperation of racial, religious, and ethnic groups, community organizations, labor organizations, fraternal and benevolent associations and other groups in the City, in programs and campaigns devoted to eliminating group prejudice, intolerance, bigotry, and discrimination.
- (3) To study and make recommendations concerning the problems of prejudice, intolerance, bigotry, and discrimination, and the disorder occasioned thereby, in all or any fields of human relationships.
- (4) To receive and investigate complaints and to initiate its own investigation of:
 - a. Prejudice, intolerance, bigotry, and discrimination due to race, color, age, sex, religion, disability, ancestry, national origin, gender identity, sexual orientation, or in housing by reason of familial status.

- b. Discrimination against any person, group of persons, organizations or corporations, whether practiced by private persons, associations or corporations and if it is found that such discrimination is within the jurisdiction of the state human rights commission, it may be referred to such commission.
- (5) To hold hearings in executive session. No person, including witnesses, shall be allowed to have an attorney present at the hearing. If, at the conclusion of the hearing, the HRC determines a complaint to have merit, it will attempt to hold a conference with the parties and conciliate the dispute. If the parties do not reach a conciliation agreement, the HRC will attempt to inform the parties that they may have the right to file a written complaint with the state human rights commission, the Equal Employment Opportunity Commission, or some other federal agency having authority over the subject matter of the dispute. All findings, recommendations, and terms of conciliation which refer to identifiable individuals, organizations or corporations, shall be kept confidential and not published without the express written consent of all parties to the dispute. If, during the course of its investigation, the HRC determines there has been a violation of an existing ordinance, it shall recommend that the City Manager refer the matter to the municipal court prosecutor or the City Attorney for appropriate legal action. If the HRC determines that a significant amount of discrimination exists and either that there is no City ordinance prohibiting such conduct or that the remedies for such discrimination available through agencies of the state or the federal government are inadequate, it may recommend that the Governing Body adopt an ordinance prohibiting such discrimination.
 - (6) To issue publications and research designed to promote good will and to minimize or eliminate prejudice, intolerance, bigotry, discrimination, and the disorder occasioned thereby.
 - (7) To submit an annual report to the Governing Body.
 - (f) *Staff.* The Governing Body may appoint an executive secretary and other necessary staff and provide compensation for such services as may be authorized in the annual City budget.

Section 3. This Ordinance shall take effect upon its passage and publication in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY ON THIS ____ DAY OF

_____, _____.

Mayor-Patrick O'Bryan

ATTEST:

Tammy Nagel - City Clerk

ORDINANCE NO. HRC-3266

AN ORDINANCE RELATING TO CIVIL RIGHTS IN THE CITY OF OVERLAND PARK, KANSAS, ADDING NEW OVERLAND PARK MUNICIPAL CODE SECTIONS 8.10.010, 8.10.020, 8.10.030, 8.10.040, 8.10.050, AND 8.10.060; AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 8.04.010 AND 8.04.020.

WHEREAS, on February 18, 2019, the City of Overland Park, Kansas, passed Resolution No. 4507 declaring it to be the policy of the City to reject discrimination of any kind and to respect the inherent worth of every person, without regard to age, race, religion, color, sex, disability, national origin, ancestry, sexual orientation or gender identity or expression; and

WHEREAS, state and federal laws provide protection against discrimination for certain classes of persons in housing, employment, and public accommodations, and such laws provide a complaint and enforcement process for violations; and

WHEREAS, current state and federal employment, housing, and public accommodation laws do not expressly prohibit discrimination on the basis of sexual orientation and gender identity; and

WHEREAS, the City has compelling interests in prohibiting discrimination on the basis of sexual orientation and gender identity, including removing barriers to economic advancement and political and social integration, ensuring equal access to the marketplace, and preventing the dignitary harms and stigmatizing injuries that result from such discrimination; and

WHEREAS, the City now desires to prohibit discrimination on the basis of sexual orientation and gender identity, by providing a complaint and enforcement process to effectuate protections not available under current state and federal laws;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS, AS FOLLOWS:

Section 1. Overland Park Municipal Code Section 8.10.010 is hereby added to read as follows:

8.10.010 Declaration of Policy.

- A. Rights Recognized - The right of an individual to be free from discrimination because of that individual's race, color, religion, national origin, sex, Sexual Orientation, Gender Identity, age, disability, genetic information, marital status, familial status, or military status is hereby recognized. This right shall include, but not be limited to, any of the following:
 - 1. The right to pursue and hold employment and the benefits associated therewith without unlawful discrimination.

2. The right to the full enjoyment of any of the services, advantages or privileges of any Place of Public Accommodation without unlawful discrimination.
 3. The right to engage in property transactions, including obtaining housing for Rent or purchase, without unlawful discrimination.
 4. The right to exercise any right granted under this Chapter without retaliation.
- B. Protection - To protect these rights, it is hereby declared to be the purpose of this Chapter to prohibit discrimination and retaliation based upon Sexual Orientation and Gender Identity and to provide a local process for the acceptance, investigation and resolution of complaints of discrimination and retaliation relating to Sexual Orientation and Gender Identity arising hereunder. If discrimination and retaliation relating to Sexual Orientation and/or Gender Identity is prohibited by federal or state law(s), and such law(s) provide procedures for addressing complaints of such discrimination and retaliation, nothing shall prevent the City from referring an Aggrieved Individual to the appropriate federal or state procedure and/or federal or state agency.

Section 2. Overland Park Municipal Code Section 8.10.020 is hereby added to read as follows:

8.10.020 Definitions.

The definitions contained within the Kansas Act Against Discrimination, K.S.A. 44-1001 *et seq.*, and amendments thereto, and Overland Park Municipal Code Section 1.04.010, and amendments thereto, shall apply to this Chapter unless a term is specifically defined herein. For purposes of this Chapter, certain terms shall be interpreted or defined as follows unless the context clearly indicates otherwise:

Aggrieved Individual means any individual who has a good faith belief that such individual has been injured by an Unlawful Discriminatory Practice as set forth herein.

Days means calendar days. If a deadline falls on a day City Hall is not open (e.g. a weekend, a holiday recognized by the City, emergency closure) the deadline will be extended to the next day City Hall is open.

Employee means any individual who is employed by an Employer and receives a salary or wages from such Employer, but does not include any individual employed by such individual's parents, spouse or child or in the domestic service of any individual. The term Employee does not include an independent contractor.

Employer means: (1) any individual or entity (e.g. corporation, partnership, limited liability company, association, labor organization, mutual company, joint-stock company, trust, unincorporated organization) doing business within the City of Overland Park who has one or more Employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, (2) the City, and (3) any City contractor. For purposes of this Chapter, the term does not include: (1) The United States or any department or agency thereof, a corporation wholly owned by the government of the United States, or an Indian tribe; or (2) a Nonprofit Fraternal or Social Association/Corporation.

Gender Identity means an individual's actual or perceived (by the individual or another) gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics regardless of the individual's designated sex at birth.

Hearing Officer means a Municipal Court Judge of the City.

Investigator means one or more individual(s) designated by the City Manager.

Nonprofit Fraternal or Social Association/Corporation means an association or corporation that meets all of the following requirements: (1) it is organized in good faith for social or fraternal purposes; (2) membership entails the payment of bona fide initiation fees or regular dues; (3) there exists a regularly established means of self-government by the members thereof clearly set forth in a constitution or by-laws adopted by the membership; (4) membership is limited and there is a regularly established means of and criteria for admitting members and for expulsion of members by the existing membership or by their duly elected or appointed delegates; and (5) it is not operated, directly or indirectly for purposes of profit for any individual or groups of individuals other than the membership as a whole. To the extent not otherwise included, the term also includes any bona fide membership club that is exempt from taxation under Title 26, Section 501(c) of the United States Code. The term does not include a labor organization.

Place of Public Accommodation shall include every establishment within the city that is open to the general public and offers any product, service or facility. The term Place of Public Accommodation shall include, but not be limited to, all taverns, hotels, motels, apartment hotels, apartment houses with one or more tenant units, restaurants or any place where food or beverages are sold, retail and wholesale establishments, theaters, motion picture houses, museums, bowling alleys, golf courses and all public conveyances, as well as the stations or terminals thereof. The term Place of Public Accommodation shall not include any establishment operated by a Nonprofit Fraternal or Social Association/Corporation, or bona fide civic, political or religious organization, which restricts its products, facilities and services to the members of such association/corporation or organization, their guests, or individuals who promote the principles for which the association/corporation or organization is established or maintained.

Religious Organization means a church, mosque, temple, synagogue, nondenominational ministry, interdenominational and ecumenical organization, mission organization, faith-based charity, faith-based social agency, faith-based educational institution, or other entity principally devoted to religious practice, teaching or education.

Rent means to lease, to sublease, to let or otherwise to grant the right to occupy premises not owned by the occupant in exchange for payment or other consideration.

Rental Housing means any real property, consisting of one or more dwelling units, which is required to obtain a license or permit or is otherwise addressed in Chapter 5.75 of this Code.

Respondent means the individual or entity against whom a complaint alleging discrimination or

retaliation has been filed with the City.

Sexual Orientation means an individual's actual or perceived (by the individual or another) emotional, romantic, or sexual attraction to other people, such as heterosexual, homosexual, bisexual, pansexual or asexual.

Unlawful Discriminatory Practices means those practices prohibited by Section 8.10.030 of this Chapter.

Section 3. Overland Park Municipal Code Section 8.10.030 is hereby added to read as follows:

8.10.030 Unlawful Discriminatory Practices.

In order to protect specific individuals within the city from discrimination on the basis of their Sexual Orientation or Gender Identity, it shall be a duty of each individual or entity doing business within the city to not commit the following Unlawful Discriminatory Practices:

- A. Employment - It shall be an Unlawful Discriminatory Practice for an Employer to refuse to hire or employ, or to discharge from employment or to otherwise discriminate against an otherwise qualified Employee in compensation or in terms, conditions or privileges of employment, because of the Employee's Sexual Orientation or Gender Identity. This Chapter shall not apply to a Religious Organization with respect to the employment of individuals performing work connected with the carrying on of the organization's religious teaching, ministry, religious duties or practices, advancement of religion, or other religious activities.
- B. Housing - It shall be an Unlawful Discriminatory Practice for an individual or entity to discriminate against any individual in the terms, conditions, or privileges of the sale or Rent of real property within the city including Rental Housing, or in the provision of services or facilities in connection therewith, because of an individual's Sexual Orientation or Gender Identity, or to discriminate against any individual in such individual's use or occupancy of Rental Housing within the city because of the Sexual Orientation or Gender Identity of individuals with whom such individual associates. This provision shall not apply to the Rent of real property containing dwelling units occupied or intended to be occupied by no more than four persons or families living independently of each other, if the owner actually maintains and occupies one of such dwelling units as the owner's residence. Additionally, nothing in this Chapter shall prohibit:
 - 1. A Religious Organization or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a Religious Organization, from limiting the sale, rental or occupancy of real property or Rental Housing which it owns or operates for other than a commercial purpose to individuals of the same religion or individuals who promote the religious principles for which it is established or maintained, or from giving preference to such individuals.
 - 2. A Nonprofit Fraternal or Social Association/Corporation, which as an incident to its primary purpose or purposes provides real property or Rental Housing which it owns or operates for other than a commercial purpose, from limiting the rental or

occupancy of such real property or Rental Housing to individuals who are members or individuals who promote the principles for which it is established or maintained, or from giving preference to such individuals.

- C. Public Accommodation - It shall be an Unlawful Discriminatory Practice for the owner, operator, lessee, manager, agent or Employee of any Place of Public Accommodation to refuse, deny or make a distinction, directly or indirectly, in offering its goods, services, facilities, privileges, advantages or accommodations to any individual because of their Sexual Orientation or Gender Identity. Nothing in this Chapter shall be interpreted to apply to a Religious Organization's performance of a religious function, including but not limited to the:
1. provision of goods, services, facilities, privileges, advantages or accommodations related to the solemnization or celebration of a marriage, or
 2. performance of its religious teachings, ministry, religious duties or practices, advancement of religion, or other religious activities.

Section 4. Overland Park Municipal Code Section 8.10.040 is hereby added to read as follows:

8.10.040 Interpretation.

Nothing in this Chapter shall be construed to:

- A. Prohibit an Employer from requiring an Employee, during the Employee's hours at work, to adhere to reasonable dress or grooming standards not prohibited by other provisions of federal, state, or local law.
- B. Require an Employer to hire unqualified individuals or to retain Employees when there is a legitimate non-discriminatory or non-retaliatory reason to hire another candidate or terminate employment, or prevent any adverse action against an Employee that would have been taken regardless of the Employee's Sexual Orientation or Gender Identity.
- C. Prohibit an Employer from requiring all of its Employees, as a condition of employment, to utilize the Employer's applicable established internal human resource procedure(s) to address any allegation of discrimination or retaliation in the workplace. The fact that an Employer requires an Employee to utilize the Employer's applicable established internal human resource procedure(s) to address any allegation of discrimination or retaliation in the workplace shall not, in itself, be deemed a violation of this Chapter. However, an Employee may simultaneously file a complaint with the City as provided in this Chapter, and completion of the Employer's procedures is not a prerequisite to filing a complaint with the City.
- D. Require any person or entity subject to this Chapter to make changes requiring a building permit to any existing facility, except as otherwise required by law.
- E. Prohibit an Employer or Place of Public Accommodation from posting signs for restrooms and dressing rooms based on gender.
- F. Prohibit a Nonprofit Fraternal or Social Association/Corporation or Religious Organization from limiting membership as is calculated by the association/corporation or organization to promote the principles for which it is established or maintained.
- G. Be construed or applied in a manner that violates any law or unlawfully infringes upon any rights under the First Amendment of the United States Constitution, Section 7 of the

Kansas Constitution Bill of Rights, the Adoption Protection Act (K.S.A. 60-5322, and amendments thereto), or the Kansas Preservation of Religious Freedom Act (K.S.A. 60-5301 *et seq.*, and amendments thereto).

- H. Make it lawful to discriminate or retaliate against individuals on the basis of race, color, religion, national origin, sex, age, disability, genetic information, marital status, familial status, or military status. Such discrimination and retaliation is not addressed in this Chapter because federal and state laws consistently address unlawful discriminatory and retaliatory practices related to those characteristics and provide appropriate procedures for addressing complaints for such discrimination and retaliation.

Section 5. Overland Park Municipal Code Section 8.10.050 is hereby added to read as follows:

8.10.050 Enforcement.

- A. An Aggrieved Individual may file a written complaint with the City Clerk that the individual has been, or is being, subject to an alleged Unlawful Discriminatory Practice(s) as prohibited by this Chapter. The complaint may be filed personally or through an attorney (or if a minor, through the minor's parent, legal guardian or attorney) and shall be completed on a form provided by the City. The complaint form shall state the names and contact information of the Aggrieved Individual, the individual(s) and/or entity/entities alleged to have committed the Unlawful Discriminatory Practice(s), a description of the alleged unlawful conduct, and all other information as may be required by the form provided by the City. The complaint form shall only be considered complete if all information required by the City's form has been provided to the extent such information is reasonably available to the Aggrieved Individual.
- B. The complaint form must be filed within sixty (60) Days of the alleged Unlawful Discriminatory Practice, unless the act complained of constitutes a continuing pattern or practice of discrimination, in which event it must be filed within sixty (60) Days of the last act of discrimination.
- C. The complaint may be referred to an approved mediator for non-binding mediation at the request of the parties. The mediator shall either be a person agreed upon by the Aggrieved Individual and the Respondent or, if no such agreement can be reached within a reasonable time following the filing of the complaint, a person selected by the City Manager will serve as the mediator. Any fees charged by the mediator shall be split equally between the parties. If mediation is not successfully completed within sixty (60) Days of the referral, or a party chooses not to pursue mediation, the complaint shall be referred to the Investigator.
- D. Upon receipt of a complete complaint, the Investigator shall notify the Respondent(s) of the complaint, providing sufficient details related to the complaint so the Respondent(s) may respond. The Investigator shall give the Respondent(s) thirty (30) Days to file a written answer to the complaint, and to provide any documentation or evidence related to the complaint. The Investigator may, at the request of Respondent(s), extend the answer period an additional thirty (30) Days. If the Respondent accused of violating the provisions of this Chapter is the City, the City will engage an independent Investigator who shall not otherwise be an Employee, agent, or contractor of the City.
- E. Following the conclusion of the answer period, the Investigator may initiate an

investigation period, requesting that the Aggrieved Individual and/or Respondent(s) provide additional information, documentation, statements or testimony as needed to facilitate the investigation of the complaint. This investigation period shall be concluded within a reasonable period of time following the submission of additional information, documentation, or testimony.

- F. Upon conclusion of the investigation period, the Investigator shall forward all evidence and other information received during the investigation to the Law Department. The Law Department will make a determination whether probable cause exists that: (i) the Respondent(s) committed an Unlawful Discriminatory Practice, and (ii) imposition of a penalty pursuant to this Chapter:
 - 1. Would not constitute an unlawful burden of a person's right to exercise of religion pursuant to Section 7 of the Kansas Constitution Bill of Rights or the Kansas Preservation of Religious Freedom Act (K.S.A. 60-5301 *et seq.*, and amendments thereto), or an unlawful burden of a person's freedom of speech, expression, or association (as protected by the First Amendment of the United States Constitution or the Kansas Constitution); or
 - 2. If imposition of a penalty would constitute a burden, application of such burden to the person would be in furtherance of a compelling governmental interest and such application would be the least restrictive means of furthering that compelling governmental interest.
- G. If the Law Department finds that probable cause does not exist, then the Law Department shall notify the Aggrieved Individual and the Respondent(s) within a reasonable period of time, and this notification shall be considered a final order and no further action shall be taken by the City.
- H. If the Law Department finds probable cause does exist, the Law Department shall notify the Aggrieved Individual and Respondent(s) and request conciliation and settlement. If a party refuses to participate in conciliation and settlement, or if a settlement agreement is not executed within sixty (60) Days of the date of the finding of probable cause (unless such time is extended by the Law Department for good cause and with the agreement of all parties), the matter shall be referred to the Hearing Officer for review, who shall sit as an administrative judge for purposes of this Chapter.
- I. Upon referral to the Hearing Officer, the Hearing Officer shall schedule a hearing on the complaint. The parties shall be given ten (10) Days' written notice via certified mail of the date, time, and place of the hearing. At such hearing, the parties and the Law Department shall be entitled to call witnesses and to present such other evidence as appropriate. The hearing shall be conducted in accordance with such procedures as may be established by the Hearing Officer, but the rules of evidence used in courts of law need not be strictly enforced.
- J. Any determination of the Hearing Officer that the Respondent(s) committed an Unlawful Discriminatory Practice shall be issued in writing within sixty (60) Days of the hearing, shall be based upon the preponderance of the evidence, and shall set forth the essential elements and facts of the determination. If the Hearing Officer finds that a civil violation of this Chapter has occurred, the Hearing Officer may impose a civil penalty upon the Respondent(s) in the amount of up to \$1,000.00 for each violation. Each party is to bear their own attorneys' fees, if any.
- K. The filing of a complaint for the alleged violation of this Chapter or a response thereto

shall in no way preclude any party from seeking other relief under state or federal law, including a private right of action arising from any breach of a duty owed to the class of persons protected by this Chapter.

Section 6. Overland Park Municipal Code Section 8.10.060 is hereby added to read as follows:

8.10.060 Severability.

Should any section, subsection, sentence, clause or phrase of this Chapter, or the application thereof to any person or circumstance, be declared to be unconstitutional or invalid or unenforceable, such determination shall not affect the validity of the remaining portions of this Chapter.

Section 7. Existing Overland Park Municipal Code Sections 8.04.010 and 8.04.020 are hereby repealed.

Section 8. This Ordinance shall take effect and be in force from and after its publication in an official City newspaper.

[Remainder of page intentionally left blank.]

PASSED by the City Council this 7th day of October, 2019.

APPROVED by the Mayor this 7th day of October, 2019.

CITY OF OVERLAND PARK, KANSAS

Carl Gerlach
Mayor

(SEAL)

ATTEST:

Elizabeth Kelley
City Clerk

APPROVED AS TO FORM:

Michael Koss
Senior Assistant City Attorney