

CITY OF PITTSBURG, KANSAS
COMMISSION AGENDA
Tuesday, March 24, 2009
7:00 PM

CALL TO ORDER BY THE MAYOR:

- a. Invocation (Michael Hart, Trinity Baptist Church)
- b. Flag Salute Led by the Mayor
- c. Proclamation - Donate Life Month (Received by Cathy Lucchi)
- d. Public Input

CONSENT AGENDA:

- a. Approval of the minutes of the March 10th, 2009, City Commission Meeting.
- b. Approval of Ordinance No. G-1059 amending Section 2-133 of the Pittsburg City Code to remove the Human Resources Division from the supervision of the Department of Finance and Administration. **Second Reading - ROLL CALL VOTE.**
- c. Approval of Ordinance No. G-1060 of the Pittsburg City Code to provide that the Human Resources Division shall be under the direct supervision of the City Manager. **Second Reading - ROLL CALL VOTE.**
- d. Approval of Change Order No. 2 requesting an extension to the contract time of 50 days for a total of 300 days and reflecting an increase of \$16,068.60 making a new contract construction amount of \$350,783.40 for the Sanitary Sewer Manhole Rehabilitation (Year 5) Project.
- e. Approval of Change Order No. 24 reflecting an increase of \$898.25 making a new contract construction amount of \$6,774,790.56 for the Police/Courts Facility.
- f. Approval of recommendation from the Traffic Advisory Board and City staff for the placement of stop signs at the intersection of 13th and Elm stopping traffic on Elm Street and, if approved, direct staff to install the signs accordingly.
- g. Approval of a Shared-User Agreement between the Kansas Department of Transportation and the City of Pittsburg to allow the City to operate their communications equipment on the State of Kansas' 800 MHz digital P25 radio communication system, and authorization for the Mayor to sign the agreement on behalf of the City.

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- h. Approval of the Appropriation Ordinance for the period ending March 25, 2009, subject to the release of HUD expenditures when funds are received. **ROLL CALL VOTE.**

SPECIAL PRESENTATIONS:

- a. **REPORT AND ANNUAL REQUEST FOR PAYMENT TO THE ALLIANCE FOR TECHNOLOGY COMMERCIALIZATION (ATC) - Alliance for Technology Commercialization (ATC) President Eric Ferrell will present an annual update on the activities of the ATC and request funding in the amount of \$50,000 for fiscal year 2009 to cover overhead expenses. Receive report for file and approve or disapprove funding request.**

CONSIDER THE FOLLOWING:

- a. **LOAN DOCUMENTS - FAMILY RESOURCE CENTER - Staff is recommending approval of the Loan Agreement and Promissory Note for a 4-year, 0-percent RLF loan in the amount of \$395,000 to The Family Resource Center. Director of Economic Development Mark Turnbull will make a verbal presentation regarding the documents. Approve or disapprove loan documents, and if approved, authorize the Mayor to sign on behalf of the City.**
- b. **ATKINSON MUNICIPAL AIRPORT - FUEL SALES - After reviewing income and expenses at the Atkinson Municipal Airport, staff is recommending that the current fuel prices be increased by \$.25 per gallon for both local and transient Jet A fuel and transient 100LL fuel. Approve or disapprove staff recommendation.**

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- c. ORDINANCE NO. G-1061 - Approval of Ordinance No. G-1061, incorporating the new digital Flood Insurance Rate Maps for the City of Pittsburg, Kansas, as prepared by the Federal Emergency Management Agency; establishing the duties of the Floodplain Administrator; establishing a finish floor elevation of eighteen (18) inches above the published flood elevation for all structures in a Floodway Fringe Overlay District; providing an alternate construction standard for detached garages and similar accessory structures constructed in a Floodway Fringe Overlay District; and amending Sections 21-101, 21-102.3, 21-103.1, 21-103.2, 21-103.6, 21-103.8, 21-104.1, 21-104.2, 21-105, 21-106.1, 21-106.2, 21-106.3, 21-108.2, 21-108.3, 21-108.4, 21-111.1, 21-113, and creating Sections 21-103.9, 21-106.2(b), 21-106.3(h), 21-108.5, 21-111.2(p), and 21-114 of the Pittsburg City Code. **First Reading, if the Governing Body concurs.**

- d. ORDINANCE NO. G-1062 - Approval of Ordinance No. G-1062, implementing the Illicit Discharge Detection and Elimination (IDDE), and Sediment and Erosion Control Portions of the National Pollution Discharge Elimination System (NPDES), and Adopting the American Public Works Association (APWA) Division 5100 – Design Standards for Erosion and Sediment Control. **First Reading, if the Governing Body concurs.**

- e. LIQUID ASPHALT BIDS - The City staff is requesting permission to deviate from the past purchasing practice and allow the Public Works Department to take monthly bids for the purchase of liquid asphalt. **Approve or disapprove staff request.**

- f. WASTEWATER TREATMENT PLANT EMERGENCY PUMPS REPAIRS - Staff is recommending that a contract be awarded to Douglas Pump Service, of Shawnee Mission, Kansas, in the maximum amount of \$27,098 for emergency repairs to the first stage wet well pumps at the Wastewater Treatment Plant. **Approve or disapprove staff recommendation.**

NON-AGENDA REPORTS & REQUESTS:

ADJOURNMENT

Office of the Mayor
CITY OF PITTSBURG, KANSAS

Proclamation

Whereas: Of the most meaningful gifts that a human being can bestow upon another is the gift of life; and

Whereas: Approximately 28,000 Americans received a life-saving or enhancing organ transplant last year; and

Whereas: A new patient is added to the national patient transplant list every 12 minutes; and

Whereas: Over 100,000 men, women, and children are currently on the national waiting list for organ transplantation, with more than 4,000 in the Southwest Missouri/Southeast Kansas area; and

Whereas: An average of 17 people died each day last year awaiting an organ transplant that did not come in time; and

Whereas: Kansas has a registry system allowing all residents to register their wish to save lives through organ and tissue donation at www.mwtn.org by calling 1-913-262-1668 or on their driver's license; and

Whereas: The Midwest Transplant Network is the nonprofit organization formed to educate Southeast Kansas residents about donation, increase the number of registered organ donors and eliminate barriers to donation; and

Whereas: Everyone is a potential organ, eye, and tissue donor.

Now Therefore, I, Pamela Henderson, Mayor of the City of Pittsburg, Kansas, do hereby proclaim the month of April 2009, as

Donate Life Month

to honor all those who have made the decision to donate life, to focus attention on the extreme need for donation and to encourage all Kansas residents to register their wish to be an organ, eye, and tissue donor.

Dated this 24th day of March, 2009.

ATTEST:

CITY CLERK

MAYOR

OFFICIAL MINUTES
OF THE
GOVERNING BODY
OF THE
CITY OF PITTSBURG, KANSAS
March 10th, 2009

A Regular Session of the Board of Commissioners was held at 7:00 p.m., Tuesday, March 10th, 2009, in the City Commission Room, City Hall, with Mayor Pamela Henderson presiding and the following members present: Marty Beezley, Rudy Draper, Patrick O'Bryan, and William H. Rushton.

Jim Sukraw, First Church of the Nazarene, provided the invocation.

Mayor Henderson led the flag salute.

Mayor Henderson proclaimed the month of March, 2009, as American Red Cross Month in Pittsburg.

PUBLIC INPUT –

Ben Peters, 212 East Belleville, expressed concern with Cox Communication's plan to discontinue broadcast of the PBS Station based out of Topeka. City Attorney Henry Menghini advised that he would examine the Cox Franchise Agreement to determine if the Governing Body has input regarding the programming provided by Cox.

Doug Barbar, 3000 North Joplin, requested that arrows be added to the crosswalk at Centennial and Joplin. The Governing Body indicated that staff will examine the crosswalk to ensure it is working properly. He also inquired who will maintain the newly constructed pedestrian/bicycle path. The Governing Body stated that City staff will maintain the new path. Mr. Barbar then expressed concern about several intersections and crosswalks needing maintenance.

APPROVAL OF MINUTES – On motion of Beezley, seconded by O'Bryan, the Governing Body approved the minutes of the February 24th, 2009, City Commission Meeting as submitted. Motion carried.

LIGHTING ALONG PEDESTRIAN/BICYCLE PATH ON CENTENNIAL – On motion of Beezley, seconded by O'Bryan, the Governing Body approved staff's request to rescind the installation of four 70-watt high pressure sodium street lights and authorized the installation of three security lights to include one new pole along the newly constructed Pedestrian/Bicycle Path on Centennial (Meadowbrook Mall to Knollview) and Joplin (Ford to Centennial) at a cost of \$24.13 per month. Motion carried.

ORDINANCE NO. G-1059 – On motion of Beezley, seconded by O'Bryan, the Governing Body approved Ordinance No. G-1059 amending Section 2-133 of the Pittsburg City Code to remove the Human Resources Division from the supervision of the Department of Finance and Administration on first reading. Motion carried.

OFFICIAL MINUTES
OF THE
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March 10th, 2009

ORDINANCE NO. G-1060 – On motion of Beezley, seconded by O'Bryan, the Governing Body approved Ordinance No. G-1060 of the Pittsburg City Code to provide that the Human Resources Division shall be under the direct supervision of the City Manager on first reading. Motion carried.

APPROPRIATION ORDINANCE – On motion of Beezley, seconded by O'Bryan, the Governing Body approved the Appropriation Ordinance for the period ending March 11th, 2009, subject to the release of HUD expenditures when funds are received, with the following roll call vote: Yea: Beezley, Draper, Henderson, O'Bryan, and Rushton. Motion carried.

LEAD TESTING PROGRAM UPDATE – Interim City Manager John D. Van Gorden provided the Commission with an update of the lead testing program being conducted by the EPA and KDHE within the City of Pittsburg.

WASTEWATER TREATMENT PLANT EMERGENCY ELECTRICAL REPAIRS – On motion of Rushton, seconded by Draper, the Governing Body approved staff recommendation to award a contract to Brent's Electric, of Pittsburg, Kansas, in the amount of \$18,000 for emergency electrical repairs at the Wastewater Treatment Plant. Motion carried.

POTENTIAL ECONOMIC STIMULUS PROJECTS - On motion of O'Bryan, seconded by Beezley, the Governing Body approved potential economic stimulus projects to be submitted for possible funding including the construction of a holding basin for stormwater, construction of the Southeast Pump Station, Water Treatment Plant upgrades, the installation of a water line on Lone Star Road from Atkinson to 4th Street, the resurfacing of Broadway from Centennial to Cleveland and the resurfacing of Broadway from Madison to 2nd Street and directed City staff to prepare the necessary documents for submittal. Motion carried.

Director of Public Works Bill Beasley inquired if the Governing Body would like to include incentive money with the City's application in the amount of 10% to 20% of the project cost to possibly increase the City's chances of getting a street project funded. It was the consensus of the Governing Body to submit the above projects for possible funding with no incentive money to be included from the City.

REQUEST OF HABITAT FOR HUMANITY OF CRAWFORD COUNTY – On motion of Rushton, seconded by Draper, the Governing Body approved the request submitted by Habitat for Humanity of Crawford County for the City of Pittsburg waive the building permit, sewer tap and water tap fees for a home to be constructed at 213 East 21st Street. Motion carried.

OFFICIAL MINUTES
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March 10th, 2009

ORDINANCE NO. S-973 – On motion of Draper, seconded by Rushton, the Governing Body approved Ordinance No. S-973, amending Section 1 of Ordinance No. S-826 and thereby allowing the Governing Body to use certain sales tax monies for general operating budgets upon majority approval by the Governing Body, on first reading. Motion carried.

Commissioner Beezley suggested that the Ordinance be revised to make all sales tax monies available should they be needed. It was the consensus of the Governing Body to revise the Ordinance to make the 25% STCO portion available first, the 25% Memorial Auditorium portion available second, and the 50% Economic Development portion available as a last resort in an emergency financial situation.

PURCHASE OF IP PAGING SYSTEM – On motion of Beezley, seconded by Draper, the Governing Body approved the quote for the purchase of hardware, support and professional services for an IP Paging System for the City's new Law Enforcement Center, Library, City Hall, Fire Station #1, Fire Station #2, and Fire Station #3 to Alexander Open Systems (AOS) based on their quote of \$22,270.00, and directed staff to issue the necessary purchase order. Motion carried.

NON-AGENDA REPORTS AND REQUESTS –

RESOLUTION NO. 1081 – On motion of Beezley, seconded by O'Bryan, the Governing Body approved Resolution No. 1081 declaring the eligibility of the City of Pittsburg, Kansas, to submit an application to the Kansas Department of Transportation for use of Transportation Enhancement Funds set forth by the American Recovery and Reinvestment Act of 2009 for the WATCO Bike Path Project in Pittsburg, Kansas, and authorizing the City Manager to sign the application. Motion carried.

ADJOURNMENT: On motion of O'Bryan, seconded by Draper, the Governing Body adjourned the meeting at 8:01 p.m. Motion carried.

Pamela Henderson, Mayor

ATTEST:

Tammy Nagel, City Clerk



Interoffice Memorandum

TO: JOHN D. VANGORDEN
Interim City Manager

FROM: JOHN H. BAILEY, P.E., Ph.D
Director of Public Utilities

DATE: March 17, 2009

SUBJECT: Agenda Item – March 24, 2009
Change Order No. 2
Manhole Rehabilitation (Year 5)

Attached you will find Change Order No. 2 for the above-referenced project reflecting an increase of \$16,068.60 making a new contract construction amount of \$350,783.40. This change order covers the cost related to the additional depth of manholes relined. These manholes were found, uncovered and evaluated during the construction period. These funds will come from the revolving loan fund from KDHE set aside for the rehabilitation of the sanitary sewers in Pittsburg. The contractor has also requested additional time for project completion of 50 days for a total contract time of 300 days.

Would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, March 24, 2009. Action being requested is to approve or disapprove the change order.

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

Attachment: Change Order No. 2

cc: Tammy Nagel, City Clerk
Project File
Memo File

CHANGE ORDER



Order No. 2

Date: 3-4-09

KWPCRF Project No. C20 1656 01

PEC Project No. 334-07F03-010-0830

Agreement Date: _____

NAME OF PROJECT: Sanitary Sewer Manhole Rehabilitation – Year 5

OWNER: City of Pittsburg, Kansas

CONTRACTOR: Gorgill Construction, Inc.

Changes are hereby made to the CONTRACT DOCUMENTS as listed and described below and on the attached sheets:

1. Quantity overrun on bid item #6, Manhole relining. Additional Cost = 203.4 V.F. @ \$79.00 = \$16068.60.
2. Extension of calendar days due to work added to the project. Additional Days = 50 + 250 = 300 Days

Change to BID PRICE

Original BID PRICE: \$279,729.80

The CONTRACT PRICE after CHANGE ORDER #1 was: \$334,714.80

The CONTRACT PRICE due to this CHANGE ORDER will be INCREASED: \$16,068.60

The CONTRACT PRICE after this CHANGE ORDER will be: \$350,783.40

Original CONTRACT TIME: 250 Days

The CONTRACT TIME due to this CHANGE ORDER will be INCREASED: 50 Days

The CONTRACT TIME after this CHANGE ORDER will be : 300 Days

Requested by: Glenn D. Corgill Corgill Construction, Inc

Prepared by: Bruce Rowland P.E.C. P.A.

Accepted by: _____ City of Pittsburgh.



Interoffice Memorandum

TO: CITY COMMISSION

FROM: JOHN D. VANGORDEN
Interim City Manager

DATE: March 11, 2009

SUBJECT: Agenda Item – March 24, 2009
Change Order No. 24
Pittsburg Police/Courts Facility

Attached is Change Order No. 24 for the above-referenced project reflecting an increase of \$898.25 making a new contract construction amount of \$6,774,790.56. Also, attached is a copy of a memorandum provided by Rick Kuhl of Williams Spurgeon Kuhl & Freshnock Architects explaining the proposed changes.

Would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, March 24, 2009. Action necessary will be approval or disapproval of this change order.

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

Attachment: Change Order No. 24
Memo from WSKF

cc: Jon B. Garrison, Director of Finance & Administration
Tammy Nagel, City Clerk
Project File
Memo File

AIA® Document G701™ – 2001

Change Order

PROJECT <i>(Name and address):</i> Pittsburg Police/Courts Facility Pittsburg, Kansas	CHANGE ORDER NUMBER: 024 DATE: March 2, 2009	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input checked="" type="checkbox"/> CONTRACTOR: <input checked="" type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR <i>(Name and address):</i> Crossland Construction Company, Inc. 833 S. East Ave. P.O. Box 45 Columbus, KS 66725	ARCHITECT'S PROJECT NUMBER: 06074 CONTRACT DATE: October 12, 2007 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

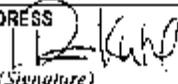
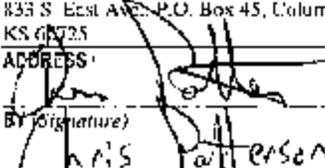
- Per Crossland's Change Order Request No. 055, dated 2/18/09 and City's request, removal and replacement of sidewalk at the southeast property corner to match the new sidewalk, 42' by 2.5' Add: \$398.25
 Total Change Order No. 2: Add: \$898.25

The original Contract Sum was	\$ 6,650,000.00
The net change by previously authorized Change Orders	\$ 123,892.31
The Contract Sum prior to this Change Order was	\$ 6,773,892.31
The Contract Sum will be increased by this Change Order in the amount of	\$ 898.25
The new Contract Sum including this Change Order will be	\$ 6,774,790.56

The Contract Time will be unchanged by Zero (0) days.
 The Date of Substantial Completion as of the date of this Change Order therefore is January 23, 2009

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Williams Spurgeon Kuhl & Freshnack Architects, Inc. ARCHITECT <i>(Firm name)</i> 111 Armour Road, North Kansas City, Missouri 64116 ADDRESS  BY <i>(Signature)</i> Rick Kuhl <i>(Typed name)</i> 3.3.09 DATE	Crossland Construction Company, Inc. CONTRACTOR <i>(Firm name)</i> 833 S. East Ave., P.O. Box 45, Columbus, KS 66725 ADDRESS  BY <i>(Signature)</i> Chris Patterson <i>(Typed name)</i> 3-11-09 DATE	City of Pittsburg, Kansas OWNER <i>(Firm name)</i> 211 W. Fourth Street, Pittsburg, Kansas 66762 ADDRESS BY <i>(Signature)</i> <i>(Typed name)</i> DATE
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CROSSLAND

CONSTRUCTION COMPANY, INC.

Change Order Request

Detailed (with Breakdown of PCOs), Grouped by Each Number

Pittsburg Public Safety Facilities - Police Station Project # 07KS12M1 Crossland Construction Company, Inc.
 201 N. Pine Street Tel: 620.230.0483 Fax: 620.230.0471
 Pittsburg, KS 66762

Change Order Request: 055 Date: 2/18/2009

To: Rick Kuhl
 Williams Spurgeon Kuhl & Freshnock
 110 Armour Road
 North Kansas City, MO 64116

From: Mike Bennett
 Crossland Construction Company, Inc.
 823 SE Avenue
 PO Box 45
 Columbus, KS 66725

Description	Category	Status
Remove and Replace sidewalk at south east property		Sent

Reference	Required By	Days Req	Amt Req
	2/25/2009	0	898.25

Notes

PCO No	Date	Reference	Amt Prop	Days Req	Category	Reason
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Description	Notes
055 2/19/2009	898.25 0
Remove and Replace sidewalk at south east property	Per request of the City, we have been asked to remove and replace some sidewalk at the southeast property corner to match the new sidewalk installed for the project. Approximately 42' by 2.5'.

Item No	Item Description	Amt Prop	Reference
2055-100100	Sawcut and dispose	380.00	
2055-100101	Form	165.00	
2055-100102	Place	173.25	
2055-100103	Concrete	240.00	

Approved By: _____
 Signature _____
 Name _____ Date _____

Architecture Interior Design Illustration Planning

Attn: Mr. John VanGorden
To: City of Pittsburg
201 W. 4th St.
Pittsburg, KS 66762
From: Rick Kuhl

Date: March 3, 2009
Project: Pittsburg Police/Courts
Pittsburg, Kansas
Project No.: 06074
Subject: Change Order 024

John,

The following is an overview of the proposed Change Order 24 for Pittsburg Police/Courts:

Sidewalk Replacement

Remove and Replace Sidewalk at Southeast Property – \$898.25

Per the City's request and approval by Bill Beasley, Crossland removed and replaced a portion of the sidewalk at the southeast property corner to match the new sidewalk installed for the Police/Courts project. Dimensions of work is 42 feet by 2.5 feet.

CCC OH/P – \$0.00

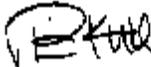
No OH/P is being requested for this item. We recommend acceptance of this item.

Summary

Sawcut & Dispose	\$380.00 (existing sidewalk)
Form	\$105.00
Place	\$173.25
Concrete	\$240.00
CCC OH/P	\$ 0.00 (Crossland OH/P)
Total Cost	\$898.25

Please let me know if you need additional information or comment.

Signed:



Williams Spurgeon Kuhl & Freshnock Architects, Inc.

Copy to: File



Interoffice Memorandum

TO: JOHN D. VANGORDEN
Interim City Manager

FROM: WILLIAM A. BEASLEY
Director of Public Works

DATE: March 17, 2009

SUBJECT: Agenda Item – March 24, 2009
Stop Sign Request

Fred Andrews, the Transportation Manager for USD #250, requested consideration for a stop sign to be placed at the intersection of 13th and Elm. Mr. Andrews indicated the school buses travel 13th Street and turn onto Elm Street and de-board the students on Elm Street in front of the Middle School. He pointed out that on several occasions there have been near accidents at this intersection since it has no traffic control devices. The Traffic Advisory Board reviewed this request and recommended that a stop sign be placed at this intersection stopping traffic on Elm Street.

Would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, March 24, 2009. Action being requested is to approve or disapprove the recommendation and, if approved, direct staff to install the signs accordingly.

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

cc: Tammy Nagel, City Clerk
Troy Graham, Traffic and Communications Supervisor
Traffic Control Devices File
Memo File

January 16, 2009

RECEIVED

JAN 26 2009

File: 1140

Ms. Tammy Nagel, City Clerk
City of Pittsburg
PO Box 688
Pittsburg, KS 66762-0688

Pittsburg City Clerk

Dear Ms. Nagel:

Subject: Shared-User Agreement

The Kansas Department of Transportation (KDOT) is forwarding two copies of the Shared-User Agreement with this letter for your review and signature. The purpose of the Shared-User Agreement is to allow the City of Pittsburg to operate their communications equipment on the State of Kansas' 800 MHz digital P25 radio communication system.

If the City of Pittsburg determines that this agreement is acceptable upon review, please sign both copies and return to KDOT for further processing. After being processed internally, one copy will be returned to the City of Pittsburg to maintain for its records. If you have any questions concerning this agreement or require any additional information, please feel free to contact me at (785) 296-5948.

Sincerely,

Roy Rissky, P.E.
Chief Construction & Maintenance



Edwin D. Geer
Communication System Administrator

Enclosures

BUREAU OF CONSTRUCTION AND MAINTENANCE

Roy D. Rissky, P.E., Chief

Dwight D. Eisenhower State Office Building

700 S.W. Harrison Street; Topeka, KS 66603-3745 • (785) 296-3576 • Fax: (785) 296-6944

TTY (Hearing Impaired): (785) 296-3585 • e-mail: publicinfo@ksdot.org • Public Access at North Entrance of Building

KANSAS DEPARTMENT OF TRANSPORTATION
COMMUNICATION SYSTEM INFRASTRUCTURE
RADIO SHARED-USER FOR TALKGROUPS AGREEMENT

THE PARTIES to this Agreement are the Secretary of the Kansas Department of Transportation (Secretary) acting by and through the Kansas Department of Transportation (KDOT) and the City of Pittsburg, (Shared-User), collectively referred to as the "Parties".

I. AUTHORITY FOR AGREEMENT

- A. The Secretary has authority to enter into agreements to effect the purposes of K.S.A. 2007 Supp. 75-5073 *et seq.*
- B. The Secretary entered into a Memorandum of Understanding with the Kansas Highway Patrol (KHP) dated September 15, 2008 (MOU) which authorizes KDOT to enter into agreements with Public Safety Agencies as defined by K.S.A. 2007 Supp. 75-5073(e) to use KHP 800 MHz Talkgroups in accordance with this Agreement.
- C. Shared-User is a public safety agency as defined by K.S.A. 2007 Supp. 75-5073(e)

II. PURPOSE OF AGREEMENT

The Secretary owns and maintains an 800 MHz P25 digital radio system (System), and is licensed by the Federal Communications Commission (FCC) to operate the System in Kansas. The Secretary allows certain users to share the System for public safety purposes.

III. DEFINITIONS

- A. Talkgroup. A Talkgroup is an assigned radio channel that multiple users are given to conduct necessary communications.

IV. SECRETARY'S RESPONSIBILITIES:

The Secretary will:

- A. Maintain a license pursuant to 47 C.F.R. §90.603(b) (2006).
- B. Keep this Agreement as part of the Site's records until the Agreement is terminated for any reason by either the Secretary or the Shared-User.
- C. Be responsible for the costs of maintaining and operating the System.

V. SHARED-USER'S RESPONSIBILITIES:

Shared-User shall:

- A. Meet and maintain the requirements of eligibility for a license under 47 C.F.R. §90.603, and 47 CFR Subparts B or C (2006).
- B. Be responsible for the cost of acquisition and maintenance of any additional radio equipment required to meet Shared-User's needs on the System.
- C. Ensure any equipment provided pursuant to Paragraph V.B. complies with KDOT technical and performance standards that are intended to provide for reliable operation and prevent interference with the System by other users.
- D. Report immediately to the Secretary or the Secretary's authorized representative any incident that causes loss of control of any radio communication equipment operating on any System Talkgroup.
- E. Not cross-connect any KHP Talkgroup or other user Talkgroup without prior written consent from KDOT and KHP.
- F. When using a KHP Talkgroup:
 1. Limit transmissions on KHP Operational Talkgroups (Car to Station) to emergency transmissions only.
 2. Limit transmission on KHP Event Talkgroups to emergency situations absolutely necessary for law enforcement related activities.
 3. Limit transmission on KHP Direct Talkgroups (Car to Car) to those situations absolutely necessary for law enforcement related activities.
 4. Not interfere with KHP Communication Center radio traffic.
 5. Use "plain language" for all transmissions during emergencies or critical incidents.
 6. Monitor its use of KHP Talkgroups and correct any inappropriate use.

VI. PARTIES MUTUALLY AGREE:

- A. The Secretary makes no warranty and assumes no liability with respect to the programming of the Shared-User's radio equipment and the operational capability of the System.
- B. To follow the operating requirements set forth in 47 C.F.R. § 90.403, and 47 C.F.R. Subpart N.

- C. The Secretary or the Secretary's authorized representative will install and maintain the equipment at the Site including that equipment described in Paragraph V.B and submit a statement to Shared-User for the Secretary's costs including, but not limited to, parts and labor. Shared-User shall submit payment to the Secretary within thirty (30) days of receipt of statement.
- D. The obligations of the Parties are subject to the terms of KDOT's FCC license and all federal, state or municipal laws or regulations now or hereafter enacted.

VII. MISCELLANEOUS PROVISIONS

A. INDEMNIFICATION

The Shared-User shall hold the Secretary and the Secretary's authorized representatives harmless from and indemnify these persons for all claims, suits, damages (whether property damages, personal injury damages, or economic damages), and costs (reasonable attorney's fees and defenses costs) resulting from Shared-User's operation or non-operation of the System. The Shared-User shall have no obligation to hold the Secretary or the Secretary's authorized representatives harmless from and indemnify these persons for the Secretary's or the Secretary's representatives' own negligence.

B. ACT OF GOD OR THIRD PARTY

The Parties agree the Secretary shall assume no liability for any failure or impairment of the Site or System or any delay or interruption to the shared-use due to an Act of God or third parties.

C. TERMINATION

1. This Agreement may be terminated for any reason upon thirty (30) days written notice by either Party.
2. Any violation of the terms and conditions set forth in Paragraph V.E or Paragraph V.F. shall cause immediate termination of this Agreement immediately without prior notice.
3. Any willful violation of FCC rules or regulations by Shared-User shall be considered a violation of this Agreement. Any such violation shall cause immediate termination of this Agreement without prior notice.
4. Use of KHP Talkgroups other than those listed herein by the Shared-User is prohibited and will be cause for immediate termination of this Agreement without prior notice.
5. Termination of the KDOT/KHP MOU shall be cause for immediate termination of this Agreement without prior notice.

D. AGREEMENT WITH KANSAS LAW

This Agreement shall be subject to and construed according to the laws of Kansas.

E. NO REPRESENTATION OF AGENCY

By authorizing the use of KHP Talkgroups pursuant to the Memorandum of Understanding with the KHP, the Secretary is not representing nor assuming any agency relationship with KHP.

F. REPRESENTATION OF AUTHORITY

In signing this Agreement, the Parties and the individual person signing represent that the person signing has the authority and capacity to execute and legally bind the respective entity to this Agreement.

G. EFFECTIVE DATE

This Agreement shall be effective when either the Secretary or the Secretary's authorized representative signs the Agreement.

Date: _____

SHARED-USER

BY: _____

TITLE: _____

AGENCYNAME: _____

ADDRESS: _____

CITY: _____

Date: _____

SECRETARY OF TRANSPORTATION

BY: _____

TITLE: _____

VENDOR SET: 99 City of Pittsburg, KS
BANK: * ALL BANKS
DATE RANGE: 3/04/2009 THRU 3/17/2009

VENDOR I.D.	NAME	STATUS	CHECK DATE	AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
C-CHECK	VOID CHECK	V	3/09/2009			159106		
C-CHECK	VOID CHECK	V	3/09/2009			159107		
C-CHECK	VOID CHECK	V	3/11/2009			159126		
C-CHECK	VOID CHECK	V	3/11/2009			159127		
C-CHECK	VOID CHECK	V	3/17/2009			159133		
C-CHECK	VOID CHECK	V	3/17/2009			159134		

* * T O T A L S * *

	NO	CHECK AMOUNT	DISCOUNTS	TOTAL APPLIED
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:	NO	VOID DEBITS	VOID DISCOUNTS	VOID CREDITS
	6	0.00	0.00	0.00

TOTAL ERRORS: 0

VENDOR SET: 99	BANK: *	TOTALS:	6	0.00	0.00	0.00
BANK: *	TOTALS:		6	0.00	0.00	0.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
5589	ALLTEL	V	3/04/2009			159092		122.52
5589	ALLTEL							
5589	ALLTEL							
M-CHECK	VOID CHECK	V	3/04/2009			159092		122.52CR
5589	ALLTEL	R	3/04/2009			159093		122.52
0497	CRAWFORD COUNTY DISTRICT COURT	R	3/04/2009			159094		14.00
1962	RESERVE ACCOUNT	R	3/05/2009			159096		5,000.00
2224	PITNEY BOWES	R	3/05/2009			159097		79.88
3856	MATTHEW L HOISINGTON	R	3/05/2009			159098		300.00
6135	MCNEARNEY & ASSOCIATES LLC	R	3/05/2009			159099		195.92
6136	US DEPARTMENT OF EDUCATION	R	3/05/2009			159100		270.48
6183	CARA WARD	R	3/05/2009			159101		158.52
6210	MISSOURI METALS	R	3/05/2009			159102		1,152.00
6211	SYMONDS & SYMONDS LLC	R	3/05/2009			159103		314.45
0094	M&I BANK	R	3/06/2009			159104		250.00
0523	AT&T	R	3/09/2009			159105		8,135.02
2150	AT&T	R	3/09/2009			159108		249.08
0497	CRAWFORD COUNTY DISTRICT COURT	R	3/10/2009			159123		14.00
0175	REGISTER OF DEEDS	R	3/10/2009			159124		8.00
1108	WESTAR ENERGY	R	3/11/2009			159125		62,461.17
5589	ALLTEL	R	3/12/2009			159128		306.30
6216	AMERICAN CONCRETE CONCEPTS	R	3/12/2009			159129		7,500.00
5280	KANSAS BOARD OF TAX APPEALS	R	3/16/2009			159130		50.00

VENDOR I.D.	NAME	STATUS	CHECK DATE	AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
5589	ALLTEL	R	3/17/2009			159131		122.52
4263	COX COMMUNICATIONS	R	3/17/2009			159132		5,068.85
6192	KATHLEEN CERNE	R	3/17/2009			159135		600.00
0118	FED EX	R	3/17/2009			159136		13.94
2877	KDHE - BUREAU OF WATER	R	3/17/2009			159137		20.00
2877	KDHE - BUREAU OF WATER	R	3/17/2009			159138		20.00
2877	KDHE - BUREAU OF WATER	R	3/17/2009			159139		20.00
2877	KDHE - BUREAU OF WATER	R	3/17/2009			159140		20.00
5949	KENMARK INC	R	3/17/2009			159141		500.00
6209	MYTOWN MEDIA	R	3/17/2009			159142		351.00
6217	NEBTECH CALIBRATION INC	R	3/17/2009			159143		174.52
2509	POWERPLAN	R	3/17/2009			159144		66.52
6200	ST JOHNS	R	3/17/2009			159145		140.00
4052	TRAVELERS	R	3/17/2009			159146		2,828.00
0011	AMERICAN ELECTRIC INC	E	3/11/2009			999999		813.87
0034	CRONISTER BROTHERS, INC	E	3/11/2009			999999		391.96
0038	LEAGUE OF KANSAS MUNICIPALITIE	E	3/11/2009			999999		26.85
0039	BATTERY MART INC	E	3/11/2009			999999		125.20
0042	BEITZINGER'S HARDWARE INC	E	3/11/2009			999999		36.86
0043	BOWLUS SCHOOL SUPPLY INC	E	3/11/2009			999999		189.86
0044	CRESTWOOD COUNTRY CLUB	E	3/11/2009			999999		214.94
0046	ETTINGERS OFFICE SUPPLY	E	3/11/2009			999999		2,090.47

VENDOR SET: 99 City of Pittsburg, KS

BANK: 80144 M&I Bank

DATE RANGE: 3/04/2009 THRU 3/17/2009

VENDOR I.D.	NAME	STATUS	CHECK DATE	AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0054	JOPLIN SUPPLY COMPANY	E	3/11/2009			999999		1,722.40
0055	JOHN'S SPORT CENTER	E	3/11/2009			999999		1,179.40
0062	LINDSEY SOFTWARE SYSTEMS, INC.	E	3/11/2009			999999		798.70
0063	LOCKE WHOLESALE SUPPLY	E	3/11/2009			999999		231.82
0074	RUSSELL BELDEN ELECTRIC COMPAN	E	3/11/2009			999999		109.73
0078	SUPERIOR LINEN SERVICE	E	3/11/2009			999999		451.76
0083	WATER PRODUCTS INC	E	3/11/2009			999999		1,869.66
0084	INTERSTATE EXTERMINATOR, INC.	E	3/11/2009			999999		310.00
0087	FORMS ONE	E	3/11/2009			999999		849.41
0088	D & H LEASING INC	E	3/11/2009			999999		22.50
0092	KANSAS COMMUNICATIONS SYSTEMS,	E	3/11/2009			999999		1,252.29
0094	M&I BANK	D	3/06/2009			999999		58.91
0101	BUG-A-WAY INC	E	3/11/2009			999999		30.00
0105	PITTSBURG AUTOMOTIVE INC	E	3/11/2009			999999		837.11
0112	MARRONES INC	E	3/11/2009			999999		85.25
0113	VALLEY MACHINERY INC	E	3/11/2009			999999		77.99
0117	THE MORNING SUN	E	3/11/2009			999999		913.68
0136	CHARLESWORTH & ASSOCIATES LC	E	3/11/2009			999999		450.00
0142	HECKERT CONSTRUCTION	E	3/11/2009			999999		228.20
0145	BROADWAY LUMBER COMPANY, INC.	E	3/11/2009			999999		778.02
0154	BLUE CROSS & BLUE SHIELD	D	3/04/2009			999999		24,652.00
0154	BLUE CROSS & BLUE SHIELD	D	3/05/2009			999999		68,455.40

VENDOR I.D.	NAME	STATUS	CHECK DATE	AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0154	BLUE CROSS & BLUE SHIELD	D	3/12/2009			999999		24,514.66
0163	O'REILLY AUTOMOTIVE INC	E	3/11/2009			999999		15.84
0177	BOOK WHOLESALERS INC	E	3/11/2009			999999		261.17
0179	FILTER-TEK, INC.	E	3/11/2009			999999		151.59
0181	INGRAM	E	3/11/2009			999999		184.65
0194	KANSAS STATE TREASURER	E	3/11/2009			999999		6,357.85
0196	ALCOHOL & DRUG SAFETY	E	3/11/2009			999999		1,122.00
0200	SHERWIN WILLIAMS COMPANY	E	3/11/2009			999999		16.70
0207	PEPSI-COLA BOTTLING CO OF PITT	E	3/11/2009			999999		60.60
0224	KDOR	D	3/04/2009			999999		818.52
0224	KDOR	D	3/09/2009			999999		2,870.70
0278	LAWSON PRODUCTS INC	E	3/11/2009			999999		359.18
0286	R&R PRODUCTS INC	E	3/11/2009			999999		233.67
0292	UNIFIRST CORPORATION	E	3/11/2009			999999		78.02
0294	COPY PRODUCTS INC	E	3/11/2009			999999		2,348.70
0300	PITTSBURG FORD-MERCURY, INC.	E	3/11/2009			999999		24.04
0306	CASTAGNO OIL CO INC	E	3/11/2009			999999		146.25
0308	DOBRAUC OIL COMPANY INC	E	3/11/2009			999999		13,481.30
0329	O'MALLEY IMPLEMENT CO INC	E	3/11/2009			999999		360.42
0331	OVERHEAD DOORS INC	E	3/11/2009			999999		510.00
0332	PITTCRAFT PRINTING	E	3/11/2009			999999		25.00
0347	LYNN'S QUICK LUBE	E	3/11/2009			999999		296.40

VENDOR I.D.	NAME	STATUS	CHECK DATE	AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0348	TYRELL'S SERVICE INC	E	3/11/2009			999999		255.77
0360	PITTSBURG STEEL & MANUFACTURIN	E	3/11/2009			999999		124.29
0364	CRAWFORD COUNTY SHERIFF	E	3/11/2009			999999		8,460.00
0375	CONVENIENT WATER COMPANY	E	3/11/2009			999999		15.00
0422	DEMCO INC	E	3/11/2009			999999		4,441.68
0429	LORD ELECTRIC	E	3/11/2009			999999		1,412.74
0516	AMERICAN CONCRETE CO INC	E	3/11/2009			999999		5,231.77
0534	TYLER TECHNOLOGIES	E	3/11/2009			999999		390.00
0551	DATA FLOW	E	3/11/2009			999999		167.69
0585	MOLLE MC AUTOMOTIVE INC	E	3/11/2009			999999		44.76
0620	APCO INTERNATIONAL, INC.	E	3/11/2009			999999		161.00
0623	CALVIN JONES	E	3/11/2009			999999		3,125.00
0627	BOETTCHEM SUPPLY INC	E	3/11/2009			999999		46.12
0631	TRI-STATE BUILDING & SUPPLY CO	E	3/11/2009			999999		245.00
0636	SAM BROWN & SON SHEET METAL	E	3/11/2009			999999		88.00
0709	BATES SALES COMPANY INC	E	3/11/2009			999999		25.68
0710	HOLLAND ALIGNMENT	E	3/11/2009			999999		378.15
0752	US SIXTY-NINE HIGHWAY	E	3/11/2009			999999		3,500.00
0837	BLACKBURN MANUFACTURING	E	3/11/2009			999999		97.85
0844	HY-FLO EQUIPMENT CO	E	3/11/2009			999999		150.54
0969	SEK-CAP INC	E	3/11/2009			999999		38,563.00
0998	CHEMSEARCH	E	3/11/2009			999999		495.65

VENDOR I.D.	NAME	STATUS	CHECK DATE	AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
1013	SAFETY FIRST SUPPLY CO., LLC	E	3/11/2009			999999		66.50
1141	THE G W VAN KEPPEL COMPANY	E	3/11/2009			999999		65.67
1150	INDUSTRIAL SALES CO INC	E	3/11/2009			999999		45.13
1187	BINGHAM SAND & GRAVEL INC	E	3/11/2009			999999		4,647.72
1235	RHODES GROCERY INC	E	3/11/2009			999999		20.05
1327	KBI	E	3/11/2009			999999		400.00
1347	ELECTRIC MOTOR SUPPLY INC	E	3/11/2009			999999		1,890.65
1369	CITY ATTORNEYS ASSOCIATION OF	E	3/11/2009			999999		35.00
1435	DOC'S HEATING & AIR	E	3/11/2009			999999		27.00
1478	KANSASLAND TIRE OF PITTSBURG	E	3/11/2009			999999		650.50
1490	ESTHERMAE TALENT	E	3/11/2009			999999		50.00
1619	MIDWEST TAPE	E	3/11/2009			999999		351.86
1680	ACS FIREHOUSE SOFTWARE	E	3/11/2009			999999		735.00
1730	PITT WASH LLC	E	3/11/2009			999999		18.90
1733	BOYD METALS OF JOPLIN INC	E	3/11/2009			999999		1,100.00
1977	CDW GOVERNMENT, INC.	E	3/11/2009			999999		408.02
2025	SOUTHERN UNIFORM & EQUIPMENT L	E	3/11/2009			999999		48.86
2111	DELL MARKETING L.P.	E	3/11/2009			999999		1,248.62
2238	MISSION ELECTRONICS INC	E	3/11/2009			999999		289.00
2350	WCA WASTE SYSTEMS INC	E	3/11/2009			999999		331.03
2645	PORTELL & RATZLAFF LLC	E	3/11/2009			999999		400.40
2825	KANSAS DEPT OF ADMINISTRATION	E	3/11/2009			999999		544.66

VENDOR I.D.	NAME	STATUS	CHECK DATE	AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
2960	PACE ANALYTICAL SERVICES INC	E	3/11/2009			999999		265.00
3148	IAFC MEMBERSHIP	E	3/11/2009			999999		229.00
3261	PITTSBURG AUTO & GLASS	E	3/11/2009			999999		25.00
3281	USA BLUE BOOK	E	3/11/2009			999999		1,128.33
3306	CAROL DARLINGTON	E	3/11/2009			999999		120.00
3463	CONTROLS & ELECTRIC MOTOR	E	3/11/2009			999999		1,119.28
3570	AMERICAN EXPRESS	D	3/04/2009			999999		25.66
3697	LR ENTERPRISES LLC	E	3/11/2009			999999		268.96
3971	FASTENAL COMPANY	E	3/11/2009			999999		134.52
3972	WASHINGTON ELECTRONICS INC	E	3/11/2009			999999		15,444.31
4121	MCANANY, VAN CLEAVE & PHILLIPS	E	3/11/2009			999999		67.50
4133	T.H. ROGERS HOMECENTER	E	3/11/2009			999999		50.02
4307	HENRY KRAFT, INC.	E	3/11/2009			999999		216.03
4312	GOLD MECHANICAL INC	E	3/11/2009			999999		2,798.41
4354	LIFESTYLE LEASING INC	E	3/11/2009			999999		1,800.00
4390	SPRINGFIELD JANITOR SUPPLY, IN	E	3/11/2009			999999		274.25
4447	CMC INC	E	3/11/2009			999999		79.90
4452	FEE INSURANCE GROUP	E	3/11/2009			999999		1,246.00
4618	TRESA NOYES	E	3/11/2009			999999		1,242.45
4766	ACCURATE ENVIRONMENTAL	E	3/11/2009			999999		145.15
5275	US LIME COMPANY-ST CLAIR	E	3/11/2009			999999		3,286.40
5313	BURNS & MCDONNELL	E	3/11/2009			999999		736.51

VENDOR I.D.	NAME	STATUS	CHECK DATE	AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
5420	AQUIONICS INC	E	3/11/2009			999999		745.20
5474	THE UPS STORE	E	3/11/2009			999999		178.77
5581	KOAM	E	3/11/2009			999999		385.00
5620	CRAWFORD COUNTY ABSTRACT CO IN	E	3/11/2009			999999		225.00
5635	LASER EQUIPMENT INC	E	3/11/2009			999999		1,190.46
5640	CORRECT CARE SOLUTIONS LLC	E	3/11/2009			999999		17.50
5648	LAW OFFICE OF JASON WISKE LLC	E	3/11/2009			999999		98.30
5665	MSM SYSTEMS INC	E	3/11/2009			999999		5,358.63
5668	COUNTRYSIDE ANIMAL HOSPITAL OF	E	3/11/2009			999999		180.90
5758	ROLL OFF SERVICES INC	E	3/11/2009			999999		1,069.70
5791	HOSPITAL DISTRICT #1 OF CRAWFO	E	3/11/2009			999999		142.66
5855	SHRED-IT USA INC	E	3/11/2009			999999		120.00
5888	MARY JUDENE NANCE	E	3/11/2009			999999		3,150.00
5904	TASC	D	3/09/2009			999999		6,700.45
6016	SCHOLASTIC LIBRARY PUBLISHING	E	3/11/2009			999999		367.00
6117	ALEXANDER OPEN SYSTEMS INC	E	3/11/2009			999999		12,933.76
6128	TBS ELECTRONICS INC	E	3/11/2009			999999		9,704.00

* * T O T A L S * *	NO	CHECK AMOUNT	DISCOUNTS	TOTAL APPLIED
REGULAR CHECKS:	33	96,526.69	0.00	96,526.69
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	8	128,096.30	0.00	128,096.30
EFT:	127	189,459.47	0.00	189,459.47
NON CHECKS:	0	0.00	0.00	0.00
		VOID DEBITS	VOID DISCOUNTS	VOID CREDITS
VOID CHECKS:	1	122.52	0.00	122.52CR

TOTAL ERRORS: 0

VENDOR SET: 99 BANK: 80144 TOTALS:	169	414,082.46	0.00	414,082.46
BANK: 80144 TOTALS:	169	414,082.46	0.00	414,082.46

VENDOR SET: 99 City of Pittsburg, KS
 BANK: EFT MANUAL EFTS
 DATE RANGE: 3/04/2009 THRU 3/17/2009

VENDOR I.D.	NAME	STATUS	CHECK DATE	AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0133	JIM RADELL CONSTRUCTION INC	E	3/13/2009			999999		151,183.86
0282	MT CARMEL MEDICAL CENTER	E	3/04/2009			999999		500.00
0297	PETTY CASH FUND	E	3/05/2009			999999		2,419.81
0372	CONNER REALTY	E	3/12/2009			999999		500.00
0577	KANSAS GAS SERVICE	E	3/12/2009			999999		31,958.01
0866	AVFUEL CORPORATION	E	3/13/2009			999999		13,947.83
1874	HIGHLAND MEADOWS OF KS	E	3/12/2009			999999		548.00
2111	DELL MARKETING L.P.	E	3/13/2009			999999		4,649.27
2352	DONNA PASHIA	E	3/04/2009			999999		955.50
2913	KENNETH N STOTTS JR	E	3/12/2009			999999		500.00
3079	COMMERCE BANK	E	3/06/2009			999999		16,887.68
3668	MID AMERICA PROPERTIES OF PITT	E	3/12/2009			999999		900.00
3821	JAMES T BLANCHO	E	3/12/2009			999999		375.00
3884	MARK D. TURNBULL	E	3/11/2009			999999		182.87
3929	MDI LIMITED PARTNERSHIP #49	E	3/12/2009			999999		200.00
4013	KNIGHTS OF COLUMBUS TOWERS	E	3/12/2009			999999		192.00
5249	CHRISTY LEFEVER	E	3/13/2009			999999		5.00
5407	PITTSBURG APARTMENTS LP	E	3/12/2009			999999		250.00
5534	SYCAMORE VILLAGE APARTMENTS	E	3/12/2009			999999		640.00
5689	CONNIE ETZKIN	E	3/11/2009			999999		118.17
5788	CROSSLAND CONSTRUCTION INC	E	3/11/2009			999999		143,280.00
5829	LORN BURDICK	E	3/12/2009			999999		500.00

VENDOR SET: 99 City of Pittsburg, KS
 BANK: EFT MANUAL EFTS
 DATE RANGE: 3/04/2009 THRU 3/17/2009

VENDOR I.D.	NAME	STATUS	CHECK DATE	AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
5897	NIESE WOODY-FAIR	E	3/12/2009			999999		450.00
6298	KEVAN L SCHUPBACH	E	3/12/2009			999999		575.00
6314	PARKVIEW HOUSING	E	3/12/2009			999999		395.00

* * T O T A L S * *

	NO	CHECK AMOUNT	DISCOUNTS	TOTAL APPLIED
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:	25	372,113.00	0.00	372,113.00
NON CHECKS:	0	0.00	0.00	0.00
		VOID DEBITS	VOID DISCOUNTS	VOID CREDITS
VOID CHECKS:	0	0.00	0.00	0.00

TOTAL ERRORS: 0

VENDOR SET: 99	BANK: EFT	TOTALS:	25	372,113.00	0.00	372,113.00
BANK: EFT	TOTALS:		25	372,113.00	0.00	372,113.00

VENDOR SET: 99 City of Pittsburg, KS
 BANK: PY PAYROLL PAYABLES
 DATE RANGE: 3/04/2009 THRU 3/17/2009

VENDOR I.D.	NAME	STATUS	CHECK DATE	AMOUNT	DISCOUNT	CHECK NO	CHECK STATUS	CHECK AMOUNT
0094	M&I BANK	D	3/06/2009			000000		71,753.09
0321	KP&F	D	3/06/2009			000000		29,187.95
0728	ICMA	D	3/06/2009			000000		7,032.83
1050	KPERS	D	3/06/2009			000000		20,639.05
0349	UNITED WAY OF CRAWFORD COUNTY	R	3/06/2009			159087		45.00
1503	FAMILY SUPPORT PAYMENT CENTER	R	3/06/2009			159088		347.73
2577	OK CENTRALIZED SUPPORT RE	R	3/06/2009			159089		130.97
4252	GENERAL REVENUE CORPORATION	R	3/06/2009			159090		209.04
2228	KANSAS PAYMENT CENTER	R	3/06/2009			159091		1,582.24
0028	PAYROLL CLEARING	E	3/06/2009			999999		72,154.36

* * T O T A L S * *	NO	CHECK AMOUNT	DISCOUNTS	TOTAL APPLIED
REGULAR CHECKS:	5	2,314.98	0.00	2,314.98
HAND CHECKS:	0	0.00	0.00	0.00
DRAFTS:	4	128,612.92	0.00	128,612.92
EFT:	1	72,154.36	0.00	72,154.36
NON CHECKS:	0	0.00	0.00	0.00
VOID CHECKS:	0	0.00	0.00	0.00

TOTAL ERRORS: 0

VENDOR SET: 99	BANK: PY	TOTAL	10	203,082.26	0.00	203,082.26
BANK: PY	TOTALS:		10	203,082.26	0.00	203,082.26
REPORT TOTALS:			210	989,277.72	0.00	989,277.72

Passed and approved this 24th day of March, 2009.

Pamela Henderson, Mayor

ATTEST:

Tammy Nagel, City Clerk



Interoffice Memorandum

TO: JOHN D. VANGORDEN
Interim City Manager

FROM: MARK D TURNBULL
Director of Economic Development

DATE: March 19, 2009

SUBJECT: Annual Payment to the Alliance for Technology Commercialization

The City of Pittsburg and Kansas Technology Enterprise Corporation (KTEC) have continued to co-sponsor the Alliance for Technology Commercialization (ATC) since its inception 9 years ago. PSU continues to provide in-kind contributions to the ATC. Both the City and KTEC have contributed \$50,000 per year for overhead expenses to operate the ATC.

The Economic Development Advisory Committee, in its meeting of March 11, 2009, heard a report from ATC President Eric Ferrell, and voted to recommend to the City Commission that the City contribute \$50,000 for the operation of the ATC for fiscal year 2009, matching the same contribution by KTEC for this fiscal year. Ferrell will be present at the commission meeting to give a report on the activities of the ATC over the past year and to answer any questions from the commission.

Please place this request for \$50,000 funding for the ATC on the City Commission agenda for Tuesday, March 24, 2009. The funding would be paid from the sales tax revolving loan fund. The City Commission should approve or disapprove the EDAC's recommendation for funding and, if approved, direct staff to issue payment.



Interoffice Memorandum

TO: JOHN D. VANGORDEN
Interim City Manager

FROM: WILLIAM A. BEASLEY
Director of Public Works

DATE: March 17, 2009

SUBJECT: Agenda Item – March 24, 2009
Airport Fuel Prices

January 1, 2009, fuel prices at the Atkinson Municipal Airport increased 25¢ per gallon for local and transient Jet A fuel and 100 low lead (LL) aviation fuel. This was done to reduce the amount of subsidy the City was providing to the airport, which was approximately \$95,000 in 2008. Due to the economy, fuel sales at the airport in the first quarter of 2009 have slowed. Maintenance and expenses have continued at the same pace. In discussing the airport with the Finance Department, they indicated that the current level of subsidy is approximately \$27,000 in 2009.

Currently, with the exception of one hangar, all of the hangar spaces at the airport are full. The airport staff has advertised the availability of the lone space and do not expect it to be empty for long. In 2008, rental hangar fees were raised in order to provide more income at the airport.

Starting March 22, 2009, the hours of operation at the airport will be reduced. The airport will be closed at 7:00 p.m. instead of 9:30 p.m. to reduce man hours. The airport staff is also being reduced from four full time positions to three full time positions and one part time position working 20 hours per week. Again, this is being done to reduce expenses at the airport.

City staff does not feel, however, that these efforts will be enough to significantly bring down the subsidy. In 2005, the airport was close to breaking even and only required a subsidy of approximately \$600. This subsidy has steadily increased with the reduction of fuel prices. The City staff would request an increase of 25¢ per gallon in fuel prices to bring the differential in fuel prices close to what they were in 2005.

MEMO TO: JOHN D. VANGORDEN
MARCH 17, 2009
PAGE TWO

In summary, in order to reduce the deficit at the airport, the City staff has reviewed income and expenses. Currently, the City is receiving the maximum amount of income from hangar and farm land rental and is making changes to reduce some of the expenses through reduction in man hours.

In addition, the staff would request a 25¢ per gallon increase for local and transient Jet A fuel and transient 100LL. The attached charts show the existing and proposed fuel prices for both Jet A and 100LL and compared them against fuel prices of area airports and other airports that the users of the Pittsburg airport fly into. In most cases, the proposed fuel prices are as low or lower than the airports provided. The Airport Advisory Committee had requested at the last advisory meeting that fuel prices not be increased until enough time had been provided to collect data on the past increase, but with the current economy the City staff feels it cannot continue to provide the subsidy at the airport. Therefore, we are asking the City Commission to authorize the increase.

Would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, March 24, 2009. Action being requested is to authorize staff to increase fuel prices at the Atkinson Municipal Airport.

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

Attachment: Charts

cc: Tammy Nagel, City Clerk
Bill Pyle, Airport Manager
Airport Advisory Committee
Memo File

Jet A Fuel Sales

January 1, 2009 through March 10, 2009

Local	23,405.9 gallons
Transit	1,140.3 gallons
Total	24,546.2 gallons

Jet A – Local

1. Millers	5800
2. KW Brock	5093.8
3. OGB	2233.9
4. TTT	2723.7
5. Eagle Med	2527
6. Brian Aviation	2286
7. Watco/Jake's	2741.5

Total **23,405.9 Gallons**

Jet A - Transit

1. Credit Card	958.3
2. Military/Gov. CC	182

Total **1,140.3 Gallons**

100LL Fuel Sales

January 1, 2009 through March 10, 2009

Local	2,196.3 gallons
Transit	1,765.2 gallons
Total	3,961.5 gallons

100LL – Local

1. Jakes/Watco	1160.5
2. Jordan	367.5
3. Hudson	282.2
4. Hangar D	100.1
5. Hix Corp.	88.8
6. Winkler	88.3
7. Humbard	86.2
8. Toms Air	17.7
9. K.W. Brock	5.0

Total **2,196.3 Gallons**

100LL - Transit

1. Cash/Credit Card	1662.9
2. Military/Gov. CC	102.3

Total **1,765.2 Gallons**

Aviation Fuel Data

Fuel Prices

Jet Local with tax	\$2.94	\$1.00 above cost
Jet Transit with tax	\$3.21	\$1.25 above cost
100LL Local with tax	\$3.66	\$1.00 above cost
100LL Transit with tax	\$3.93	\$1.25 above cost

Fuel Usage - January 1 to March 10, 2009

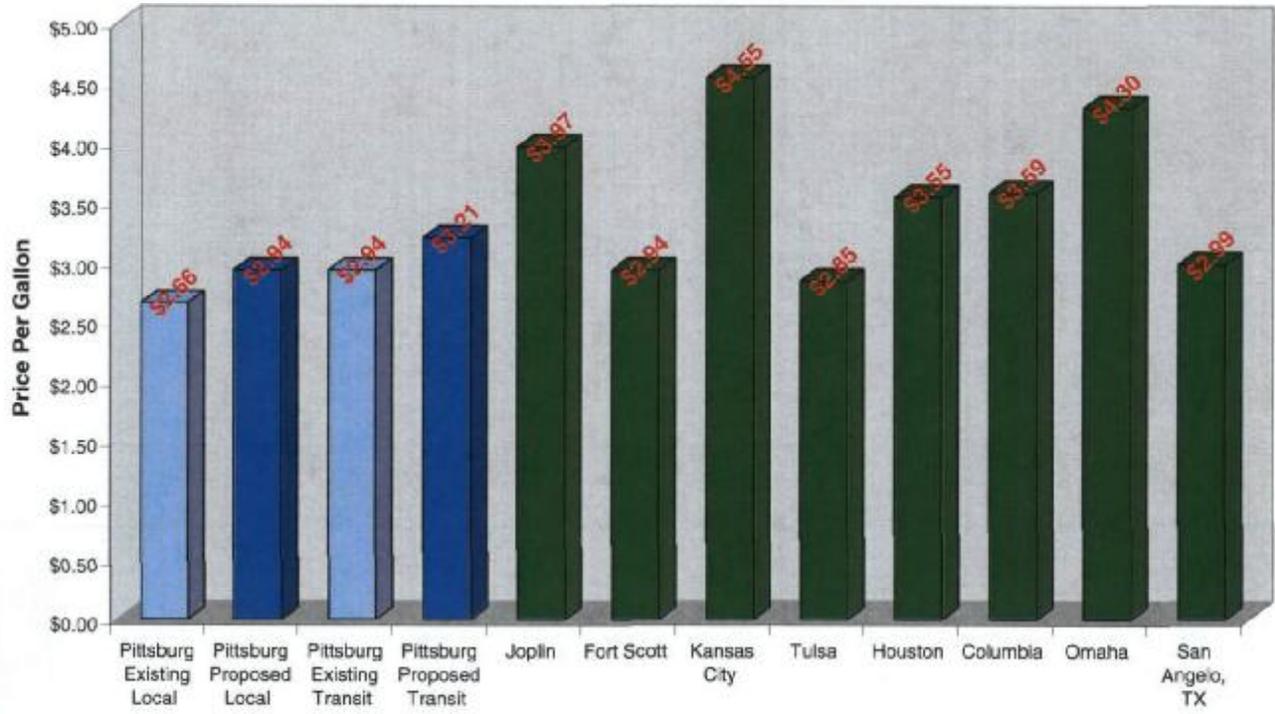
Jet Local	23405.9
Jet Transit	1140.3
100LL	3961.5
	<u>28507.7 gallons</u>

Central Region Average Fuel Price

Jet A	\$3.80
100LL	\$3.90

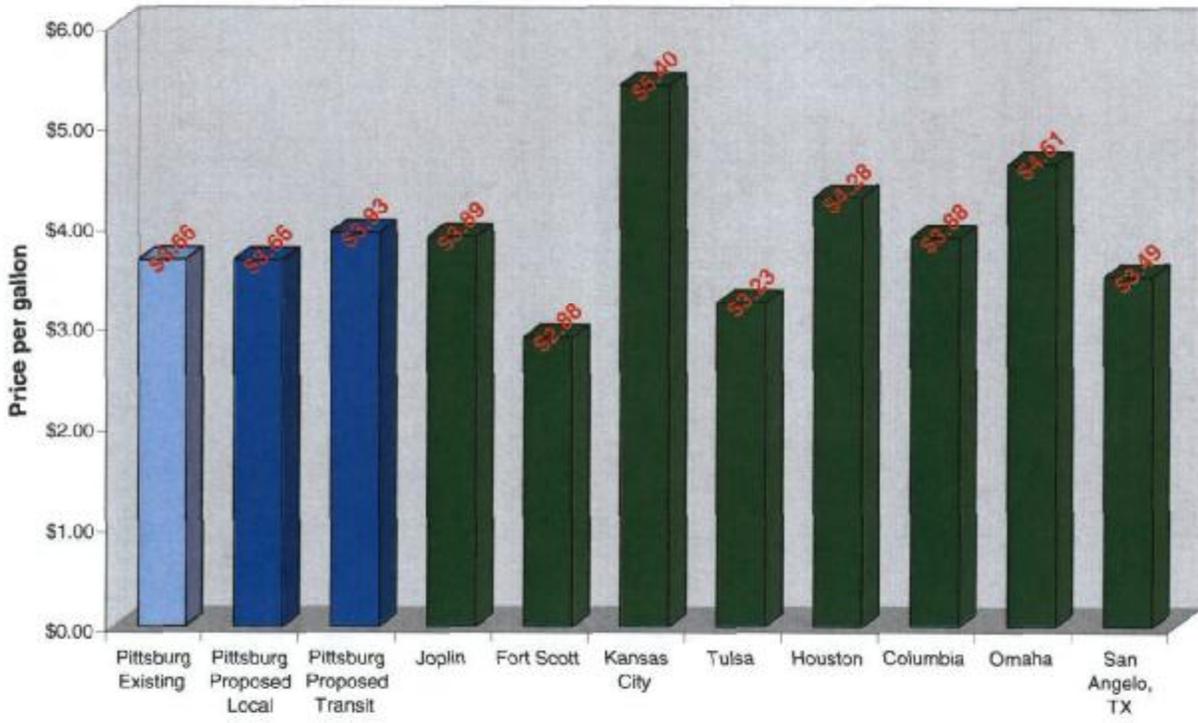
Proposed Jet A Fuel

Base Price + \$1.00 = Local / Base Price + \$1.25 = Transit
tax included



Proposed 100LL Fuel

Base Price + \$1.00 = Local / Base Price + \$1.25 = Transit
tax included





Interoffice Memorandum

TO: JOHN D. VANGORDEN
Interim City Manager

FROM: TODD KENNEMER
Assistant Director of Public Works

DATE: March 17, 2009

SUBJECT: Agenda Item – March 24, 2009
Ordinance No. G-1061
FEMA Floodplain Regulations and New Floodplain Maps

Periodically, FEMA updates its National Flood Insurance Program (NFIP) floodplain management regulations and floodplain maps. Municipal jurisdictions that participate in the NFIP program (such as Pittsburg) are required to update their regulations and maps to stay in line with the most current FEMA regulations. The last updates were completed and adopted in June 1995.

The City has completed the most recent updating process and is ready to adopt the new regulations and maps. The new regulations and maps must be adopted before the effective date of April 16, 2009 to remain eligible to participate in the NFIP program.

The new maps are now in a digital format and are more detailed than the 1995 map.

There are a few changes to the base flood elevations here and there in the City, however, they are insignificant changes and have no effect on the current status of the structures and/or properties on which they are located.

The new regulations are basically the same as the current regulations with a few modifications. The most significant changes are:

1. Inclusion of the duties of the Floodplain Administrator. These duties are already implemented and have been for several years.
2. Finished floor elevation of lowest floor in a floodplain is raised from 12-inches above base flood elevation to 18-inches above base flood elevation. This applies to new construction and substantial improvements.

MEMO TO: JOHN D. VANGORDEN
MARCH 17, 2009
PAGE TWO

3. The cumulative value of improvements to existing structures in the floodplain is now in effect. Previously, improvements could be made on existing structures in the floodplain provided the improvement was less than 50% of the structure's value. Several "piecemeal" improvements were made in order to circumvent this requirement. The cumulative value requirement puts a stop to this practice.
4. Accessory buildings in floodplains will no longer be covered by flood insurance and will not receive any disaster relief assistance from any federal agency for their repair or restoration.
5. A section to allow amendments to the floodplain regulations has been added.

The new maps and a complete copy of the regulations are available if you would like to see them.

Would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, March 24, 2009. Action necessary will be approval or disapproval of the new FEMA regulations and, if approved, adopt Ordinance No. G-1061 updating these regulations and adopting the new floodplain maps.

Feel free to contact me if you have any questions or comments or would like to see the new floodplain maps.

Attachment: Ordinance No. G-1061

cc: John Bailey, Director of Public Utilities
Bill Beasley, Director of Public Works
Tammy Nagel, City Clerk
Memo File

(Published in the Morning Sun on _____, 2009)

ORDINANCE NO. G-1061

AN ORDINANCE, incorporating the new digital Flood Insurance Rate Maps for the City of Pittsburg, Kansas, as prepared by the Federal Emergency Management Agency; establishing the duties of the Floodplain Administrator; establishing a finish floor elevation of eighteen (18) inches above the published flood elevation for all structures in a Floodway Fringe Overlay District; providing an alternate construction standard for detached garages and similar accessory structures constructed in a Floodway Fringe Overlay District; and amending Sections 21-101, 21-102.3, 21-103.1, 21-103.2, 21-103.6, 21-103.8, 21-104.1, 21-104.2, 21-105, 21-106.1, 21-106.2, 21-106.3, 21-108.2, 21-108.3, 21-108.4, 21-111.1, 21-113, and creating Sections 21-103.9, 21-106.2(b), 21-106.3(h), 21-108.5, 21-111.2(p), and 21-114 of the Pittsburg City Code.

WHEREAS, the Planning and Zoning Commission of the City of Pittsburg, Kansas has filed their report with the Board of Commissioners of the City of Pittsburg, Kansas, recommending amendment of the Floodplain District Regulations in Section 21 of the Pittsburg City Code as follows:

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

SECTION 1: Section 21-101 of the Pittsburg City Code is hereby amended and shall read as follows:

21-101 PURPOSE:

It is the purpose of this Article to promote the public health, safety and general welfare and to minimize those losses described in Section 21-102; to maintain the City of Pittsburg's eligibility to participate in the National Flood Insurance Program (NFIP) as defined in Title 44 of the Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d); and minimum State of Kansas requirements contained in K. S. A.12-766, and K.A.R. 5-44-1 through 5-44-7 by applying provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause increased flood height beyond one (1) foot rise in the 100-year surface elevation or cause increases in water velocities.
2. Require that uses vulnerable to floods, including public facilities which service such uses, be provided with flood protection at the time of initial construction.

3. Provide public information for evaluating land purchases of flood prone ground within the city.
4. Assure that eligibility is maintained for property owners in the city to purchase flood insurance in the Federal Flood Insurance Program.

SECTION 2: Section 21-102.3 of the Pittsburgh City Code is hereby amended and shall read as follows:

3. The Flood Insurance Study (FIS) that is the basis for this Article uses a standard engineering method of analyzing flood hazards which consists of a series of inter-related steps, as follows:
 - a. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this Ordinance is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this Ordinance. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials becoming effective June 16, 1995, and any future revision thereto.(Sec 1, Ord G-755, 8/4/95)
 - b. Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
 - c. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
 - d. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
 - e. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.

SECTION 3: Section 21-103.1 of the Pittsburg City Code is hereby amended and shall read as follows:

1. **Land to which Regulations Apply:** This Article shall apply to all lands within the jurisdiction of Pittsburg, Kansas, identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A Zones, AE Zones, and within the Zoning Districts "FW" and "FF" established in Section 21-105 herein, and any future revisions thereto. In all areas covered by this Article, no development shall be permitted except upon a permit granted by the Zoning Administrator under the provisions established in Section 21-106 of this Article.

SECTION 4: Section 21-103.2 of the Pittsburg City Code is hereby amended and shall read as follows:

2. **Designated Enforcement Officer and Duties:** The Zoning Administrator of Pittsburg, Kansas, is designated as the enforcement officer to administer and implement the provisions of this Article. Duties of the Floodplain Administrator shall include, but not be limited to:
 - a. Review all applications for floodplain development permits to assure the sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied.
 - b. Review all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State, or local law.
 - c. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
 - d. Issue floodplain development permits for all approved applications.

- e. Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- f. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.
- g. Verify and maintain a record of the actual (in relation to mean sea level) of the lowest floor, including basement, or all new or substantially improved structures.
- h. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed.
- i. When floodproofing techniques are utilized for a particular non-residential structure, the floodplain administrator shall require certification from a registered professional engineer or architect.

SECTION 5: Section 21-103.6 of the Pittsburg City Code is hereby amended and shall read as follows:

- 6. **Interpretation:** The provisions of this Article shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by state statute.

SECTION 6: Section 21-103.8 of the Pittsburg City Code is hereby amended and shall read as follows:

- 8. **Adoption of Studies:** The Flood Insurance Study dated April 16, 2009, and the accompanying Flood Insurance Rate Map and Floodway are hereby adopted and are incorporated by reference in this Article.

SECTION 7: Section 21-103.9 of the Pittsburg City Code is hereby created to Zoning Ordinance No. G-663 and shall read as follows:

9. **Severability:** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

SECTION 8: Section 21-104.1 of the Pittsburg City Code is hereby amended and shall read as follows:

1. **Permit Required:** A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in 21-103.1 No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate flood development permit for each structure or other development as required in this Article.

SECTION 9: Section 21-104.2 of the Pittsburg City Code is hereby amended and shall read as follows:

2. **Application for a Permit:** To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every application shall:
 - a. Identify and describe the work to be covered by the permit for which application is made.
 - b. Describe the land on which the proposed work is to be done by legal description and house address, or similar description that will readily identify and definitely locate the proposed structure or work.
 - c. Indicate the use or occupancy for which the proposed work is intended.
 - d. Indicate the assessed value of the structure and the fair market value of the improvement.
 - e. Specify whether development is located in designated flood fringe or floodway.
 - f. Be accompanied by plans and specifications for the proposed construction.

- g. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
- h. Within designated flood prone areas, be accompanied by the existing base flood elevations and elevations of the lowest floor including basement or, in the case of floodproofed nonresidential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the Zoning Administrator.
- i. Give such additional information as may be required by the Zoning Administrator, such as:
 - 1. Typical valley cross-sections and profile showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be affected by the proposed development, and the elevation of the 100-year flood.
 - 2. Plans; surface view, showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, and other data that will assist the Zoning Administrator to make a determination of flooding. The Zoning Administrator shall review all permit applications to determine if the site of the proposed development meets the provisions of this Article and that all necessary permits have been received as required by federal or state law.

SECTION 10: Section 21-105 of the Pittsburg City Code is hereby amended and shall read as follows:

ESTABLISHMENT OF ZONING DISTRICTS:

The mapped floodplain areas within the jurisdiction of this Article are hereby divided into the two following districts: a floodway overlay district "FW", and a floodway fringe overlay district "FF" identified in the Flood Insurance Study (Flood Boundary and Floodway Map(s)). Within these districts all uses not meeting the standards of this Article and those standards of underlying zoning districts shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones and AE Zones as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Insurance Administration.

SECTION 11: Section 21-106.1 of the Pittsburg City Code is hereby amended and shall read as follows:

1. **Compliance Required:** No permit shall be granted for new construction, substantial improvements and other improvements, including the placement of manufactured homes, within all numbered and unnumbered A Zones, unless the conditions of this Article are satisfied.

SECTION 12: Section 21-106.2 of the Pittsburg City Code is hereby amended and shall read as follows:

2. **Undesignated Areas Comply:**
 - a. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this Article. If Flood Insurance Study data is not available, the City shall utilize any base flood elevation or floodway data currently available from Federal, State or other sources.

SECTION 13: Section 21-106.2(b) of the Pittsburg City Code is hereby created and shall read as follows:

2. **Undesignated Areas Comply:**
 - b. Until a floodway is designated, no new construction substantial improvements, or other development, including fill, shall be permitted within any unnumbered or numbered A zones, or AE zones on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

SECTION 14: Section 21-106.3 of the Pittsburg City Code is hereby amended and shall read as follows:

3. **Standards:** New construction, substantial improvements, subdivision proposals, prefabricated buildings, placement of manufactured homes and other developments shall require:

- a. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- b. New or replacement water supply systems and/or sanitary sewage systems be designed to eliminate or minimize infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment of them or contamination.
- c. Construction materials and utility equipment that are resistant to flood damage and use construction methods and practices that will minimize flood damage.
- d. All utility and sanitary facilities shall be floodproofed up to the regulatory flood protection elevation so that any space below the regulatory flood protection elevation is water tight, with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- e. Any grading changes within the area estimated to be inundated by the 100-year frequency flood, or alterations, modifications or relocations of a watercourse within the jurisdiction of the Division of Water Resources, State Board of Agriculture rules and regulations, as authorized by K.S.A. 74-2611, and any subsequent revisions thereof, shall ensure that the water carrying capacity is maintained. The plans for such changes, modifications, alterations or relocations shall be submitted to and approved by the Division of Water Resources, State Board of Agriculture, concurrent with City approval. In addition, the City shall notify, in riverine situations, adjacent communities prior to the performance of the work and submit copies of such notification to the local office of the Administrator of the Federal Insurance Administration.
- f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be required to assure that:
 - 1. All such proposals are consistent with the need to minimize flood damage.

2. All public utilities and facilities, such as sewer, gas, electrical, telephone and water systems are located, elevated and constructed to minimize or eliminate flood damage.
 3. Adequate drainage is provided so as to reduce exposure to flood hazards.
 4. All proposals for development, including new subdivisions, manufactured home parks and subdivisions, include within such proposals the regulatory flood elevation.
- g. Storage of Material and Equipment:
1. The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
 2. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

SECTION 15: Section 21-106.3(h) of the Pittsburg City Code is hereby created and shall read as follows:

- h. Recreational Vehicles placed on sites within all unnumbered and numbered A, AE, AH, and AO Zones shall either:
1. Be on the site for fewer than 180 consecutive days;
OR
 2. Be fully licensed and ready for highway use*. (*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.)

SECTION 16: Section 21-108.2 of the Pittsburg City Code is hereby amended and shall read as follows:

2. Standards for the Floodway Fringe Overlay District:

- a. Require new construction or substantial improvements of residential structures, including manufactured homes, to have the finished grade of the lowest floor, including basement, elevated to at least eighteen (18) inches above the base flood elevation. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.
- b. Require new construction or substantial improvements of commercial, industrial, or other nonresidential structures, including manufactured homes, to have the finished grade of the lowest floor, including basement, elevated to at least eighteen (18) inches above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Zoning Administrator. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer. Such certification shall be provided to the floodplain administrator as set forth in Section 21-103.2.

SECTION 17: Section 21-108.3 of the Pittsburg City Code is hereby amended and shall read as follows:

3. Manufactured Homes:

- a. All manufactured homes to be placed within all unnumbered and numbered A zones, AE zones, and AH zones shall be required to be installed and elevated using methods and practices that minimize flood damage, resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

- b. All manufactured homes shall be elevated on a permanent foundation such that the finished grade of the lowest floor of the manufactured home is at or above eighteen (18) inches above the base flood elevation. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.

Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines, whichever is more strict. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met. (Sec 4, Ord G-724, 12/31/93)

- 1. Over-the-top ties are provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, and manufactured homes less than 50 feet long requiring one additional tie per side.
- 2. Frame ties are provided at each corner of the home with five additional ties per side at intermediate points, and manufactured homes less than 50 feet long requiring four additional ties per side.
- 3. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
- 4. Any additions to the manufactured home shall be similarly anchored.

SECTION 18: Section 21-108.4 of the Pittsburg City Code is hereby amended and shall read as follows:

- 4. **Detached Garages and Accessory Structures:** (Sec 4, Ord G-724, 12/31/93)
 - a. Detached garages, sheds and other similar detached accessory structures, which constitute a minimal investment and are used for parking or limited storage, may be constructed at-grade and wet-floodproofed provided it is constructed in compliance with the following:
 - 1. The structure shall be limited to parking or limited storage and not used for human habitation.

2. The structure shall be built using unfinished and flood damage resistant material.
3. The structure shall be adequately anchored to prevent flotation, collapse, or lateral movement.
4. The structure is of single-wall design.
5. Any mechanical, electrical, and utility equipment in the structure must be elevated to one (1) foot above the base flood elevation or floodproofed.
6. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
7. The structure shall not exceed 400 square feet.
8. The accessory structures must meet all NFIP opening requirements. The NFIP requires that enclosure walls or foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with this Ordinance.
9. No variances may be issued for accessory structures within any designated "FW" floodway designated district if any increase in flood levels would result during the 100-year flood.
10. NO DISASTER RELIEF ASSISTANCE UNDER ANY PROGRAM ADMINISTERED BY ANY FEDERAL AGENCY SHALL BE PAID FOR ANY REPAIR OR RESTORATION COSTS OF THE ACCESSORY STRUCTURES.
11. Wet-floodproofing construction techniques must be reviewed, approved, and stamped by a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

SECTION 19: Section 21-108.5 of the Pittsburg City Code is hereby created and shall read as follows:

5. **Cumulative Improvements:**

A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last five (5) calendar years does not exceed fifty (50) percent of the structure's current market value. If the cumulative value of the improvement exceeds fifty (50) percent of the structure's current market value, the structure must be brought into compliance with the standards of this Article which requires elevation of all structures to at least eighteen (18) inches above the base flood elevation (BFE).

SECTION 20: Section 21-111.1 of the Pittsburg City Code is hereby amended and shall read as follows:

1. **Variations for Historic Places:** Variations may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section provided the proposed activity will not preclude the structure's continued historic designation.

SECTION 21: Section 21-111.2(p) of the Pittsburg City Code is hereby created and shall read as follows:

- p. The community shall notify that applicant in writing over the signature of the community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for every \$100 of insurance coverage and (2) such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Ordinance.

SECTION 22: Section 21-113 of the Pittsburg City Code is hereby amended and shall read as follows:

Amendments

The regulations, restrictions, and boundaries set forth in this Article may from time to time be amended, supplemented, changed, or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens

shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Pittsburg. At least twenty days (20 shall lapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the FEMA Regional VII office. The regulations of this Article are in compliance with the NFIP regulations.

SECTION 23: Section 21-114 of the Pittsburg City Code is hereby created and shall read as follows:

Definitions

Unless specifically defined below, or defined elsewhere in these Regulations, words or phrases used in this Article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Article its most reasonable application.

1. **Actuarial or Risk Premium Rates:** Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act, and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.
2. **Area of Shallow Flooding:** A designated AO or AH zones on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
3. **Area of Special Flood Hazard:** The land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.
4. **Base Flood:** The flood having one percent chance of being equaled or exceeded in any given year.
5. **Development:** Any man-made change to improved or unimproved real estate, including but limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or material.(Sec 5, Ord G-724, 12/31/93)

6. **Existing Construction:** (For the purposes of determining rates) structures for which the "start construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures".
7. **Existing Manufactured Home Park or Subdivision:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
8. **Expansion to an Existing Manufactured Home Park or Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
9. **Flood or Flooding:** A general and temporary rise in stream flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel, or an unusual and rapid accumulation of runoff of surface waters from any source.
10. **Flood Elevation Determination:** A determination of the water surface elevations of the 100-year flood; that is, the level of flooding that has a one percent chance of occurrence in any given year.
11. **Flood Insurance Rate Map (Firm):** An official map of the City on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the City.(Sec 5, Ord G-724, 12/31/93)
12. **Flood Insurance Study (FIS):** The official report provided by the Federal Insurance Administration that contains flood profiles and water surface elevations for various flood frequencies, as well as the boundaries and water surface elevations of the 100-year flood.
13. **Floodplain Management:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

14. **Flood Protection System:** Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard." Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.
15. **Floodproofing:** Any combination of structural and nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
16. **Floodway or Regulatory Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
17. **Floodway Fringe:** That area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).
18. **Freeboard:** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.
19. **Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
20. **Historic Structures:** Any structure that is: (Sec 5, Ord G-724, 12/31/93)
 - (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historical district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a State Inventory of Historic Places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - (d) Individually listed on a local inventory of preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior or
 - (2) Directly by the Secretary of the Interior in states without approved programs.
21. **Lowest Floor:** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Ordinance.
22. **Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" does not include "recreational vehicles". This definition shall apply to the requirements of Article 21 only and shall not have a bearing on any other requirements of these Regulations. (Sec 5, Ord G-724, 12/31/93)
23. **Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. These types of activities are also referred to in these Regulations as Mobile Home Park and Mobile Home Subdivision and, as such, must comply with all the other requirements of these Regulations.

24. **New Construction:** Structures for which the "start of construction" or substantial improvement is commenced on or after the effective date of the initial FIRM. (Sec 5, Ord G-724, 12/31/93)
25. **One Hundred (100) Year Flood:** The base flood having a 1 percent chance of annual occurrence.
26. **Overlay District:** A district which acts in conjunction with the underlying zoning district or districts. The original zoning district designation does not change.
27. **Recreational Vehicles:** A vehicle which is: (Sec 5, Ord G-724, 12/31/93)
 - (a) built on a single chassis;
 - (b) 400 square feet or less when measured at the largest horizontal projection;
 - (c) designed to be self-propelled or permanently towable by a light duty truck; and
 - (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. This definition shall apply to the requirements of Article 21 only and shall not have a bearing on any other requirements of these Regulations.
28. **Regulatory Flood Elevation:** An elevation 1 foot higher than the water surface elevation of the regulatory flood.
29. **Start of Construction (Including Improvements):** The date the building permit, or other authorization granted by the City, was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit or authorization date. The actual start means the first placement of permanent construction of a structure on a site such as the pouring of the slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages, sheds or agricultural accessory buildings not occupied as dwelling units or not part of the main building or structure. (Sec 5, Ord G-724, 12/31/93)

30. **Structure:** A walled and roofed structure, including a gas or liquid storage tank, that is principally above the ground, including but not limited to, buildings, factories, sheds, cabins, manufactured homes, and other similar uses.
31. **Substantial Improvements:** Any rehabilitation, reconstruction, addition or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement(s). This term includes structures which have incurred “substantial damage” regardless of the actual work performed. Substantial improvements shall be cumulative; several improvements valued at just under 50% to circumvent this regulation shall not be allowed. The term does not however include either:
 - a. Any improvement of the structure necessary to comply with the existing state or local health, sanitary, building or safety codes or regulations which are the minimum necessary to assure safe living conditions; or
 - b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
32. **Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
33. **Variance:** A grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the City of Pittsburg.
34. **Violation:** The failure of a structure or other development to be fully compliant with the City of Pittsburg’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

SECTION 24: This Ordinance shall take effect and be in force beginning at 12:01 a.m. on April 16, 2009, and after its publication in the official city newspaper.

ADOPTED AND APPROVED this _____ day of _____,
2009.

Mayor – Pamela Henderson

ATTEST:

City Clerk – Tammy Nagel



Interoffice Memorandum

TO: JOHN D. VANGORDEN
Interim City Manager

FROM: TODD KENNEMER
Assistant Director of Public Works

DATE: March 17, 2009

SUBJECT: Agenda Item – March 24, 2009
Ordinance No. G-1062
Implementing the Illicit Discharge Detection & Elimination (IDDE),
and Sediment and Erosion Control Portions of the National
Pollution Discharge Elimination System (NPDES), and Adopting
the American Public Works Association (APWA) Division 5100 –
Design Standards for Erosion and Sediment Control

Congress passed the Clean Water Act in 1972. The stormwater portion of this act was not implemented for several years until lawsuits forced the Environmental Protection Agency (EPA) to take action and start enforcing the regulations.

Phase I of the NPDES regulations took effect in 1990. It required cities with population of over 100,000 to comply with the Clean Water Act.

Phase II of the regulations became effective in 2004. It requires cities with population of over 10,000 to comply with the regulations.

To meet the requirements of Phase II, cities are to:

- a) Develop a Stormwater Pollution Prevention Plan;
- b) Adopt ordinances regarding illicit discharges, construction site stormwater runoff controls, and post-construction stormwater management; and,
- c) Enforce the regulations (providing documentation that they are being enforced).

This proposed Ordinance addresses illicit discharges and construction site stormwater runoff controls. It also adopts standards for Best Management Practices (BMP's) to control the runoff at construction sites.

MEMO TO: JOHN D. VANGORDEN
MARCH 17, 2009
PAGE TWO

These standards have been created by the American Public Works Association and have been adopted by several cities in the Kansas City metro area and throughout Kansas and Missouri. These standards, known as Division 5100, have been customized to “fit” Pittsburg.

PEC and City staff will be conducting public outreach and training sessions for the local contractors and City personnel involved in inspecting and enforcing these regulations.

This Ordinance needs to be approved as part of the City’s efforts to come into compliance with federal regulations and ready for the next permitting cycle which will occur later this year.

Would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, March 24, 2009. Action necessary will be approval or disapproval of Ordinance No. G-1062 implementing the Illicit Discharge Detection & Elimination (IDDE), and Sediment and Erosion Control Portions of the National Pollution Discharge Elimination System (NPDES), and Adopting the American Public Works Association (APWA) Division 5100 – Design Standards for Erosion and Sediment Control.

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

Attachment: Ordinance No. G-1062

cc: John Bailey, Director of Public Utilities
Bill Beasley, Director of Public Works
Tammy Nagel, City Clerk
Memo File

ORDINANCE NO. G-1062

AN ORDINANCE IMPLEMENTING THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) AND ESTABLISHING ARTICLE 6, DIVISION 4, SECTIONS 82-575 THROUGH AND INCLUDING SECTION 82-599 OF THE PITTSBURG CITY CODE REGULATING DISCHARGES INTO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) OF THE CITY OF PITTSBURG, KANSAS.

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

SECTION 1. That the following is hereby adopted as part of the Pittsburg City Code and shall read as follows:

ARTICLE VI. STORMWATER MANAGEMENT

Division 3. Enforcement; Appeals
Secs. 82-567 – 82-574. Reserved

SECTION 2. That Article VI, Division 4, Erosion and Sediment Control; Illicit Discharges is hereby established which sections shall read as follows:

ARTICLE VI. STORMWATER MANAGEMENT

Division 4. Erosion and Sediment Control; Illicit Discharges

Section 82-575. Adoption of Erosion and Sediment Control Guidelines and Specifications.

The standard guidelines and specifications for erosion and sediment control on construction site activities, as contained in Division V – Design Criteria, Section 5100 – Erosion and Sediment Control (Section 5100) of the Standard Specifications and Design Criteria, approved and adopted on August 13, 2003 by the Kansas City Metropolitan Chapter of the American Public Works Association (KC-APWA) are hereby adopted by reference and known as the *DIVISION 5100 EROSION AND SEDIMENT CONTROL MANUAL*, save and except such parts or portions as deleted, modified, supplemented or amended by 82-576, 82-577, and 82-578; of which not less than three (3) copies are on file with the Office of the City Clerk.

Section 82-576. Sections deleted.

- (a) Section 5102, "Education, Training, and Certification" is deleted in its entirety.
- (b) Section 5103.3 "Verification of Design Performance" is deleted in its entirety.
- (c) Template 5104-1 "Single Family Large Residential Lot" is deleted in its entirety.

Section 82-577. References modified.

All references to "Division III of this manual" shall refer to Appendix B – "Division III Standard Drawings". Standard drawings from the December 2005 edition of the Kansas Department of Transportation (KDOT) Temporary Erosion Control Manual are also acceptable for use in appropriate situations.

Section 82-578. Amendments, modifications, and supplements

- (a) Section 5104.1 is amended and shall read as follows:
"Single-Family and Two-Family residential lots at least 10,000 square feet in size, but no larger than 43,560 square feet (one (1) acre) in size, shall refer to Appendix A – Single Family Residential Standard Design Booklet."
 - (1) The title of the booklet shall be Single-Family and Two-Family Residential Standard Design Booklet."
 - (2) General Notes Disclaimer (page 4a) is amended to read as follows:
"DISCLAIMER: The appropriate standard drawing should be attached to the plot plan. It does not require an engineer's seal. This model plan can be used if the site meets the following conditions:
 - 1.) The lot is at least 10,000 square feet, but no larger than 43,560 square feet (one (1) acre) in size;
 - 2.) Approved by the City;
 - 3.) Conditions meet one of the three (3) model drawings in this booklet.If more erosion and sediment control measures are needed, this plan must be modified accordingly. The city can mandate additional controls as necessary. The lot owner assumes responsibility for existing control measures on the property and must preserve them until the site is fully stabilized."
 - (3) Stabilized Lot Entrance – Notes (page 6) is amended to add the following:
 - 5. Geotextile fabric is required in wet conditions. It is recommended in all conditions to provide stability to the entrance and to provide for easier removal of the device upon completion of the project."

- (b) Section 5107.1(D) is amended and shall read as follows:
Design Criteria: For temporary seeding, the following seed mixture shall be used to the most practical extent possible.

<u>LBS / ACRE</u>	<u>Grass Seed</u>
30	Canada Wild Rye Grass Seed
15	Ryegrass Seed (Annual)

- (c) Section 5107.2(D) is amended and shall read as follows:
Design Criteria: For permanent seeding, the following seed mixture shall be used to the most practical extent possible.

<u>LBS / ACRE</u>	<u>Grass Seed</u>
120	Fescue (Tall Turf Type Blend)

- (d) Section 5107.4(B) is amended and shall read as follows:
Application: Mulch can be applied to seeded areas to help establish plant cover, it can also be used as temporary cover to unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished.

- (e) Section 5108.12(F)(6) is amended and shall read as follows:
 a.) **Stabilization:** the embankment of the sediment basin shall receive temporary or permanent seeding immediately after installation. If excavation is required in the basin, side slopes should not be steeper than 1.5H: 1V.

- (f) Section 5108.22 is added and shall read as follows:
Concrete Washout: Concrete wash water or rinse water from concrete mixing equipment, tools, ready-mix trucks, etc, may not be discharged into or allowed to run directly into any existing water body or storm inlet. One or more locations for concrete wash out will be designated on site, such that discharges during concrete washout will be contained in a small area where waste concrete can solidify in place and excess water evaporated or infiltrated into the ground.

- (g) Section 5108.23 is added and shall read as follows:
Chemical Handling: Chemicals or materials capable of causing pollution may only be stored onsite in their original container. Materials stored outside must be in closed and sealed water-proof containers and located outside of drainageways or areas subject to flooding. Locks and other means to prevent or reduce vandalism shall be used. Spills shall be reported as required by law and immediate actions taken to contain them.

Section 82-579. General provisions.

A. PURPOSE: The purpose and objective of this Ordinance are as follows:

1. To maintain and improve the quality of surface water and groundwater within the city;
2. To prevent the discharge of contaminated stormwater runoff from industrial, commercial, residential, and construction sites into the storm sewer system and natural waterways within the city;
3. To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers of the city;
4. To encourage recycling of used motor oil and safe disposal of other hazardous consumer products;
5. To facilitate compliance with state and federal standards and permits by owners of industrial and construction sites within the city;
6. To enable the city to comply with all federal and state laws and regulations applicable to its NPDES permit for stormwater discharges.

B. ADMINISTRATION: Except as otherwise provided herein, the Director of Public Works, Director of Public Utilities, City Engineer, Stormwater Collection Foreman, Building Official or his/her designee, shall administer, implement and enforce the provisions of this Ordinance. This position will be referenced throughout this ordinance as *City Officer*.

C. DEFINITIONS: Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

1. *Best Management Practices (BMP)* means schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States or the City's storm sewer system. The BMPs required in this Ordinance will be sufficient to prevent or reduce the likelihood of pollutants entering storm sewers, ditches, or ponds.
2. *City* means the City Commission of Pittsburg, Kansas, or its delegated staff, boards, or agencies.
3. *Commencement of Construction* means the disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
4. *Contractor* means any person or firm performing construction work at a construction site, including any general contractor and subcontractors. Also includes, but is not limited to, earthwork, paving, building, plumbing, mechanical, electrical, landscaping contractors, and material suppliers delivering materials to the site.
5. *Discharge* means any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the storm sewer system or into waters of the United States.

6. *Discharger* means any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any owner of a construction site or industrial facility.
7. *Earthwork* means the disturbance of soils on a site associated with clearing, grading, or excavation activities
8. *Facility* means any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.
9. *Final stabilization* means the status when all soil-disturbing activities at a site have been completed. This would establish a uniform perennial vegetative cover with a density of seventy percent (70%) coverage for unpaved areas and those not covered by permanent structures or equivalent permanent stabilization measures (by employing riprap, gabions, or geotextiles).
10. *Fire Protection Water* means any water, and any substances or materials contained therein, used by any person to control or extinguish a fire, or to inspect or test fire equipment.
11. *Gabion* means caged riprap. (See riprap definition)
12. *Geotextiles* are permeable fabrics which, when used in association with soil, have the ability to separate, filter, reinforce, protect, or drain.
13. *Individual Building Sites* means and includes sites of building construction or earthwork activities.
14. *Industry* means and includes: (a) municipal landfills; (b) hazardous waste treatment, disposal, and recovery facilities; (c) industrial facilities that are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) 42, U.S.C. Section 11023; industrial facilities required to obtain NPDES stormwater discharge permits due to their Standard Industrial Classification or narrative description; and (d) industrial facilities that the City Officer determines are contributing a substantial pollutant loading to the storm sewer system, which are sources of stormwater discharges associated with industrial activity.
15. *Kansas General Permit for Stormwater Discharges Associated with Industrial Activity* and *Industrial General Permit* mean the industrial general permit issued by the Kansas Department of Health and Environment (KDHE) and any subsequent modifications or amendments thereto, including group permits.
16. *Kansas General Permit for Stormwater Discharges from Construction Sites* and *Construction General Permit* mean the construction general permit issued by KDHE and any subsequent modifications or amendments thereto, including group permits.
17. *Storm Sewer System* means the system of conveyances, (including roads with drainage systems, municipal streets, catch basins, curb and gutters, ditches, man-made channels, natural waterways within the city or storm drains) owned and operated by the city and designed or used for collecting or conveying stormwater.

18. *NPDES Permit* means for the purpose of this Ordinance, a permit issued by EPA or the state of Kansas that authorizes the discharge of stormwater pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
19. *Nonpoint Source* means the source of any discharge of a pollutant that is not a point source.
20. *Notice of Intent (NOI)* means the notice of intent that is required by either the Industrial General Permit or the Construction General Permit.
21. *Notice of Termination (NOT)* means the notice of termination that is required by either the Industrial General Permit or the Construction General Permit.
22. *Notice of Violation (NOV)* means a written notice provided to the owner or contractor detailing any violations of this Ordinance and any clean-up action expected of the violators.
23. *Owner* means the person who owns a facility, part of a facility, or land.
24. *Person* means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns, including all federal, state, and local governmental entities.
25. *Point Source* means any discernable, confined, and discrete conveyance including, but not limited to: any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
26. *Pollutant* means dredged spoil, spoil waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, yard waste, hazardous household wastes, used motor oil, anti-freeze, litter, and industrial, municipal, and agricultural waste discharged into water.
27. *Pollution* means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.
28. *Release* means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the storm sewer system or the waters of the United States.
29. *Riprap* means loose assemblage of broken rock or concrete rubble recycled from construction sites used to protect the land and/or streambeds and/or stream banks against erosion.
30. *Site* means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.
31. *Stormwater* means storm runoff, snowmelt runoff, and surface runoff and drainage.

32. *Stormwater Discharge Associated with Industrial Activity* means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is listed as one of the categories of facilities in 40 CFR Section 122.26(b) (14), and which is not excluded from EPA's definition of the same term.
33. *Stormwater Pollution Prevention Plan (SWPPP)* means a plan required by an Industrial General Permit or the Construction General Permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or industrial activity.
34. *Subdivision* means the division of a tract of land, into two or more lots or parcels for the purpose of transfer of ownership or building development or, if a new street is involved, and division of a parcel of land. The term "subdivision" shall include any further subdivision of a lot or parcel of land previously subdivided for sale, use or other purposes.
35. *Waters of the United States* means any waters within the federal definition of "waters of the United States" at 40 CFR Section 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.

Section 82-580. General prohibitions.

- A. No person shall introduce or cause to be introduced into the storm sewer system any discharge that is not composed entirely of stormwater, except as allowed in subsection B.
- B. The following nonstormwater discharges are deemed acceptable and not a violation of this section:
 1. A discharge authorized by, and in full compliance with, an NPDES permit (other than the NPDES permit for discharges from the storm water system);
 2. A discharge or flow resulting from emergency fire fighting;
 3. A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials;
 4. A discharge from water line flushing;
 5. A discharge or flow from lawn watering, landscape irrigation, or other irrigation water;
 6. A discharge or flow from a diverted stream flow or natural spring;
 7. A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
 8. Uncontaminated groundwater infiltration;
 9. Uncontaminated discharges or flow from a foundation drain, crawl space pump, footing drain, or sump pump;
 10. A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;

11. A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;
12. A discharge or flow from a riparian habitat or wetland or natural spring;
13. A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;
14. A discharge that is a result of an emergency condition to mitigate damage to life or property;
15. Non-point agricultural discharges, excluding discharges from confined animal feeding operations;
16. Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant;
17. Heat pump discharge waters (residential only).

C. Notwithstanding the provisions of subsection B of this section, any discharge shall be prohibited by this section if the discharge in question has been determined by the City Officer to be a source of pollutants to the waters of the United States, or to the storm sewer system, written notice of such determination has been provided to the discharge, and the discharge has occurred more than ten (10) days beyond such notice.

Section 82-581. Specific prohibitions and requirements.

- A. The specific prohibitions and requirements in this section are not necessarily inclusive of all the discharges prohibited by the general prohibition in Section 3.
- B. No person shall introduce or cause to be introduced into the storm sewer system any discharge that causes or contributes to causing the city to violate a KDHE water quality standard, the City's NPDES stormwater permit, or any state-issued discharge permit for discharges from its facility.
- C. No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced the following substances into the storm sewer system:
 1. Any used motor oil, antifreeze or any other petroleum product or waste;
 2. Any industrial waste above the minimum standards established by KDHE;
 3. Any hazardous waste, including household hazardous waste;
 4. Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
 5. Any garbage, rubbish, or yard waste;
 6. Wastewater that contains a harmful quantity of soap, detergent, degreaser, solvent, or surfactant based cleaner from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus or

- heavy equipment, by a business or public entity that operates more than five (5) such vehicles;
7. Wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
 8. Wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any harmful quantity of soap, detergent, degreaser, solvent, or any surfactant based cleaner;
 9. Any wastewater from commercial floor, rug, or carpet cleaning;
 10. Any wastewater from the washdown or other cleaning of pavement that contains any harmful quantity of soap, detergent solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the washdown or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;
 11. Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emission filter, or the blowdown from a boiler;
 12. Any ready-mixed concrete, mortar, ceramic, asphalt base material or hydromulch material, or discharge resulting from the cleaning of vehicles or equipment containing or used in transporting or applying such material;
 13. Any runoff, washdown water or waste from any animal pen, kennel, fowl or livestock containment area;
 14. Any chlorinated swimming pool water, filter backwash from a swimming pool or fountain water;
 15. Any water from a water curtain in a spray room used for painting vehicles or equipment;
 16. Any contaminated runoff from a vehicle wrecking yard;
 17. Any substance or material that will damage, block, or clog the storm sewer system; or
 18. Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by leaking PST; or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge has received an NPDES permit from the state.
- D. No person shall introduce or cause to be introduced into the storm sewer system any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities in excess of what could be retained on site or captured on site or captured by employing sediment and erosion control measures to the maximum extent practicable under prevailing circumstances.
- E. Regulations of Pesticides and Fertilizers.
1. No person shall use or cause to be used any pesticide or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide or fertilizer to enter the storm sewer system or waters of the United States.

2. No person shall dispose of, discard, store, or transport a pesticide or fertilizer, or its container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide or fertilizer to enter the storm sewer system or waters of the United States.
- F. Used Oil. No person shall discharge used oil into the storm sewer system or a sewer, drainage system, septic tank, surface water, groundwater, or watercourse.
- G. Cleanup. Should it be determined by the City Officer that any person or business has allowed any pollutant into the storm sewer system or waters of the United States, immediate measures will be taken by the responsible party to remove the pollutants. If the pollutants are not removed within the time period specified by the City Officer, the City may remove the pollutants and assess the cost thereof to the responsible party. The City may use any legal means to collect said cost, should the responsible party fail to pay said cost within forty-five (45) days.

Section 82-582. Release reporting and cleanup.

- A. Any person responsible for any release of any hazardous material that may flow, leach, enter, or otherwise be introduced into the storm sewer system or waters of the United States shall comply with all state, federal, and any other local law requiring reporting, clean-up, containment, and any other appropriate remedial action in response to the release.
- B. Following such release, the Fire Chief shall submit a written report to the Stormwater Coordinator detailing spill information and the methods used to remedy the problem.

Section 82-583. Stormwater Discharges from Construction Activities.

- A. General Requirements
1. The owners of construction sites shall ensure that best management practices are used to control and reduce the discharge of pollutants into the storm sewer system and waters of the United States to the maximum extent possible under the circumstances.
 2. Qualified personnel (provided by the owner of the construction site) shall inspect disturbed areas that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every fourteen (14) calendar days and within twenty-four (24) hours of the end of a storm that is one-half inch (1/2") or greater. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the storm sewer system. Based on the results of the inspection, the best management practices shall be revised as appropriate as soon as practicable. These inspections, along with a description of revisions, will be documented in writing and available for inspection by the City Officer upon request.

3. Should it be found that soil or pollutants have already or may be carried into the storm sewer system or waters of the United States, immediate measures will be taken by the owner to remedy the violation and/or remove the pollutants. If the owner fails to remove pollutants within the time period prescribed in the notice of violation from the City, the City may remove the pollutants and assess the cost thereof to the responsible owner. Failure of the owner to pay said costs will be grounds for the denial of further approvals or the withholding of occupancy certificates.
 4. When determined to be necessary for the effective implementation of this section, the City Officer may require any plans and specifications that are prepared for the construction of site improvements to illustrate and describe the best management practices required by subsection A.I of this section above that will be implemented at the construction site. Should the proper BMPs not be installed or if the BMPs are ineffective, upon reasonable notice to the owner, the City may deny approval of any building permit, subdivision plat, site development plan, or any other City approval necessary to commence or continue construction, or to assume occupancy.
 5. The owner of a construction activity site is responsible for compliance with the requirements in this subsection.
 6. Any contractor on a construction site will also be required to use best management practices to minimize pollutants that enter into the storm sewer system.
 7. All persons shall avoid damaging BMP devices once in place. Any person damaging a BMP device shall be responsible for the repair of the damaged BMP device. Malicious destruction of a BMP device or failure of such responsible person to repair BMP device will be deemed a violation of this Ordinance.
- B. Sites Requiring Federal and/or State NPDES Stormwater Discharge Permits. All owners of, developers and contractors on construction activity sites that disturb one (1) acre or greater, or that are part of a common plan of development one (1) acre or greater or sale requiring said permit(s), shall comply with the following requirements (in addition to those in subsection A):
1. Any owner who intends to obtain coverage for stormwater discharges from a construction site under the Kansas Industrial General Permit or the Construction General Permit shall submit a signed copy of its notice of intent to the City Engineer's Office when a building permit application is made. If the construction activity is already underway upon the effective date of this Ordinance, the NOI shall be submitted within thirty (30) days. When ownership of the construction site changes, a revised NOI shall be submitted within fifteen (15) days of the change in ownership.
 2. A stormwater pollution prevention plan shall be prepared and implemented in accordance with the requirements of the construction general permit or any individual or group NPDES permit issued for stormwater discharges from the construction site, and with any additional requirement imposed by or under this Ordinance and any other city Ordinance.

3. The SWPPP shall be prepared by a Licensed Professional Engineer and shall comply with State NPDES requirements. The signature of the preparer shall constitute his/her attestation that the SWPPP fully complies with the requirements of the permit issued.
4. The SWPPP shall be completed prior to the submittal of the NOI to the City Engineer's Office and for new construction, prior to the commencement of construction activities. The SWPPP shall be updated and modified as appropriate and as required by the NPDES permit.
5. The City Officer may require any owner who is required by subsection B.2 of this section to prepare a SWPPP, to submit the SWPPP, and any modifications thereto, to the City Engineer's Office for review at any time.
6. Upon the City Officer review of the SWPPP and any site inspection that he/she may conduct, if the SWPPP is not being fully implemented, the City may upon reasonable notice to the owner, deny approval of any building permit, site development plan, final occupancy certificate, or any other city approval necessary to commence or continue construction. A stop work order may also be issued.
7. All contractors working on a site subject to an Industrial General Permit or the Construction General Permit shall sign a copy of the certification statement prescribed in the *Division 5100 Erosion and Sediment Control Manual* before beginning work on the site.
8. All contractors will be responsible for their own activities to ensure that they comply with the owners' SWPPP. Failure to comply with the SWPPP or malicious destruction of BMP devices is hereby deemed a violation of this Ordinance.
9. The SWPPP and the certifications of contractors required by subsection B.7 of this section, and with any modifications attached, shall be retained at the construction site from the date of construction commencement through the date of final stabilization.
10. The City Officer may notify the owner at any time, by posting notice on the property and/or by a ten (10) day written notice, that the SWPPP does not meet the requirements of the NPDES permit issued or any additional requirement imposed by or under this Ordinance. Such notification shall identify those provisions of the permit or this Ordinance, which are not being met by the SWPPP, and identify which provisions of the SWPPP, require modification in order to meet such requirements. Within thirty (30) days of such notification from the City, the owner shall make the required changes to the SWPPP and shall submit to the City Officer a written certification from the owner that the requested changes have been made.
11. The owner shall amend the SWPPP whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the storm sewer system or to the waters of the United States, and which has not otherwise been addressed in the SWPPP, or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in stormwater discharges.

12. Qualified personnel (provided by the owner of the construction site) shall inspect disturbed areas that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every fourteen (14) calendar days and within twenty-four hours of the end of the storm that is one-half inch (1/2") or greater. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWPPP shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters or the storm sewer system. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.
13. Based on the results of the inspections required by subsection B.12 of this section, the pollution prevention measures identified in the SWPPP shall be revised as appropriate. Such modifications shall provide for timely implementation of any changes to the SWPPP within seven (7) calendar days following the inspection.
14. A report summarizing the scope of any inspection required by subsection B.12 of this section, and the names(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with subsection B.13 of this section above shall be made and retained on site or at a local office in Pittsburg or immediate vicinity as part of the SWPPP. Such report shall identify any incidence of noncompliance. Where a report does not identify any incidence of noncompliance, the report shall contain a certification that the facility complies with the SWPPP, the facility's NPDES permit, and this Ordinance. The report shall be certified and signed by the person responsible for making the inspection.
15. The owner shall retain copies of any SWPPP and all reports required by this Ordinance or by the NPDES permit for the site, and records of all data used to complete the NOI for a period of at least three (3) years from the date that the site is finally stabilized.
16. Upon final stabilization of the construction site, the owner shall submit written certification to the City Engineer's Office that the site has been finally stabilized. The City may withhold the final occupancy or use permit for any premises constructed on the site until such certification of final stabilization has been filed and the City Engineer has determined, following any appropriate inspection, that final stabilization has occurred and that any required permanent structural controls have been completed.

- C. Sites not requiring Federal and/or State NPDES Stormwater Discharge Permits which are less than one (1) acre but are new development or redevelopment within the city limits for individual building lot sites shall comply with the following requirements:
1. All owners of, developers, contractors and subcontractors working on the construction activity sites shall sign a copy of the appropriate certification statement(s) prescribed in the *Division 5100 Erosion and Sediment Control Manual* before beginning work on the site.
 2. All owners of, developers, contractors and subcontractors on construction activity sites shall comply with the BMP(s) in the individual building lot layouts provided in the *Division 5100 Erosion and Sediment Control Manual*.

Section 82-584. Stormwater discharges associated with industrial activity.

- A. All operators of: (1) municipal landfills; (2) hazardous waste treatment, disposal, and recovery facilities; (3) industrial facilities that are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) 42, U.S.C. Section 11023; industrial facilities required to obtain NPDES stormwater discharge permits due to their Standard Industrial Classification or narrative description; and (4) industrial facilities that the City Officer determines are contributing a pollutant load to the storm sewer system above the minimum standards established by KDHE, shall comply with the following requirements:
1. Any owner who intends, after the effective date of this Ordinance, to obtain coverage for a stormwater discharge associated with industrial activity under the Kansas Industrial General Permit shall submit a signed copy of its notice of intent to the City Engineer.
 2. When required by their NPDES permit, all industries listed in this section shall prepare a Stormwater Pollution Prevention Plan and implement said plan in accordance with the requirements of their state or federal NPDES permit.
 3. The SWPPP, when required, shall be prepared and signed by a Professional Licensed Engineer and will comply with all state NPDES requirements. The signature of the preparer shall constitute his/her attestation that the SWPPP fully complies with the requirements of the NPDES permit.
 4. The SWPPP, when required, shall be updated and modified as appropriate and as required by the NPDES permit and this section.
 5. A copy of any NOI that is required by subsection A.1 of this section shall be submitted to the City in conjunction with any application for a permit or any other City approval necessary to commence or continue operation of the industrial facility.
 6. The City Officer may require any operator who is required by subsection A.2 of this section to prepare a SWPPP, to submit the SWPPP, and any modifications thereto, to the City Engineer's Office for review.
 7. Upon the City's review of the SWPPP and any site inspection conducted, the City Officer may, upon a ten (10) day notice to the owner, deny approval necessary to commence or continue operation of the facility, on the grounds that the SWPPP does not comply with the requirements of the NPDES permit, or any additional requirement imposed by or under this Ordinance. Also, if at

- any time the City Officer determines that the SWPPP is not being fully implemented, upon posting notice on the property and/or a ten (10) day written notice to the owner, he/she may deny approval of any application for a permit or other City approval necessary to commence or continue operation of the facility.
8. The SWPPP, if required, with any modifications attached, shall be retained at the industrial facility from the date of commencement of operations until all stormwater discharges associated with industrial activity at the facility are eliminated and the required NOT has been submitted.
 9. The City Officer may notify the owner at any time that the SWPPP does not meet the requirements of the NPDES permit, or any additional requirement imposed by or under this Ordinance. Such notification shall be a posted notice on the property and/or a ten (10) day written notice to the owner; shall identify those provisions of the permit or Ordinance which are not being met by the SWPPP; and shall identify which provisions require modification in order to meet such requirements. Upon thirty (30) days following such notification from the City, the owner shall submit to the City Engineer's Office a written certification that the requested changes have been made.
 10. The owner shall amend the SWPPP, if required, whenever there is a change in design, construction, operation, or maintenance, or if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in stormwater discharges.
 11. As may be required by the facilities NPDES permit, qualified personnel (provided by the owner) shall inspect equipment and areas of the facility specified in the SWPPP at appropriate intervals or as may be specified in their NPDES permit. A set of tracking or followup procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections shall be maintained.
 12. Industrial facilities will implement a sampling and testing program as required by its individual NPDES permits. The City may require written reports of any such monitoring and testing to be submitted to the City Official.
 13. The owner shall retain the SWPPP and all sampling and testing reports until at least one (1) year after stormwater discharges associated with industrial activity at the facility are eliminated, or the operator is no longer operating the facility, and a NOT has been submitted.
 14. For discharges subject to the semi-annual or annual monitoring requirements of the industrial general permit, in addition to the records-retention requirements of the paragraph above, owners are required to retain for a six (6) year period from the date of sample collection, records of all sampling and testing information collected. Owners must submit such monitoring results, and/or a summary thereof, to the City Engineer upon his/her request.
 15. After the effective date of this Ordinance, no stormwater discharge shall contain any hazardous metals in a concentration that would result in the violation of any Kansas Surface Water Quality Standard.

Section 82-585. Ditches and ponds.

- A. The owner of any private drainage ditch or pond that empties into the City's storm sewer system or the waters of the United States has a duty to use BMPs on the ditches or pond to minimize the pollutant levels downstream. Such BMPs include, but are not limited to, removing excessive build-up of silt, repairing bank erosion, maintaining vegetative cover, the cleaning of inlet and outlet works.
- B. The City will periodically inspect these privately owned ditches and ponds. Should conditions be found that caused the pollution of downstream receiving waters, the City shall so notify the owners by posting notice on the property and/or a ten (10) day written notice stating what actions are expected by the owners to remedy the problem.
- C. Should the owners fail to make the necessary repair within sixty (60) days after notice, the city is authorized to do the repairs at the expense of the owner. Should the owner fail to reimburse the city for the cost of the repairs upon demand, the city may initiate any collection proceedings against the owner authorized by law.

Section 82-586. Compliance monitoring.

- A. The City Officer shall have the right to enter the premises of any person discharging stormwater into the city's storm sewer system or to waters of the United States at any reasonable time to determine if the discharger is complying with all requirements of this Ordinance, and with any state or federal discharge permit, limitation, or requirement. Dischargers shall allow the inspectors ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties.
- B. Subject to the requirements of subsection A, dischargers shall make available, upon request, any SWPPP, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this section and with any state or federal discharge permit.
- C. The City shall have the right to set up on the discharger's property such devices that are necessary to conduct sampling of stormwater discharges.

Section 82-587. Subdivision development.

- A. The developer of any subdivision requiring a federal or state NPDES stormwater discharge permit will be responsible for obtaining the required permit and developing and implementing an overall SWPPP for the subdivision. Said SWPPP shall include BMPs to be used on individual lot building sites regardless of the issuance of a NOT.
- B. City contractors installing public streets; water, sanitary sewer, storm sewer lines; and/or sidewalks will be required to comply with the developers SWPPP and sign the appropriate contractor certification statement. For City contracted work in public right-of-way or easements requiring a federal or state NPDES stormwater discharge permit, the city shall be responsible for obtaining the required permit

and preparing the SWPPP, while the City contractor will be responsible for implementing the required SWPPP.

- C. Any utility company installing utilities within a new subdivision will also be required to comply with the developers SWPPP and sign the appropriate contractor certification statement. For work in public rights-of-way or easements requiring a federal or state NPDES stormwater discharge permit, the utility company shall be responsible for obtaining the required permit and preparing and implementing the required SWPPP.
- D. The purchasers of individual lots within the subdivision shall comply with the developers SWPPP by following the BMPs to be used on individual lot building sites, and shall sign a certification statement agreeing to do so.

Section 82-588. Violations and penalties.

- A. The discharge of, or potential discharge of, any pollutant to the storm water system or waters of the United States; failure to obtain a federal or state stormwater discharge permit; the failure to prepare or implement a SWPPP when required by a federal or state permit; the failure to use effective BMP devices; the malicious destruction of BMP devices; failure to repair BMP devices; the failure to comply with any directive, citation, or order issued under this section; are violations of this Ordinance for which enforcement action may be taken.
- B. Prior to taking any enforcement action as specified in this section, a violator will be issued a notice of violation by posting notice on the property and/or a ten (10) day written notice that will detail the nature of the violation, actions to be taken to remedy the violation, actions to be taken to clean-up any pollutants, and any specific time periods within which to accomplish said actions.
- C. Actions to be taken under this Ordinance are as follows:
 - 1. Any person, contractor or subcontractor thereof, violating any provision of this Ordinance is a class C offense, punishable as provided in Chapter 1, Section 1-7 of the Pittsburg City Code. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.
 - a. When the City Officer finds that any stormwater discharger has violated or continues to violate the provisions set forth in this section, or the discharger's NPDES permit or any order issued thereunder, he/she may issue an order by posting notice on the property and/or a ten (10) day written notice for compliance to the discharger. Such orders may contain any requirements as might be reasonably necessary and appropriate to address noncompliance including, but not limited to, the installation of best management practices, additional self-monitoring, and/or disconnection from the storm sewer system.
 - b. The City Officer is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial discharger responsible for noncompliance. Such orders shall include specific action to be taken by the discharger to correct the noncompliance within a time period specified by the order.

- c. Notwithstanding any other remedies or procedures available to the City, any discharger who is found to have violated any provision of this section, or any NPDES permit or any order issued under this section, may be assessed a criminal penalty for the following acts:
 - 1) Failure to obtain required NPDES permit;
 - 2) Failure to prepare stormwater pollution prevention plan;
 - 3) Failure to install best management practices;
 - 4) Failure to maintain best management practices;
 - 5) Failure to perform required sampling and testing or provide testing reports.
2. It shall be a violation of this Ordinance for any person to hinder or interfere with the city officer or his or her designee in the discharge of duties under the provisions of this section.
3. Notwithstanding other penalties provided by this section, whenever the City Officer finds that any owner or contractor on a construction site has violated, or continues to violate, any provision of this section or any order issued thereunder, the City Officer may, after posting notice on the property and/or a ten (10) day written notice to the owner or contractor issue a stop work order to the owner and contractors by posting such order at the construction site. Said order shall also be distributed to all City departments and divisions whose decisions may affect any activity at the site. Unless express written exception is made, the stop work order shall prohibit any further construction activity at the site and shall bar any further inspection or approval by the City associated with the building permit, site development plan approval, or any other approval necessary to commence or to continue construction or to assume occupancy at the site. Issuance of a stop work order shall not be a bar against, or a prerequisite for, taking any other action against the violator. Failure to comply with the requirements of any stop work order is a violation of this section.

Section 82-589. Appeal process.

- A. The process for all appeals of enforcement actions pursuant to this Ordinance shall be in accordance with the *Building Code Board of Appeals*.

Section 82-590. Enforcement authorized.

- A. The following personnel employed by the city shall have the power to issue notices of violations, citations and implement other enforcement actions under this Ordinance:
 1. All authorized personnel under the supervision of the Director of Public Works;
 2. All authorized personnel under the supervision of the Director of Public Utilities;
 3. All authorized personnel under the supervision of the Building Official;
 4. All authorized personnel under the supervision of the City Engineer;

5. All authorized personnel under the supervision of the Stormwater Collection Foreman.

Section 82-591. Supplemental enforcement actions.

- A. *Performance Bonds.* Where necessary for the reasonable implementation of this Ordinance, the City may, by written notice, order any owner of a source of stormwater discharge associated with construction or industrial activity effected by this Ordinance to file a satisfactory bond, payable to the city, in an amount determined by the City Engineer to be necessary to achieve consistent compliance with this Ordinance. The City may deny approval of any building permit, subdivision plat, site development plan, or any other city permit or approval necessary to commence or continue construction or industrial activity at the site, or to assume occupancy, until such a performance bond has been filed.
- B. *Liability Insurance.* Where necessary for the reasonable implementation of this Ordinance, the City may, by written notice, order any owner of a source of stormwater discharge associated with construction or industrial activity effected by this Ordinance to submit proof that it has obtained liability insurance, or other financial assurance, in an amount determined by the City Engineer, that is sufficient to remediate, restore, and abate any damage to the Municipal Separate Storm Sewer System (MS4), the waters of the United States, or any other aspect of the environment that is caused by the discharge.

Section 82-592. Severability.

If any provision of this section is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect.

Sections 82-593 -- 599. Reserved.

SECTION 3. That this Ordinance shall be published in the Morning Sun, the official newspaper of the City of Pittsburg, Kansas, and shall take effect at 12:00 am on June 1, 2009.

APPROVED AND PASSED by the Governing Body of the City of Pittsburg, Kansas, the _____ day of _____, 2009.

MAYOR – Pamela Henderson

ATTEST:

CITY CLERK – Tammy Nagel



Interoffice Memorandum

TO: JOHN D. VANGORDEN
Interim City Manager

FROM: WILLIAM A. BEASLEY
Director of Public Works

DATE: March 18, 2009

SUBJECT: Agenda Item – March 24, 2009
Liquid Asphalt
Permission to Take Monthly Bids

Last year, the price of liquid asphalt fluctuated from \$300 per ton to more than \$700 per ton. The City was fortunate to have received and locked in a bid for the year prior to when the shortage on liquid asphalt became apparent and prices escalated. The liquid asphalt supplier for the City last year agreed to maintain the bid price even though he lost money through this transaction.

In discussing the wide variation of cost of liquid asphalt last year with suppliers, they have all indicated they would need to protect themselves from such a steep increase this year and on long-term contracts would submit an extremely high bid. In an effort to purchase liquid asphalt at the cheapest price possible, the staff is proposing to receive bids from suppliers every 30 days. We feel this will allow the supplier the opportunity to pass along any substantial increases, but will also afford the City a cheaper price than on a long-term agreement.

To allow staff to accept these bids and award the contract quickly, we are asking permission to accept monthly bids in-house and award to the lowest bidder. The staff would request all bids be submitted by facsimile to the Public Works Department. The low bidder would provide the City's liquid asphalt for 30 days until a new quote is received. The staff would keep the Commission informed of the low bid through the City Commission reading file.

Would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, March 24, 2009. Action being requested is to deviate from the past purchasing practice and allow the Public Works Department to take monthly bids for liquid asphalt.

MEMO TO: JOHN D. VANGORDEN
MARCH 18, 2009
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If you have any questions concerning this matter, please do not hesitate to contact me.

cc: Tammy Nagel, City Clerk
Bill Niggemann, Street Superintendent
Matt Goad, Engineering Technician
Bid File
Memo File



Interoffice Memorandum

TO: JOHN D. VANGORDEN
Interim City Manager

FROM: JOHN H. BAILEY/JAMES TUSH
Director of Utilities

DATE: March 19, 2009

SUBJECT: Agenda Item – March 24, 2009
Emergency Pumps Repairs at the Wastewater Treatment Plant

Two of the three 1st Stage Wet Well Pumps located in the Nitrification Building at the Wastewater Treatment Plant require re-building. The repairs will be extensive and require the services of a professional pump repair facility.

Staff solicited estimated repair costs from four qualified facilities. Responsive, complete estimates were received from two of the four facilities. One facility declined the opportunity and a second did not submit all of the requested information, however, preliminary estimates have placed them in a non-competitive position. The two firms submitting complete estimated repair costs represent what should be considered worst case costs for the repair of both pumps. These costs were developed based on the experience of both staff and the repair facilities.

Douglas Pump Service	\$27,098 (4-6 weeks completion)
Fairbanks Morse	\$47,886 (14-16 weeks completion)
JCI Industries	\$26,550 (Does not include impeller and/or bowl assembly replacement)

These quotes are an estimated worst case scenario and include an adjustment for any expensive components found in need of replacement when the pump is disassembled. A complete and accurate determination of all required components will be made after the pumps are disassembled.

MEMO TO: JOHN D. VANGORDEN
MARCH 19, 2009
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These pumps are an integral part of the plant's ability to provide advanced wastewater treatment. At this point, one pump is not operational and the second pump is operating at reduced capacity. Should a second pump completely fail before the first pump is repaired, the plant ability to comply with the City's effluent permit would be compromised.

Because of the exigent nature of the situation one pump was delivered to Douglas Pump Service for repair on March 19, 2009. Based on cost and repair schedule, staff recommends that Douglas Pump Service be approved to repair the pumps. In this regard, would you please place this item on the agenda for the City Commission meeting scheduled for Tuesday, March 24, 2009.

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

cc: Jon B. Garrison, Director of Finance & Administration
Tammy Nagel, City Clerk
Mike Brown, WWTP Superintendent
Project File
Memo File