

OFFICIAL MINUTES  
OF THE MEETING OF THE  
GOVERNING BODY OF THE  
CITY OF PITTSBURG, KANSAS  
February 12<sup>th</sup>, 2013

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A Regular Session of the Board of Commissioners was held at 5:30 p.m., Tuesday, February 12<sup>th</sup>, 2013, in the City Commission Room, located in the Law Enforcement Center, 201 North Pine, with Mayor John Ketterman presiding and the following members present: Marty Beezley, Rudy Draper, Michael Gray, and Patrick O'Bryan.

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

Mayor Ketterman led the flag salute.

Mayor Ketterman proclaimed February 7<sup>th</sup>, 2013, as Atkinson Industries, Inc. day in Pittsburg.

PUBLIC INPUT – Steve Robb provided an update on the SEK Art Fest. Mr. Robb stated that 58 area artists submitted designs for the SEK Art Fest. Twenty six artists and six alternates have been chosen. The decorated coal buckets will be on display in downtown Pittsburg beginning in May.

APPROVAL OF MINUTES – JANUARY 22<sup>nd</sup>, 2013 - On motion of Gray, seconded by O'Bryan, the Governing Body approved the January 22<sup>nd</sup>, 2013, City Commission Meeting minutes as submitted. Motion carried.

ORDINANCE NO. G-1176 - On motion of Gray, seconded by O'Bryan, the Governing Body approved Ordinance No. G-1176, amending Sections 2-72, 2-94 (c); 2-191 (c), 18-354 (a), 18-534 (1), 18-535, 18-536, 18-538 and 22-35 (c) and (d) and 74-10 (b) of the Pittsburg City Code in order to change the references therein from the Director of Finance and Administration to the Director of Finance and to delete the Director of Economic Development as a department head, on second reading with the following roll call vote: Yea: Beezley, Draper, Gray, Ketterman, and O'Bryan. Motion carried.

ORDINANCE NO. G-1177 – On motion of Gray, seconded by O'Bryan, the Governing Body approved Ordinance No. G-1177, amending Sections 2-273, 10-73, 42-31, 42-33, 42-39, 42-40, 42-203 (b) and (c), 42-275, 70-122, 70-124, 70-126, 70-127 (3) and (4), 74-126, 82-32 (a) and (b), 82-33, 82-51, 82-52, 82-53, 82-54, 82-56, 82-57, 82-82, 82-83, 82-84 (a) and (b), 82-116, 82-117, 82-119, 82-283, 82-284, 82-285, 82-286, 82-290 and 82-291 (c) of the Pittsburg City Code in order to change the references therein from the Department of Finance and Administration to the Department of Finance, on second reading with the following roll call vote: Yea: Beezley, Draper, Gray, Ketterman, and O'Bryan. Motion carried.

RESOLUTION NO. 1132 – On motion of Gray, seconded by O'Bryan, the Governing Body approved Resolution No. 1132 approving the sale of a certain project financed with the proceeds of Revenue Bonds of the City; authorizing the execution and delivery of (1) a Special Warranty Deed, (2) a Bill of Sale, (3) a Termination and Release of Lease, and (4) a Satisfaction, discharge and release of indenture, and authorize the Mayor to sign the appropriate documents on behalf of the City. Motion carried.

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DISPOSITION OF BIDS – ELEVATOR MAINTENANCE – On motion of Gray, seconded by O'Bryan, the Governing Body approved staff recommendation to award the bid for the maintenance contract on five hydraulic passenger elevators, one hydraulic freight elevator and one stage lift for a three year period to KONE, Inc. based on their low bid meeting specifications in the amount of \$11,016 per year and authorized the Mayor to sign the appropriate documents on behalf of the City. Motion carried.

STREET LIGHT INSTALLATION – 906 EAST MADISON AND #11 QUINCY COURT – On motion of Gray, seconded by O'Bryan, the Governing Body approved the installation of two 70-watt high pressure sodium street light fixtures at approximately 906 East Madison and at #11 Quincy Court at a cost of \$6.13 monthly (\$73.56 annually) for each street light fixture and authorized the Mayor to sign the modification orders and submit them to Westar Energy. Motion carried.

CHANGE ORDER NO. 1 AND FINAL PAYMENT – SOUTHEAST LIFT STATION IMPROVEMENTS PROJECT – On motion of Gray, seconded by O'Bryan, the Governing Body approved Change Order No. 1 reflecting an increase of \$3,112.47 making a new contract construction amount of \$818,112.47 and final payment in the amount of \$4,112.47 to LaForge and Budd Construction Co., Inc., of Parsons, Kansas, for the Southeast Lift Station Improvements Project, KWPCRF Project No. C20 1818 01A. Motion carried.

APPROPRIATION ORDINANCE – On motion of Beezley, seconded by Draper, the Governing Body approved the Appropriation Ordinance for the period ending February 12<sup>th</sup>, 2013, subject to the release of HUD expenditures when funds are received, with the following roll call vote: Yea: Beezley, Draper, Gray, Ketterman, and O'Bryan. Motion carried.

DANCE HALL LICENSE RENEWAL – MOOREMAN'S – On motion of O'Bryan, seconded by Draper, the Governing Body approved a request submitted by Graig Moore to renew the Dance Hall License for Mooreman's, Inc., 1608 South Broadway, and authorized the City Clerk to issue the license. Motion carried.

DANCE HALL LICENSE RENEWAL – FACES – On motion of O'Bryan, seconded by Draper, the Governing Body approved a request submitted by Jamie Sponsel to renew the Dance Hall License for Faces Bar, 202 North Locust, and authorized the City Clerk to issue the license. Motion carried.

DEED FOR HIGHWAY PURPOSES – 213 EAST QUINCY – On motion of Beezley, seconded by Gray, the Governing Body approved the Deed for Highway Purposes for the Quincy Street Improvements Project for the City-owned property located at 213 East Quincy and authorized the Mayor to sign the Deed on behalf of the City. Motion carried.

Commissioner O'Bryan inquired if staff has considered demolishing the house, as it is an unsightly entrance to the Pittsburg State University campus. City Manager

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Daron Hall indicated that once the renters have vacated the property, staff will evaluate the property to determine if it can be rehabilitated or if it should be demolished.

PLAT - LINCOLN SQUARE – On motion of O'Bryan, seconded by Beezley, the Governing Body approved the preliminary plat and final plat of Lincoln Square (Replat of Lots 49 thru 54 and Lots 73 thru 78 of the Kansas and Texas Coal Co.'s 2nd Addition) located south and east of the 17th and Locust intersection as recommended by the Planning and Zoning Commission and authorized the Mayor and City Clerk to sign the plat on behalf of the City. Motion carried.

CONDITIONAL USE REQUEST – On motion of Beezley, seconded by Gray, the Governing Body approved the recommendation of the Planning and Zoning Commission to grant the request submitted by Mark Lehman on behalf of the Family Life Assembly of God Church for a Conditional Use under the provisions of Article 30 of the Pittsburg Zoning Ordinance to allow a church related accessory parking lot to be located at the northeast corner of the intersection of 13<sup>th</sup> and Rouse. Motion carried.

RESOLUTION OF SUPPORT – The Governing Body did not consider a Resolution of Support for the Colonial Fox Foundation to be submitted along with their application for a KDOT Reimbursement Grant.

ORDINANCE NO. G-1173 – On motion of O'Bryan, seconded by Beezley, the Governing Body approved Ordinance No. G-1173 establishing a new Article V in Chapter 18 of the Pittsburg City Code and repealing current Pittsburg City Code Sections 18-131, 18-132, 18-133, 18-134, 18-161, 18-162, 18-163, 18-164, 18-191, 18-192, 18-193, 18-194, 18-195, and 18-196, and adopting and incorporating by reference the 2012 Edition of the International Property Maintenance Code (IPMC) prepared, compiled and promulgated as a standard of the International Code Council (ICC), except such parts or portions thereof as are modified, supplemented, or amended by new Pittsburg City Code Sections 18-131, 18-132, 18-133, 18-134, 18-135, 18-136, 18-137, 18-138, 18-139, 18-140, 18-141, 18-142, 18-143, 18-144, and 18-145, on first reading. Motion carried with Draper and Ketterman voting in opposition.

Director of Public Works William Beasley stated that he has provided Commissioners with a revised Ordinance to keep the current addressing requirements in place as the requirements in the IPMC are less restrictive regarding the height of address numbers placed on the exterior of structures.

David Holloman, 1004 Amber Drive, spoke in opposition to the proposed adoption of the IPMC and stated that the entire concept violates the property and privacy rights of the citizens. Mr. Holloman estimated that half of the homes in Pittsburg are in violation of the proposed Code. Mr. Holloman urged Commissioners to vote in opposition to or table the adoption of the Ordinance to allow time for Commissioners to review the proposed Code.

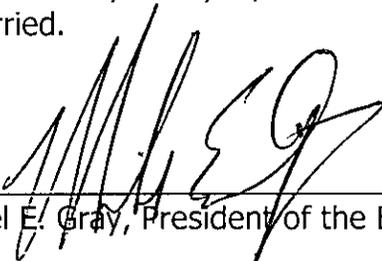
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City Manager Hall addressed Mr. Holloman's concerns and stated that the proposed Code is designed to protect the citizens of Pittsburg. Commissioner O'Bryan stated that the proposed Code is necessary and is vital to Economic Development in Pittsburg. Commissioner Draper suggested the Ordinance be tabled to allow time to clarify portions of the IPMC. Commissioner Gray stated that the City has an obligation to make laws.

ORDINANCE NO. G-1178 – On motion of Gray, seconded by Draper, the Governing Body approved Ordinance No. G-1178, amending Section 70-91 of the Pittsburg City Code making the failure to contract for collection and removal of solid waste *unlawful*; authorizing the administrative authority to develop rules and regulations for enforcement; and providing a penalty for failure to comply, on first reading. Motion carried.

ADJOURNMENT: On motion of Draper, seconded by O'Bryan, the Governing Body adjourned the meeting at 6:58 p.m. Motion carried.

  
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Michael E. Gray, President of the Board

ATTEST:

  
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Tammy Nagel, City Clerk

