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CITY OF PITTSBURG, KANSAS
COMMISSION AGENDA
Tuesday, October 22, 2019
5:30 PM

CALL TO ORDER BY THE MAYOR:

- a. Flag Salute Led by the Mayor
- b. Public Input

CONSENT AGENDA:

- a. Approval of the October 8, 2019, City Commission Meeting minutes.
- b. Approval of the Appropriation Ordinance for the period ending October 22, 2019, subject to the release of HUD expenditures when funds are received.
ROLL CALL VOTE.

SPECIAL PRESENTATIONS:

- a. NEW BUSINESS ANNOUNCEMENT - Al Patel and Raj Patel will be present to announce plans to bring a new business to Pittsburg. **Receive for file.**
- b. REVOLVING LOAN FUND - Director of Economic Development Blake Benson will provide information on projects that were assisted by the Revolving Loan Fund over the past two years. **Receive for file.**
- c. STREET SALES TAX PROJECTS UPDATE - Director of Public Utilities Matt Bacon will provide an update on the Street Sales Tax Projects. **Receive for file.**
- d. LAND USE PLAN UPDATE - Assistant Planner Brittan Brenner will provide an update on the Land Use Plan. **Receive for file.**
- e. CHILD RESPONSE ADVOCATES PROGRAM - Deputy Police Chief Tim Tompkins will provide information on the Pittsburg Police Department's Child Response Advocates Program. **Receive for file.**

CITY OF PITTSBURG, KANSAS
COMMISSION AGENDA
Tuesday, October 22, 2019
5:30 PM

CONSIDER THE FOLLOWING:

- a. RESOLUTION OF INTENT TO ANNEX - CARPINO - Consider approval of the Resolution of Intent to Annex providing notice that the City of Pittsburg intends to annex the real estate located at 1097 South Highway 69 owned by Michael K. Carpino and Lynn R. Carpino. **Approve or disapprove Resolution of Intent to Annex and, if approved, authorize the Mayor to sign the Resolution on behalf of the City.**

- b. ORDINANCE NO. G-1300 - Consider adopting Ordinance No. G-1300, creating Article VIII in Chapter 42 of the Pittsburg City Code to regulate the use of dockless vehicles within the city limits of the City of Pittsburg, Kansas, and providing for regulation of permits, fees and penalties for violations thereof. **Approve or disapprove of Ordinance No. G-1300 and, if approved, authorize the Mayor to sign the Ordinance on behalf of the City.**

- c. ORDINANCE NO. G-1301 - Consider adopting Ordinance No. G-1301, regulating taxicabs in the City of Pittsburg. **Approve or disapprove of Ordinance No. G-1301 and, if approved, authorize the Mayor to sign the Ordinance on behalf of the City.**

- d. ORDINANCE NO. G-1302 - Consider adopting Ordinance No. G-1302, amending Section 78-116 of the Pittsburg City Code to prohibit parking on the south side of Park Street between Broadway and College Streets. **Approve or disapprove Ordinance No. G-1302 and, if approved, authorize the Mayor to sign the Ordinance on behalf of the City.**

- e. PROFESSIONAL SERVICES CONTRACT - BEN MOORE STUDIO, LLC - Consider staff recommendation to enter into a Professional Services Contract with Ben Moore Studio, LLC, for a survey of downtown Pittsburg, including the evaluation of architectural and historical resources and the determination of which properties and/or collection of properties might merit preservation. **Approve or disapprove staff recommendation and, if approved, authorize the Mayor to sign the Professional Services Contract on behalf of the City.**

NON-AGENDA REPORTS & REQUESTS:

ADJOURNMENT

OFFICIAL MINUTES
OF THE MEETING OF THE
GOVERNING BODY OF THE
CITY OF PITTSBURG, KANSAS
October 8th, 2019

A Regular Session of the Board of Commissioners was held at 5:30 p.m. on Tuesday, October 8th, 2019, in the City Commission Room, located in the Law Enforcement Center, 201 North Pine, with Mayor Patrick O'Bryan presiding and the following members present: Sarah Chenoweth, Dan McNally, Dawn McNay and Chuck Munsell.

Mayor O'Bryan led the flag salute.

PUBLIC INPUT – INVOCATION - Mark Chambers, on behalf of the First United Methodist Church, provided an invocation.

PUBLIC INPUT - PROJECT INQUIRIES - William Strenth, 1515 Hampton Road, stated that the latest KDOT status report shows the estimated completion date for the South Rouse Improvements Project to be December 5th, 2019. Regarding the Silverback Landing Project, Mr. Strenth asked for the estimated completion date and inquired if there had been any change orders, changes of scope, or third party contacts added to the project, either approved or pending. Mr. Strenth asked if the timeline outlined in the RHID Ordinance (S-1056) regarding the Silverback Landing Project had been changed. He further inquired if the Silverback Landing Project timeline was changed, who altered it and when. Mr. Strenth asked if either Silverback Landing or P&L Development had applied for building permits for the first five houses to be built in the Silverback Landing Addition.

APPROVAL OF MINUTES – On motion of McNally, seconded by Chenoweth, the Governing Body approved the September 24th, 2019, City Commission Meeting minutes as presented. Motion carried.

AIRPORT HANGAR LEASE – ZACH MCGUIRE – On motion of McNally, seconded by Chenoweth, the Governing Body approved an Airport Hangar Lease between the City of Pittsburg and Zach McGuire for Hangar A at the Atkinson Municipal Airport, located at 3412 Airport Drive, to be used for aircraft repair and maintenance for a one-year period beginning on November 1, 2019, and ending October 31, 2020, at the rate of \$300.00 per month. Motion carried.

APPROPRIATION ORDINANCE – On motion of McNally, seconded by Chenoweth, the Governing Body approved the Appropriation Ordinance for the period ending October 8th, 2019, subject to the release of HUD expenditures when funds are received with the following roll call vote: Yea: Chenoweth, McNally, McNay, Munsell and O'Bryan. Motion carried.

PUBLIC HEARING and RESOLUTION NO. 1224 - CDBG GRANT REQUEST – Following Public Hearing, on motion of Munsell, seconded by Chenoweth, the Governing Body adopted Resolution No. 1224, certifying legal authority to apply for the 2020 Kansas Small Cities Community Development Block Grant Program from the Kansas Department of Commerce and authorizing the Mayor to sign and submit such application, and authorized the Mayor to sign the Resolution on behalf of the City. Motion carried.

OFFICIAL MINUTES
OF THE MEETING OF THE
GOVERNING BODY OF THE
CITY OF PITTSBURG, KANSAS
October 8th, 2019

RESOLUTION NO. 1225 – On motion of McNally, seconded by O'Bryan, the Governing Body adopted Resolution No. 1225, assuring the Kansas Department of Commerce that funds will be continually provided for the operation and maintenance of improvements to the street system to be financed with Community Development Block Grant funds. Motion carried, and authorized the Mayor to sign the Resolution on behalf of the City. Motion carried.

PUBLIC HEARING - SECTION EIGHT (S8) HOUSING CHOICE VOUCHER (HCV) 2020 ADMINISTRATION PLAN AND 5 YEAR/ANNUAL PLAN – Following Public Hearing, on motion of Chenoweth, seconded by McNally, the Governing Body approved Resolution No. 1226, adopting the 2020 Section Eight (S8) Administration Plan and 2020 Five-Year/Annual Plan for the City of Pittsburg Public Housing Agency, and authorized the Mayor to sign the Resolution and other appropriate documents on behalf of the City. Motion carried.

USD#250 TENNIS PROGRAM AND FACILITIES REPORT - Pittsburg High School Activities and Athletic Director Jeff Staley provided information on the PHS tennis program and the upcoming State tennis tournament to be held in Pittsburg.

CAREER AND TECHNICAL EDUCATION CENTER (CTEC) OF CRAWFORD COUNTY REPORT - President of the Board Dawn McNay provided a report on the Career and Technical Education Center (CTEC) of Crawford County.

IMA, INC. HEALTH INSURANCE UPDATE – IMA Representatives Christy Powell, Vice President, and Matt Cohan, Account Executive, provided an update on the health insurance plan utilized by employees of The City of Pittsburg.

ANNEXATION REQUEST AND INCENTIVE PACKAGE - MIKE CARPINO FORD LINCOLN – On motion of McNally, seconded by O'Bryan, the Governing Body approved the recommendation of the Economic Development Advisory Committee (EDAC) to grant the request submitted by Mike Carpino to annex his business property, containing the Mike Carpino Ford Lincoln car dealership, located at 1097 South Highway 69, into the City of Pittsburg, and approved the economic development incentive package to include Mr. Carpino being reimbursed 12.5% of the costs associated with the renovation of the car dealership facility with the reimbursement not to exceed \$250,000, Mr. Carpino receiving 50% of all new City sales tax generated by his car dealership for a period of ten years, and the facilitation of an economic development property tax exemption application to freeze the City property tax values at the pre-renovation level, and authorized the Mayor to sign the appropriate documents on behalf of the City. Motion carried.

DANCE HALL LICENSE - JIMMY B'S FACES – On motion of Chenoweth, seconded by Munsell, the Governing Body approved the application submitted by James Beckley, owner of Jimmy B's Faces, 202 North Locust, for the renewal of his Dance Hall License and authorized the City Clerk to issue the license. Motion carried.

OFFICIAL MINUTES
OF THE MEETING OF THE
GOVERNING BODY OF THE
CITY OF PITTSBURG, KANSAS
October 8th, 2019

2019 AUDITING CONTRACT – On motion of Munsell, seconded by Chenoweth, the Governing Body authorized staff to engage the firm of Berberich Trahan & Company P.A. for the fiscal year 2019 City audit at a cost of \$38,000 with the option of renewing the auditing contract for four subsequent fiscal years, and authorized the Mayor to sign the appropriate documents on behalf of the City. Motion carried.

RESOLUTION NO. 1227 – On motion of Munsell, seconded by McNay, the Governing Body adopted Resolution No. 1227, adopting and approving the proposed Capital Improvements Program (CIP) for the years 2020-2024, and authorized the Mayor to sign the Resolution on behalf of the City. Motion carried.

ORDINANCE NO. G-1300 – It was the consensus of the Governing Body to table consideration of Ordinance No. G-1300, creating Article VIII in Chapter 42 of the Pittsburg City Code to regulate the use of dockless vehicles within the city limits of the City of Pittsburg, Kansas, and providing for regulation of permits, fees and penalties for violations thereof, to allow Governing Body members time to review additional information regarding dockless vehicles provided by City staff.

Commissioner Munsell requested that a representative of Veroride attend a future City Commission Meeting to provide information on the Veroride scooter program. Commissioner Munsell asked for information regarding other university cities in Kansas that allow scooters. Commissioner Chenoweth suggested that City staff create a Survey Monkey in order to obtain opinions from citizens regarding scooters. Commissioner McNally stated that he has concerns regarding safety and suggested a public safety campaign be deployed, should the City pass an Ordinance allowing scooters.

NON-AGENDA REPORTS & REQUESTS –

WESTAR SURVEY – Commissioner McNally requested an update on the possible municipalization of the electric utility. Deputy City Manager Jay Byers indicated that the City continues to examine if municipalization of the electric utility is a practical option for the City. Mr. Byers stated that before the City can determine if municipalization is a favorable option, the City needs additional information regarding the actual dollar amount that would be required to purchase the grid, the cost of separation, and the purchase price of power. Mr. Byers said that \$1,000,000 has been identified as available in the City's budget to be used toward the examination of municipalization, and that to date the City has spent \$97,000 on the effort.

OFFICIAL MINUTES
OF THE MEETING OF THE
GOVERNING BODY OF THE
CITY OF PITTSBURG, KANSAS
October 8th, 2019

PUBLIC INPUT RESPONSE – In response to the Public Input provided by Mr. Strenth, City Manager Daron Hall stated that the South Rouse Project is nearly complete. At the request of Commissioner Munsell, City Engineer Cameron Alden provided an update on the traffic signal project currently underway at the intersection of Centennial and Rouse. City Manager Hall cited the exceptionally wet season in regard to the Silverback Landing Project RHID timeline. Mr. Alden indicated that several change orders have been issued for the Silverback Landing Project, totaling less than \$15,000. Mr. Alden answered affirmative when asked by Commissioner McNay if the Silverback Landing Project detention pond is complete. Mr. Alden indicated that building permits have not been issued for the homes in the Silverback Addition.

IMAGINE PITTSBURG 2030 OPEN HOUSE - Public Information Manager Sarah Runyon announced that an Imagine Pittsburg 2030 Open House would be held on October 15th, 2019, from 6:00 p.m. to 7:30 p.m. in the Block 22 Community Conference Room.

ADJOURNMENT: On motion of McNay, seconded by Chenoweth, the Governing Body adjourned the meeting at 7:18 p.m. Motion carried.

Patrick J. O'Bryan, Mayor

ATTEST:

Tammy Nagel, City Clerk

| VENDOR I.D. | NAME | STATUS | CHECK DATE | INVOICE AMOUNT | DISCOUNT | CHECK NO | CHECK STATUS | CHECK AMOUNT |
|-------------|-------------------------------|--------|-------------------------------|----------------|------------|----------|--------------|--------------|
| | C-CHECK | | VOID CHECK | V | 10/04/2019 | | | 185678 |
| | C-CHECK | | VOID CHECK | V | 10/04/2019 | | | 185679 |
| | C-CHECK | | VOID CHECK | V | 10/04/2019 | | | 185681 |
| | C-CHECK | | VOID CHECK | V | 10/04/2019 | | | 185682 |
| | C-CHECK | | VOID CHECK | V | 10/04/2019 | | | 185683 |
| 8170 | ABSOLUTE CUSTOM ENTERTAINMNET | | | | | | | |
| 8170 | ABSOLUTE CUSTOM ENTERTAINMNET | | | | | | | |
| | C-CHECK | | ABSOLUTE CUSTOM ENTERTAIVOIED | V | 10/09/2019 | | | 185692 |
| | C-CHECK | | VOID CHECK | V | 10/09/2019 | | | 185694 |
| | C-CHECK | | VOID CHECK | V | 10/09/2019 | | | 185695 |
| | C-CHECK | | VOID CHECK | V | 10/09/2019 | | | 185719 |
| | C-CHECK | | VOID CHECK | V | 10/09/2019 | | | 185720 |
| | C-CHECK | | VOID CHECK | V | 10/09/2019 | | | 185721 |

* * T O T A L S * *

| | NO | INVOICE AMOUNT | DISCOUNTS | CHECK AMOUNT |
|-----------------|----|--------------------------|-----------|--------------|
| REGULAR CHECKS: | 0 | 0.00 | 0.00 | 0.00 |
| HAND CHECKS: | 0 | 0.00 | 0.00 | 0.00 |
| DRAFTS: | 0 | 0.00 | 0.00 | 0.00 |
| EFT: | 0 | 0.00 | 0.00 | 0.00 |
| NON CHECKS: | 0 | 0.00 | 0.00 | 0.00 |
| VOID CHECKS: | 11 | VOID DEBITS 0.00 | | |
| | | VOID CREDITS 14,085.37CR | | |
| | | 14,085.37CR | 0.00 | |

TOTAL ERRORS: 0

| VENDOR SET: 99 | BANK: | TOTALS: | NO | INVOICE AMOUNT | DISCOUNTS | CHECK AMOUNT |
|----------------|-------|---------|----|----------------|-----------|--------------|
| | | | 11 | 14,085.37CR | 0.00 | 0.00 |
| BANK: | | TOTALS: | 11 | 14,085.37CR | 0.00 | 0.00 |

VENDOR SET: 99 City of Pittsburg, KS
 BANK: 80144 BMO HARRIS BANK
 DATE RANGE:10/02/2019 THRU 10/15/2019

| VENDOR I.D. | NAME | STATUS | CHECK DATE | INVOICE AMOUNT | DISCOUNT | CHECK NO | CHECK STATUS | CHECK AMOUNT |
|-------------|-------------------------------|--------|------------|----------------|----------|----------|--------------|--------------|
| 0224 | KDOR | D | 10/07/2019 | | | 000000 | | 2,262.39 |
| 0224 | KDOR | D | 10/08/2019 | | | 000000 | | 7,339.31 |
| 0321 | KP&F | D | 10/04/2019 | | | 000000 | | 47,581.49 |
| 0728 | ICMA | D | 10/04/2019 | | | 000000 | | 660.00 |
| 1050 | KPERS | D | 10/04/2019 | | | 000000 | | 40,506.14 |
| 3570 | AMERICAN EXPRESS, INC | D | 10/04/2019 | | | 000000 | | 216.23 |
| 4520 | ETS CORPORATION | D | 10/02/2019 | | | 000000 | | 9,710.59 |
| 5677 | BANK OF AMERICA, INC | D | 10/03/2019 | | | 000000 | | 252.07 |
| 5904 | TASC | D | 10/04/2019 | | | 000000 | | 6,081.05 |
| 6415 | GREAT WEST TANDEM KPERS 457 | D | 10/04/2019 | | | 000000 | | 4,644.83 |
| 7290 | DELTA DENTAL OF KANSAS INC | D | 10/04/2019 | | | 000000 | | 1,676.70 |
| 7290 | DELTA DENTAL OF KANSAS INC | D | 10/11/2019 | | | 000000 | | 1,902.80 |
| 7877 | CORESOURCE | D | 10/03/2019 | | | 000000 | | 8,809.39 |
| 7877 | CORESOURCE | D | 10/10/2019 | | | 000000 | | 6,208.84 |
| 0044 | CRESTWOOD COUNTRY CLUB | E | 10/07/2019 | | | 006082 | | 814.82 |
| 0046 | ETTINGERS OFFICE SUPPLY | E | 10/07/2019 | | | 006083 | | 156.00 |
| 0055 | JOHN'S SPORT CENTER, INC. | E | 10/07/2019 | | | 006084 | | 730.00 |
| 0084 | INTERSTATE EXTERMINATOR, INC. | E | 10/07/2019 | | | 006085 | | 425.00 |
| 0101 | BUG-A-WAY INC | E | 10/07/2019 | | | 006086 | | 460.00 |
| 0105 | PITTSBURG AUTOMOTIVE INC | E | 10/07/2019 | | | 006087 | | 954.15 |
| 0112 | MARRONES INC | E | 10/07/2019 | | | 006088 | | 298.79 |
| 0142 | HECKERT CONSTRUCTION CO INC | E | 10/07/2019 | | | 006089 | | 966.86 |

VENDOR SET: 99 City of Pittsburg, KS
 BANK: 80144 BMO HARRIS BANK
 DATE RANGE:10/02/2019 THRU 10/15/2019

| VENDOR I.D. | NAME | STATUS | CHECK DATE | INVOICE AMOUNT | DISCOUNT | CHECK NO | CHECK STATUS | CHECK AMOUNT |
|-------------|--------------------------------|--------|------------|----------------|----------|----------|--------------|--------------|
| 0194 | KANSAS STATE TREASURER | E | 10/07/2019 | | | 006090 | | 4,540.50 |
| 0317 | KUNSHEK CHAT & COAL CO, INC. | E | 10/07/2019 | | | 006091 | | 5,558.30 |
| 0409 | WISEMAN'S DISCOUNT TIRE INC | E | 10/07/2019 | | | 006092 | | 129.85 |
| 0478 | VIETTI AUTO BODY INC | E | 10/07/2019 | | | 006093 | | 69.95 |
| 0530 | THYSSENKRUPP CORPORATION | E | 10/07/2019 | | | 006094 | | 3,513.12 |
| 0534 | TYLER TECHNOLOGIES INC | E | 10/07/2019 | | | 006095 | | 10,354.75 |
| 0597 | CORNEJO & SONS LLC | E | 10/07/2019 | | | 006096 | | 473.39 |
| 0661 | SAFETY-KLEEN SYSTEMS INC | E | 10/07/2019 | | | 006097 | | 50.00 |
| 0726 | PITTSBURG STATE UNIVERSITY | E | 10/07/2019 | | | 006098 | | 25,000.00 |
| 0746 | CDL ELECTRIC COMPANY INC | E | 10/07/2019 | | | 006099 | | 75.00 |
| 0823 | TOUCHTON ELECTRIC INC | E | 10/07/2019 | | | 006100 | | 4,371.04 |
| 0844 | HY-FLO EQUIPMENT CO., INC. | E | 10/07/2019 | | | 006101 | | 181.53 |
| 0866 | AVFUEL CORPORATION | E | 10/07/2019 | | | 006102 | | 17,536.88 |
| 1478 | KANSASLAND TIRE OF PITTSBURG | E | 10/07/2019 | | | 006103 | | 870.94 |
| 2186 | PRODUCERS COOPERATIVE ASSOCIAT | E | 10/07/2019 | | | 006104 | | 638.12 |
| 3192 | MUNICIPAL CODE CORP | E | 10/07/2019 | | | 006105 | | 677.60 |
| 4618 | TRESA LYNNE MILLER | E | 10/07/2019 | | | 006106 | | 823.45 |
| 5014 | MID-AMERICA SANITATION INC. | E | 10/07/2019 | | | 006107 | | 60.00 |
| 5464 | TURN-KEY MOBILE INC | E | 10/07/2019 | | | 006108 | | 914.71 |
| 5883 | SPROULS CONSTRUCTION INC | E | 10/07/2019 | | | 006109 | | 75,116.60 |
| 6175 | HENRY C MENGHINI | E | 10/07/2019 | | | 006110 | | 471.70 |
| 6485 | MISSION CONSTRUCTION CO INC | E | 10/07/2019 | | | 006111 | | 27,243.08 |

VENDOR SET: 99 City of Pittsburg, KS

BANK: 80144 BMO HARRIS BANK

DATE RANGE:10/02/2019 THRU 10/15/2019

| VENDOR I.D. | NAME | STATUS | CHECK DATE | INVOICE AMOUNT | DISCOUNT | CHECK NO | CHECK STATUS | CHECK AMOUNT |
|-------------|-------------------------|--------|------------|----------------|----------|----------|--------------|--------------|
| 6577 | GREENSPRO INC | E | 10/07/2019 | | | 006112 | | 1,154.00 |
| 6822 | ELIZABETH BRADSHAW | E | 10/07/2019 | | | 006113 | | 967.60 |
| 6851 | SCHULTE SUPPLY INC | E | 10/07/2019 | | | 006114 | | 1,210.00 |
| 6995 | SUMMER WARREN | E | 10/07/2019 | | | 006115 | | 470.00 |
| 7044 | THE NELROD COMPANY | E | 10/07/2019 | | | 006116 | | 109.00 |
| 7283 | CORESOURCE, INC | E | 10/07/2019 | | | 006117 | | 45,182.01 |
| 7284 | TRANSYSTEMS CORPORATION | E | 10/07/2019 | | | 006118 | | 1,062.00 |
| 7407 | LIMELIGHT MARKETING LLC | E | 10/07/2019 | | | 006119 | | 6,000.00 |
| 7427 | OLSSON INC | E | 10/07/2019 | | | 006120 | | 2,989.32 |
| 7559 | MEGAN LYNN MUNGER | E | 10/07/2019 | | | 006121 | | 252.00 |
| 7705 | JOANNA L DERFELT | E | 10/07/2019 | | | 006122 | | 1,000.00 |
| 7735 | ELIZABETH KING | E | 10/07/2019 | | | 006123 | | 158.00 |
| 7743 | JACKIE D COLTRANE | E | 10/07/2019 | | | 006124 | | 8.00 |
| 7744 | DARREN L SWARTZ | E | 10/07/2019 | | | 006125 | | 90.00 |
| 7749 | CHARLIE PHILLIPS | E | 10/07/2019 | | | 006126 | | 56.00 |
| 7751 | MATTHEW DEMOSS | E | 10/07/2019 | | | 006127 | | 11.00 |
| 7800 | MORGAN ALYSE PANOVIK | E | 10/07/2019 | | | 006128 | | 390.00 |
| 7852 | TRIA HEALTH, LLC | E | 10/07/2019 | | | 006129 | | 1,517.30 |
| 7940 | JOHN D BOZICH | E | 10/07/2019 | | | 006130 | | 16.00 |
| 8134 | SUNBELT RENTALS, INC | E | 10/07/2019 | | | 006131 | | 18.81 |
| 0046 | ETTINGERS OFFICE SUPPLY | E | 10/15/2019 | | | 006132 | | 13.99 |
| 0054 | JOPLIN SUPPLY COMPANY | E | 10/15/2019 | | | 006133 | | 1,092.22 |

VENDOR SET: 99 City of Pittsburg, KS
 BANK: 80144 BMO HARRIS BANK
 DATE RANGE:10/02/2019 THRU 10/15/2019

| VENDOR I.D. | NAME | STATUS | CHECK DATE | INVOICE AMOUNT | DISCOUNT | CHECK NO | CHECK STATUS | CHECK AMOUNT |
|-------------|--------------------------------|--------|------------|----------------|----------|----------|--------------|--------------|
| 0055 | JOHN'S SPORT CENTER, INC. | E | 10/15/2019 | | | 006134 | | 234.99 |
| 0062 | LINDSEY SOFTWARE SYSTEMS, INC. | E | 10/15/2019 | | | 006135 | | 911.00 |
| 0101 | BUG-A-WAY INC | E | 10/15/2019 | | | 006136 | | 160.00 |
| 0105 | PITTSBURG AUTOMOTIVE INC | E | 10/15/2019 | | | 006137 | | 809.16 |
| 0142 | HECKERT CONSTRUCTION CO INC | E | 10/15/2019 | | | 006138 | | 24,275.46 |
| 0207 | PEPSI-COLA BOTTLING CO OF PITT | E | 10/15/2019 | | | 006139 | | 44.30 |
| 0317 | KUNSHEK CHAT & COAL CO, INC. | E | 10/15/2019 | | | 006140 | | 5,380.72 |
| 0328 | KANSAS ONE-CALL SYSTEM, INC | E | 10/15/2019 | | | 006141 | | 387.60 |
| 0409 | WISEMAN'S DISCOUNT TIRE INC | E | 10/15/2019 | | | 006142 | | 83.85 |
| 0534 | TYLER TECHNOLOGIES INC | E | 10/15/2019 | | | 006143 | | 390.00 |
| 0628 | KC BOBCAT | E | 10/15/2019 | | | 006144 | | 212.81 |
| 0779 | PITTSBURG COMMUNITY THEATRE | E | 10/15/2019 | | | 006145 | | 2,585.69 |
| 0788 | SCHREIBER LLC | E | 10/15/2019 | | | 006146 | | 2,440.00 |
| 0844 | HY-FLO EQUIPMENT CO., INC. | E | 10/15/2019 | | | 006147 | | 286.55 |
| 1478 | KANSASLAND TIRE OF PITTSBURG | E | 10/15/2019 | | | 006148 | | 1,201.87 |
| 1767 | KIM VOGEL | E | 10/15/2019 | | | 006149 | | 194.87 |
| 2921 | DATAPROSE LLC | E | 10/15/2019 | | | 006150 | | 4,680.13 |
| 3126 | W.W. GRAINGER, INC | E | 10/15/2019 | | | 006151 | | 160.07 |
| 4218 | MEADOWLARK TOWNHOUSES LLC | E | 10/15/2019 | | | 006152 | | 496.72 |
| 4307 | HENRY KRAFT, INC. | E | 10/15/2019 | | | 006153 | | 284.10 |
| 5519 | TOTAL ELECTRONICS CONTRACTING | E | 10/15/2019 | | | 006154 | | 170.60 |
| 5862 | HEATHER LYNN HORTON | E | 10/15/2019 | | | 006155 | | 300.00 |

VENDOR SET: 99 City of Pittsburg, KS

BANK: 80144 BMO HARRIS BANK

DATE RANGE:10/02/2019 THRU 10/15/2019

| VENDOR I.D. | NAME | STATUS | CHECK DATE | INVOICE AMOUNT | DISCOUNT | CHECK NO | CHECK STATUS | CHECK AMOUNT |
|-------------|--------------------------------|--------|------------|----------------|----------|----------|--------------|--------------|
| 7028 | MATTHEW L. FRYE | E | 10/15/2019 | | | 006156 | | 400.00 |
| 7567 | MERIDIAN OIL & EQUIPMENT LLC | E | 10/15/2019 | | | 006157 | | 1,329.81 |
| 7620 | POMP'S TIRE SERVICE INC | E | 10/15/2019 | | | 006158 | | 686.00 |
| 7652 | DEANNA GOERING | E | 10/15/2019 | | | 006159 | | 261.09 |
| 8132 | MIKE CARPINO FORD PITTSBURG IN | E | 10/15/2019 | | | 006160 | | 531.63 |
| 6088 | 1ST DUE EMERGENCY RESPONSE SOL | R | 10/04/2019 | | | 185654 | | 296.90 |
| 8167 | AMERICAN BEVERAGE REPAIR INC | R | 10/04/2019 | | | 185655 | | 4,326.14 |
| 7662 | ARCHIVESOCIAL, INC. | R | 10/04/2019 | | | 185656 | | 606.45 |
| 8147 | CHEM-AQUA, INC. | R | 10/04/2019 | | | 185657 | | 395.00 |
| 4263 | COX COMMUNICATIONS KANSAS LLC | R | 10/04/2019 | | | 185658 | | 91.62 |
| 4263 | COX COMMUNICATIONS KANSAS LLC | R | 10/04/2019 | | | 185659 | | 78.28 |
| 4263 | COX COMMUNICATIONS KANSAS LLC | R | 10/04/2019 | | | 185660 | | 39.91 |
| 7517 | CRAW-KAN TELEPHONE COOPERATIVE | R | 10/04/2019 | | | 185661 | | 1,099.96 |
| 8074 | DEHN DAVENPORT | R | 10/04/2019 | | | 185662 | | 160.00 |
| 8162 | BAYLEE FORCUM | R | 10/04/2019 | | | 185663 | | 38.00 |
| 7935 | CANDACE MICHAEL BREWSTER | R | 10/04/2019 | | | 185664 | | 1,000.00 |
| 8120 | HOAG RESTAURANT EQUIPMENT INC. | R | 10/04/2019 | | | 185665 | | 9,561.98 |
| 7680 | IMA, INC. | R | 10/04/2019 | | | 185666 | | 6,250.00 |
| 8154 | JOE KOLARIK | R | 10/04/2019 | | | 185667 | | 60.00 |
| 8075 | JOHN GARY MADISON | R | 10/04/2019 | | | 185668 | | 160.00 |
| 7904 | MICHELLE MCCLURE | R | 10/04/2019 | | | 185669 | | 36.00 |
| 7938 | ROSANO DEL PILAR MENDEZ | R | 10/04/2019 | | | 185670 | | 25.00 |

VENDOR SET: 99 City of Pittsburg, KS

BANK: 80144 BMO HARRIS BANK

DATE RANGE:10/02/2019 THRU 10/15/2019

| VENDOR I.D. | NAME | STATUS | CHECK DATE | INVOICE AMOUNT | DISCOUNT | CHECK NO | CHECK STATUS | CHECK AMOUNT |
|-------------|--------------------------------|--------|------------|----------------|----------|----------|--------------|--------------|
| 7601 | MEYER LAW FIRM, LLC | R | 10/04/2019 | | | 185671 | | 108.00 |
| 8103 | ANDY ROBERTS | R | 10/04/2019 | | | 185672 | | 52.00 |
| 8067 | HAROLD LEROY SMITH | R | 10/04/2019 | | | 185673 | | 1,300.00 |
| 7270 | SECURITY 1ST TITLE, LLC | R | 10/04/2019 | | | 185674 | | 300.00 |
| 7808 | TYLER BUSINESS FORMS | R | 10/04/2019 | | | 185675 | | 294.74 |
| 5589 | VERIZON WIRELESS SERVICES, LLC | R | 10/04/2019 | | | 185676 | | 190.32 |
| 2350 | WCA WASTE SYSTEMS INC | R | 10/04/2019 | | | 185677 | | 971.70 |
| 1108 | WESTAR ENERGY | R | 10/04/2019 | | | 185680 | | 110,823.07 |
| 5371 | PITTSBURG FAMILY YMCA | R | 10/04/2019 | | | 185684 | | 404.96 |
| 7651 | K & D'S LIQUORS, LLC | R | 10/07/2019 | | | 185685 | | 144.02 |
| 0226 | KDOR LIQUOR TAX | R | 10/07/2019 | | | 185686 | | 34.38 |
| 8170 | ABSOLUTE CUSTOM ENTERTAINMNET | V | 10/09/2019 | | | 185692 | | 14,085.37 |
| 8170 | ABSOLUTE CUSTOM ENTERTAINMNET | | | | | | | |
| 8170 | ABSOLUTE CUSTOM ENTERTAINMNET | | | | | | | |
| M-CHECK | ABSOLUTE CUSTOM ENTERTAIVOIDED | V | 10/09/2019 | | | 185692 | | 14,085.37CR |
| 0523 | AT&T | R | 10/09/2019 | | | 185693 | | 7,279.55 |
| 5283 | CLASS LTD | R | 10/09/2019 | | | 185696 | | 31.20 |
| 0748 | CONRAD FIRE EQUIPMENT INC | R | 10/09/2019 | | | 185697 | | 247.68 |
| 4263 | COX COMMUNICATIONS KANSAS LLC | R | 10/09/2019 | | | 185698 | | 96.14 |
| 4263 | COX COMMUNICATIONS KANSAS LLC | R | 10/09/2019 | | | 185699 | | 1,248.51 |
| 4263 | COX COMMUNICATIONS KANSAS LLC | R | 10/09/2019 | | | 185700 | | 29.40 |
| 4263 | COX COMMUNICATIONS KANSAS LLC | R | 10/09/2019 | | | 185701 | | 13.23 |
| 0375 | WICHITA WATER CONDITIONING | R | 10/09/2019 | | | 185702 | | 24.50 |

VENDOR SET: 99 City of Pittsburg, KS

BANK: 80144 BMO HARRIS BANK

DATE RANGE:10/02/2019 THRU 10/15/2019

| VENDOR I.D. | NAME | STATUS | CHECK DATE | INVOICE AMOUNT | DISCOUNT | CHECK NO | CHECK STATUS | CHECK AMOUNT |
|-------------|--------------------------------|--------|------------|----------------|----------|----------|--------------|--------------|
| 8074 | DEHN DAVENPORT | R | 10/09/2019 | | | 185703 | | 120.00 |
| 0118 | FED EX | R | 10/09/2019 | | | 185704 | | 74.37 |
| 8020 | QUENTIN HOLMES | R | 10/09/2019 | | | 185705 | | 182.12 |
| 6923 | HUGO'S INDUSTRIAL SUPPLY INC | R | 10/09/2019 | | | 185706 | | 70.09 |
| 2877 | KDHE - BUREAU OF WATER | R | 10/09/2019 | | | 185707 | | 20.00 |
| 0225 | KDOR | R | 10/09/2019 | | | 185708 | | 10,014.53 |
| 8154 | JOE KOLARIK | R | 10/09/2019 | | | 185709 | | 60.00 |
| 6119 | LACAL EQUIPMENT INC | R | 10/09/2019 | | | 185710 | | 1,150.20 |
| 8075 | JOHN GARY MADISON | R | 10/09/2019 | | | 185711 | | 120.00 |
| 7697 | MARTIN MEDINA | R | 10/09/2019 | | | 185712 | | 560.00 |
| 6942 | MULBERRY LIMESTONE QUARRY | R | 10/09/2019 | | | 185713 | | 161.32 |
| 7392 | ASSURECO RISK MANAGEMENT & REG | R | 10/09/2019 | | | 185714 | | 350.00 |
| 7817 | NORTON POWER SYSTEMS INC | R | 10/09/2019 | | | 185715 | | 639.88 |
| 8146 | WASTE CORPORATION OF KANSAS, L | R | 10/09/2019 | | | 185716 | | 500.00 |
| 8169 | HAWK RIVER INVESTMENTS LLC | R | 10/09/2019 | | | 185717 | | 650.00 |
| 5589 | VERIZON WIRELESS SERVICES, LLC | R | 10/09/2019 | | | 185718 | | 9,837.44 |
| 1 | WALTERS, DALE | R | 10/09/2019 | | | 185722 | | 130.00 |
| 8170 | ABSOLUTE CUSTOM ENTERTAINMNET | R | 10/09/2019 | | | 185723 | | 13,998.60 |
| 8096 | JENNA SPENCER | R | 10/15/2019 | | | 185733 | | 800.00 |

| VENDOR I.D. | NAME | STATUS | CHECK DATE | INVOICE AMOUNT | DISCOUNT | CHECK NO | CHECK STATUS | CHECK AMOUNT |
|---------------------|-----------------|---------|--------------|----------------|----------|-----------|--------------|--------------|
| * * T O T A L S * * | | | | | | | | |
| | | NO | | INVOICE AMOUNT | | DISCOUNTS | | CHECK AMOUNT |
| | REGULAR CHECKS: | 55 | | 201,342.56 | | 0.00 | | 187,257.19 |
| | HAND CHECKS: | 0 | | 0.00 | | 0.00 | | 0.00 |
| | DRAFTS: | 14 | | 137,851.83 | | 0.00 | | 137,851.83 |
| | EFT: | 79 | | 296,142.40 | | 0.00 | | 296,142.40 |
| | NON CHECKS: | 0 | | 0.00 | | 0.00 | | 0.00 |
| | VOID CHECKS: | 1 | VOID DEBITS | 0.00 | | | | |
| | | | VOID CREDITS | 14,085.37CR | | 0.00 | | |
| TOTAL ERRORS: 0 | | | | | | | | |
| | | NO | | INVOICE AMOUNT | | DISCOUNTS | | CHECK AMOUNT |
| VENDOR SET: 99 | BANK: 80144 | TOTALS: | 149 | 621,251.42 | | 0.00 | | 621,251.42 |
| BANK: 80144 | TOTALS: | 149 | | 621,251.42 | | 0.00 | | 621,251.42 |
| REPORT TOTALS: | | 149 | | 621,251.42 | | 0.00 | | 621,251.42 |

Passed and approved this 22nd day of October, 2019.

Patrick J. O'Bryan, Mayor

ATTEST:

Tammy Nagel, City Clerk



Memorandum

TO: Daron Hall, City Manager

FROM: Blake Benson, Economic Development Director

DATE: October 16, 2019

SUBJECT: October 22, 2019 Agenda Items
Special presentations

Local business owners Al Patel and Raj Patel have finalized plans to bring a new business to Pittsburgh and would like to make the announcement with a brief presentation at the October 22 city commission.

Also, I will provide a brief update on projects receiving Revolving Loan Fund assistance over the past two years.

Resolution of Intent to Annex

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

The City of Pittsburg, Kansas, hereby gives notice that it intends to annex the real estate owned by Michael K. Carpino and Lynn R. Carpino, husband and wife, in Crawford County, Kansas, commonly known as 1097 South Highway 69, Pittsburg, Kansas, and more particularly described as follows:

A portion of the Southwest Quarter of the Southeast Quarter of Section 6, Township 31 South, Range 25 East of the Sixth Principal Meridian, Crawford County, Kansas, according to the United States Government Survey thereof, bounded and described as follows:

Commencing at the Southeast corner of said Southwest Quarter of the Southeast Quarter; thence on a bearing of South 88 degrees 10 minutes 57 seconds West (Kansas Coordinate System, 1983, South Zone) along the South line of said Southeast Quarter a distance of 65.00 feet to the point of beginning of the following described tract: Thence on a bearing of North 01 degree 49 minutes 03 seconds West and perpendicular to said South line a distance of 412.50 feet; Thence on a bearing of South 88 degrees 10 minutes 57 seconds West on a line being perpendicular to the last described course and parallel with said South line of the Southeast Quarter a distance of 726.00 feet; Thence on a bearing of South 01 degree 49 minutes 03 seconds East and perpendicular to the last described course a distance of 412.50 feet to said South line of the Southwest Quarter of the Southeast Quarter; Thence on a bearing of North 88 degrees 10 minutes 57 seconds East along said South line a distance of 726.00 feet to point of beginning.

The above described real estate is sought to be annexed pursuant to the authority of K.S.A. 12-520c. The owners of the above described real estate have petitioned for and consented to the annexation as evidenced by a letter from the owners of said real estate to the City of Pittsburg, Kansas and presented to the governing body during its October 8, 2019 meeting for consideration; a true and correct copy of which is attached hereto and marked as Attachment A.

The City of Pittsburg, Kansas, hereby requests the Crawford County Board of Commissioners find and determine that the proposed annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Crawford County, Kansas, within thirty (30) days following receipt of this Resolution and notify the Governing Body of the City accordingly as required by K.S.A. 12-520c(c).

BE IT FURTHER RESOLVED that the City Clerk shall file a certified copy of this Resolution with the Board of County Commissioners of Crawford County, Kansas within ten (10) days following the adoption of this Resolution.

Dated this 22nd day of October, 2019.

Mayor, Patrick O' Bryan

City Clerk, Tammy Nagel

ORDINANCE NO. G-1300

AN ORDINANCE creating Article VIII in Chapter 42 of the Pittsburg City Code to regulate the use of dockless vehicles within the city limits of the City of Pittsburg, Kansas, and providing for regulation of permits, fees and penalties for violations thereof.

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

Section 1. Article VIII in Chapter 42 of the Pittsburg Municipal Code is hereby created to read as follows:

ARTICLE VIII. – DOCKLESS VEHICLE PERMIT.

Sec. 42-315. Definitions.

For the purposes of this article the following definitions shall apply

(1) *Director* means the Director of Public Works and includes representatives, agents, or department employees designated by the Director.

(2) *Dockless vehicle* means a bicycle, an electric bicycle, or an electric motor-assisted scooter that can be located and unlocked remotely.

(3) *Operator* means an individual or other legal entity that has been issued an operating authority permit under this article.

(4) *Rebalance* means moving dockless vehicles from an area of low demand to an area of high demand.

Sec. 42-316. General Authority and Duty of Director.

The Director shall implement and enforce this article.

Sec. 42-317. Operating Authority Permit.

A person or legal entity commits an offense if, within the city, he or she operates, or causes or permits the operation of, a dockless vehicle service without a valid operating authority permit issued under this article.

Sec. 42-318. Application for Operating Authority Permit.

(a) To obtain an operating authority permit, a person shall make application in the manner prescribed by the Director. The applicant must be the person or legal entity who will own,

control, or operate the proposed dockless vehicle program.

(b) An applicant shall file with the Director a verified application statement containing the following:

(1) Documentary evidence of having obtained a business license to operate within the City of Pittsburg as outlined in Chapter 42, Article II of the Pittsburg City Code;

(2) the authorized signature of the applicant;

(3) the address of the fixed facilities to be used in the operation, if any, and the address of the applicant's home office, if different from the address of the fixed facilities;

(4) the name of the person designated by the applicant to receive on behalf of the applicant any future notices sent by the city to the operator, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;

(5) documentary evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this article;

(6) documentary evidence of payment of ad valorem taxes currently due on property within the city, if any, to be used in connection with the operation of the proposed dockless vehicle program;

(7) documentary evidence from a bonding or insurance company or a bank indicating that the bonding or insurance company or bank has bound itself to provide the applicant with the performance bond or irrevocable letter of credit required by this article;

(8) the number and types of dockless vehicles to be operated; and

(9) an agreement to indemnify the city against any and all claims arising out of or from applicant's operation of the proposed dockless vehicle program.

(c) An operating authority permit may be renewed following the process in this section.

Sec. 42-319. Changes to Information in Operating Authority Application.

(a) Any changes to the information provided in the operating authority permit application must be reported to the director, in the manner prescribed by the Director, within ten (10) days of the change.

(b) If the information reported to the Director under this section includes an increase in the number of dockless vehicles, any additional vehicle fees due under Section 42-329 must be submitted to the Director simultaneously with the change in information.

Sec. 42-320. Expiration of Operating Authority Permit.

An operating authority permit expires one (1) year from the date it is issued.

Sec. 42-321. Refusal to Issue or Renew Operating Authority Permit.

(a) The Director shall refuse to issue or renew an operating authority permit if the applicant:

(1) intentionally or knowingly makes a false statement as to a material matter in an application for a permit or permit renewal; or

(2) has been convicted twice within a twelve (12) month period for a violation of this article regarding the deployment of a dockless vehicle or the rebalancing or removal of a dockless vehicle, or a rule or regulation adopted under this article regarding the deployment of a dockless vehicle or the rebalancing or removal of a dockless vehicle, or has had an operating authority permit revoked within two (2) years of the date of application.

(b) If the Director determines that a permit should be denied, the Director shall notify the applicant or operator in writing that the application is denied and include in the notice the specific reason or reasons for denial and a statement informing the applicant or operator of the right to, and the process for, appeal of the decision.

Sec. 42-322. Suspension or Revocation of Operating Authority Permit.

(a) Suspension. The following shall apply to the suspension of an operating authority permit:

(1) The Director may suspend an operating authority permit if the Director determines that the operator failed to comply with a request to remove a dockless vehicle or a request to rebalance dockless vehicles issued by the Director within the time specified in the order.

(2) Suspension of an operating authority permit does not affect the expiration date of the permit.

(b) Revocation. The following shall apply to the revocation of an operating authority permit:

(1) The Director shall revoke an operating authority permit if the Director determines that the operator has:

(A) made a false statement as to a material matter in the application concerning the operating authority permit;

(B) failed to maintain the insurance required by this article;

(C) failed to maintain the performance bond or irrevocable letter of credit required by this article;

(D) operated dockless vehicles that were not authorized by the operating authority permit; or

(E) failed to pay a fee required by this article.

(2) After revocation of an operating authority permit, an operator is not eligible for another permit for a time period of up to two (2) years, depending on the severity of the violation resulting in the revocation.

Sec. 42-323. Appeals.

Any person or legal entity whose application for an operating authority permit, or renewal of an operating authority permit, is denied by the Director, or an operator whose operating authority permit has been revoked or suspended by the director, may file an appeal with the Governing Body, and the Governing Body shall fix a date, place, and time for the hearing on the appeal.

Sec. 42-324. Nontransferability.

An operating authority permit is not transferable.

Sec. 42-325. Operations.

(a) Each operator shall provide dockless vehicles to accommodate a wide range of users and should accept multiple forms of payment.

(b) Each dockless vehicle permitted under this article must display the emblem of the operator along with a unique identification number.

(c) Dockless vehicles may display third party advertising as defined by the Director.

(d) Dockless vehicles must meet all requirements of local, state, and federal law. Bicycles must meet the safety standards outlined in ISO 4210-2:2015 and ISO/DIS 4210-10, as amended.

(e) Dockless vehicles must be high quality and sturdily built to withstand the effects of weather and constant use for three (3) years.

(f) Dockless vehicles must be well maintained and in good, safe riding condition.

(g) Each dockless vehicle permitted under this article must be equipped with active locating system technology capable of location within three (3) meters.

(h) All dockless vehicle alarm systems must be approved by the director.

(i) Operators shall maintain a twenty-four (24) hour customer service number posted on each dockless vehicle for customers and citizens to report safety concerns, make complaints, ask questions, or request a dockless vehicle be relocated.

(j) Operators shall rebalance dockless vehicles at least once per week.

(k) Operators shall provide the Director with contact information for an employee who

can rebalance and relocate dockless vehicles. The operator shall rebalance or relocate dockless vehicles within four (4) hours of receiving notification on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within twelve (12) hours of receiving notice at all other times. An operator shall notify the director within twenty-four (24) hours of a change of contact information.

(l) An operator shall remove any inoperable dockless vehicle, or a dockless vehicle that is not safe to operate, from the right-of-way within four (4) hours of notice from the Director. A dockless vehicle removed from the right-of-way in accordance with this subsection must be repaired before it is returned to revenue service.

(m) An operator shall provide the Director with special access, via the operator's app or other device, to immediately unlock and remove dockless vehicles that are blocking access to city property or the public right-of-way. The Director may also require special access be provided to emergency personnel.

(n) Any dockless vehicle retrieved by the director from a stream, lake, fountain, or other body of water will be disposed of if not collected by the operator within forty-eight (48) hours after notification.

(o) If the city incurs any costs addressing or abating any violations of this section, or incurs any costs of repair or maintenance of public property, the operator shall reimburse the city for the costs within sixty (60) days of receiving written notice from the Director.

(p) An operator shall not place or attach any personal property (other than dockless vehicles), fixtures, or structures in the public right-of-way without the separate written permission of the director. Any permission to place items in the public right-of-way must be incorporated into the permit.

(q) An operator shall not adversely affect the property of any third parties during the use of city property or the public right-of-way.

(r) An operator shall educate customers regarding the law applicable to riding, operating, and parking a dockless vehicle. An operator's mobile application must provide information notifying the user that:

- (1) dockless vehicles must be parked legally and properly;
- (2) bicyclists and motor assisted scooters must yield to pedestrians; and
- (3) bicycles and motor assisted scooters may not be ridden on all sidewalks on North Broadway between the intersection of First Street and the intersection of Eleventh Street;
- (4) Any other notices required by the Director.

(s) The number of dockless vehicles in a fleet must be commensurate with the expected level of service.

Sec. 42-326. Dockless Vehicle Parking, Deployment, and Operation.

- (a) Dockless vehicles may not be parked in a manner that would impede normal and

reasonable pedestrian access on a sidewalk or in any manner that would reduce the minimum clear width of a sidewalk to less than forty-eight (48) inches.

(b) Dockless vehicles may not be parked in a manner that would impede vehicular traffic on a street or alley.

(c) Dockless vehicles may not be parked in a manner that would impose a threat to public safety or security.

(d) Dockless vehicles may not be parked on a public street without specific permission from the Director.

(e) Dockless vehicles stations must be deployed on a sidewalk or other hard surface, at a bicycle rack, or at a city-owned location. Dockless vehicles may only be deployed on private property with the permission of the property owner.

(f) Dockless vehicles must stand upright while parked.

(g) Dockless vehicles may not be parked within five (5) feet of a crosswalk or curb ramp, unless given specific permission by the Director.

(h) Dockless vehicles may not be parked in a way that blocks:

(1) Transit stops.

(2) Commercial loading zones.

(3) Railroad tracks or crossings.

(4) Passenger loading zones or valet parking service areas.

(5) Disabled parking zones.

(6) Street furniture that requires pedestrian access (for example, benches or parking pay stations).

(7) Building entryways.

(8) Vehicular driveways.

(i) Dockless vehicles parked along multi-use trails may only be parked at trailheads or other areas identified by the Director.

(j) Dockless vehicles that are parked in an incorrect manner must be re-parked or removed by the operator within four (4) hours of receiving notice from the Director on weekdays between 6:00 a.m. and 6:00 p.m. (excluding holidays) and within 12 hours of receiving notice from the Director at all other times.

(k) A dockless vehicle that is parked in a residential area may remain in the same location for up to forty-eight (48) hours as long as it is parked in accordance with this section. An

operator shall relocate or rebalance a dockless vehicle parked in a residential area after receiving a citizen request or complaint in accordance with the timeframes specified in Section 42-326(j).

(l) The Director may remove and store any dockless vehicle that is left parked at the same location for seven (7) or more consecutive days if the Director has sent the operator a notification to rebalance the dockless vehicle.

(1) The operator is responsible for the costs of removal and storage.

(2) The Director shall invoice the operator for the cost of removal and storage.

(3) Any dockless vehicle that remains unclaimed with the city for sixty (60) days is subject to sale.

(4) The Director may identify designated dockless vehicle parking zones. Subject to advance approval of the Director, an operator may indicate virtual dockless vehicle parking areas with paint or decals where appropriate in order to guide riders to preferred parking zones in order to assist with orderly parking of dockless vehicles throughout the city.

(m) Dockless vehicles are not to exceed 15 mph.

(n) Dockless vehicles may only be operated within the city limits of Pittsburg.

(o) Dockless vehicle riders must be at least eighteen (18) years of age.

(p) Dockless vehicles shall only be ridden by one (1) person at a time.

(q) Every person riding a dockless vehicle upon the streets of the city shall be subject to provisions of all laws and ordinances applicable to the operator of any other vehicle, except those provisions of laws and ordinances which, by their very nature, can have no application.

Sec. 42-327. **Insurance Requirements.**

(a) An operator shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company that:

(1) is authorized to do business in the State of Kansas;

(2) is acceptable to the city; and

(3) does not violate the ownership or operational control prohibition described in Subsection (e) of this section.

(b) The insured provisions of the policy must name the city and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a dockless vehicle.

(c) An operator shall maintain the following insurance coverages:

(1) The commercial general liability insurance must provide single limits of liability for bodily injury (including death) and property damage of \$1,000,000 for each occurrence, with a \$2,000,000 annual aggregate.

(2) If an operator will utilize motor vehicles in its operations, the business automotive liability insurance must cover owned, hired, and non-owned vehicles, with a combined single limit for bodily injury (including death) and property damage of \$500,000 per occurrence.

(3) Worker's compensation insurance which meets Kansas statutory limits.

(4) Employer's liability insurance with the following minimum limits for bodily injury by:

(A) accident, \$500,000 per each accident; and

(B) disease, \$500,000 per employee with a per policy aggregate of \$500,000.

(d) Insurance required under this article must:

(1) include a cancellation provision in which the insurance company is required to notify the Director in writing not fewer than thirty (30) days before cancelling the insurance policy (for a reason other than non-payment) or before making a reduction in coverage;

(2) include a cancellation provision in which the insurance company is required to notify the director in writing not fewer than ten (10) days before cancelling for non-payment;

(3) cover all dockless vehicles during the times that the vehicles are deployed or operating in furtherance of the operator's business;

(4) include a provision requiring the insurance company to pay every covered claim on a first-dollar basis;

(5) require notice to the Director if the policy is cancelled or if there is a reduction in coverage; and

(6) comply with all applicable federal, state, and local laws.

(e) No person who has a twenty percent (20%) or greater ownership interest in the operator may have an interest in the insurance company.

(f) An operator may not be self-insured.

(g) Any insurance policy required by this article must be on file with the city upon the issuance of the initial operating authority permit, and upon expiration or termination of a previously issued policy.

Sec. 42-328. **Data Sharing.**

(a) An operator shall cooperate with the city in the collection and analysis of aggregated data concerning its operations.

(b) An operator shall provide a monthly report to the Director that includes:

(1) Total number of rides for the previous month.

(2) Total number of vehicles in service for the previous month.

(3) Number of rides per vehicle per day.

(4) Anonymized aggregated data taken by the operator's dockless vehicles in the form of heat maps showing routes, trends, origins, and destinations.

(5) Anonymized trip data taken by the operator's dockless vehicles that includes the origin and destination, trip duration, and date and time of trip.

(c) An operator shall provide other reports at the Director's request.

(d) An operator shall provide real-time or semi-real-time location data via an API acceptable to the Director.

Sec. 42-329. Vehicle Fee.

(a) An operator shall pay an annual vehicle fee as follows:

| Number of Dockless Vehicles | Fee |
|---|--------|
| 1-50 | \$500 |
| 51-100 | \$1000 |
| Fee per dockless vehicle in excess of 100 | \$10 |

Sec. 42-330. Performance Bond or Irrevocable Letter of Credit.

Before issuance of an operating authority permit, the operator shall give the Director a performance bond or an irrevocable letter of credit approved as to form by the city attorney.

(1) A bonding or insurance company authorized to do business in the State of Kansas and acceptable to the city must issue the performance bond. A bank authorized to do business in the State of Kansas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

(3) The performance bond or irrevocable letter of credit must remain in effect for the duration of the operating authority permit.

(4) The amount of the performance bond or irrevocable letter of credit must be at least \$10,000.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article and the operating authority permit. If the performance bond or irrevocable letter of credit is cancelled, the operating authority permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the Director with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article or the operating authority permit.

Sec. 42-331. Enforcement.

(a) The Director may, with or without notice, inspect any dockless vehicle operating under this article to determine whether the dockless vehicle complies with this article, rules and regulations established under this article, or other applicable laws.

(b) The Director shall enforce this article. Upon observing a violation of this article or the rules or regulations established by the Director, the Director shall take necessary action to ensure effective regulation of dockless vehicles.

(c) The police department shall also operate as an enforcement agent for this article and established and approved rules and regulations.

Sec. 42-332. Criminal Offenses.

(a) A person commits an offense if he or she violates or attempts to violate a provision of this article, or a rule or regulation established by the Director under this article. A culpable mental state is not required for the commission of an offense under this article unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each day in which an offense occurs.

(b) Prosecution for an offense under Subsection (a) does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense.

(c) A person or legal entity violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

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

PASSED AND APPROVED BY THE GOVERNING BODY ON THIS _____ DAY OF
_____, 2019.

Mayor - Patrick O'Bryan

ATTEST:

Tammy Nagel - City Clerk



Interoffice Memorandum

TO: Daron Hall, City Manager
FROM: Jamie Clarkson, Finance Director
DATE: October 14, 2019
SUBJECT: Taxicab Ordinance G-1301

After reviewing the current Taxicab ordinance, which was last updated in 1975, staff has determined that there needed to be some revisions made. Ordinance G-1301 more clearly explains the process and some of the fees are amended to offset staff time and licensing material costs.

| | <u>Current</u> | <u>Proposed</u> |
|---------------------------------|----------------|-----------------|
| Business License Fee | \$35.00 | No Change |
| Inspection Fee Per Cab | No Fee | \$25.00 |
| Cab Driver Background Check Fee | \$20.00 | \$30.00 |
| Cab Driver License Fee | \$5.00 | \$10.00 |

cc: Tammy Nagel, City Clerk

(Summary Published in the Morning Sun on October 25th, 2019)

ORDINANCE NO. G-1301

AN ORDINANCE amending Sections 42-244, 42-245, 42-246, 42-271, 42-272, 42-273, 42-274, 42-291, 42-292 and 42-295 of the Pittsburg City Code regulating the inspection, maintenance, numbering, marking, licensure and insurance requirements for taxicabs and taxicab drivers within the city limits of the City of Pittsburg, Kansas, and providing for fees and penalties for violations thereof.

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

Section 1. Section 42-244 of the Pittsburg City Code is hereby amended to read as follows:

Sec. 42-244. **Inspection; maintenance.**

When an application for a taxicab license is filed with the Finance Department, the license application fee of \$25.00 shall be paid and then the Finance Department shall refer the application to the Police Department, and it shall be the duty of the police officer designated as license inspector by the Chief of Police to examine such vehicle as to its cleanliness, physical and mechanical condition, lights and other equipment and to recommend to the Governing Body approval or rejection of such taxicab. In addition to the inspection required for the issuance of a license, it shall be the duty of the inspector for the Police Department to make an examination of each taxicab annually upon renewal of the license or if a complaint has been filed to the City of Pittsburg about the condition of a taxicab. The inspecting officer is hereby empowered to suspend the license of such taxicab until the owner or operator of such taxicab shall have repaired the taxicab or restored such taxicab to such physical and mechanical condition as shall meet the approval of the license inspector. It shall be the duty of the license inspector upon the suspension of any such taxicab to report such suspension to the Finance Department. No owner, operator or

driver of any taxicab so suspended by the license inspector shall allow or permit such taxicab to be used until the same has been reinspected and approved by the license inspector.

Section 2. Section 42-245 of the Pittsburg City Code is hereby amended to read as follows:

Sec. 42-245. **Numbering.**

Every person operating one or more vehicles as a taxicab in the City under one business license shall assign to each vehicle a number, commencing with Arabic number "1" and thereafter numbered consecutively. Such numbers shall be plainly displayed upon the vehicles as required in Section 42-246.

Section 3. Section 42-246 of the Pittsburg City Code is hereby amended to read as follows:

Sec. 42-246. **Marking.**

Every taxicab governed by the ordinances of the City shall have plainly displayed upon the exterior of a side door on each side of the vehicle the name of the owner or operator holding the business license under such operator, each of which shall be printed in letters and figures not less than two inches in height; and shall also have displayed thereon the number assigned to the cab by the operator which shall be inscribed in numbers of not less than four inches in height.

Each taxicab shall have conspicuously displayed upon the windshield of such vehicle in the upper righthand corner the licensed vehicle number and shall be kept there at all times.

Section 4. Section 42-271 of the Pittsburg City Code is hereby amended to read as follows:

Sec. 42-271. **Required.**

No person whether acting as owner, principal, agent, employee, lessee or licensee shall operate or permit to be operated on the streets of the City any taxicab without first having procured a business license therefor as provided in this division.

Section 5. Section 42-272 of the Pittsburgh City Code is hereby amended to read as follows:

Sec. 42-272. Application.

- (a) Any person whether acting as owner, principal, agent, employee, lessee or licensee, in order to secure an application for a business license as provided for the operation of a taxicab, for the carriage of persons for hire within the City, shall file an application with the Finance Department for such business license, which application shall be made by the owner of such taxicab on a form provided by the Finance Department.
- (b) Upon the filing of an application with the Finance Department for a taxicab business license by any person, the applicant shall fill out an application as provided in this Section, shall pay the appropriate business license fee and shall deposit with the City Clerk the insurance policy required in Section 42-273.

Section 6. Section 42-273 of the Pittsburgh City Code is hereby amended to read as follows:

Sec. 42-273. Insurance required.

- (a) Before any business license for a taxicab shall be issued, the owner shall file with the City Clerk an insurance binder confirming the issuance of an insurance policy by an insurance company rated AV III or higher by the AM Best Rating Service. Such insurance shall cover each and every taxicab owned, operated, or leased by the applicant, providing liability coverage of not less than \$250,000.00 for the injury or death of any one person, and \$500,000.00 for the injury or death of any number of persons in any one accident, and also providing coverage of not less than \$100,000.00 for property damages in any one accident. The insurance coverage must be effective whether the taxicab at the time of the accident is driven or operated by the owner, his agent, employee, lessee or licensee. The policy shall meet the requirements and conditions of the laws of the state, including personal injury protection benefits, and shall carry a uniform endorsement for actual notice to the City of any change made therein after its issuance. The binder policy and endorsements shall be approved by the City Attorney. Such insurance policy shall further provide that it cannot be cancelled until ten days' written notice of such cancellation has been filed with the City Clerk.
- (b) Should the policy be issued by an insurance company not legally authorized to do business in the state, then there shall be attached to such policy a written endorsement appointing and designating some person within the state as a resident agent of such company upon whom legal service of summons may be had.
- (c) The cancellation or termination of insurance in force as provided in this Section shall automatically terminate any license issued for the taxicab covered by such insurance policy.

Section 7. Section 42-274 of the Pittsburgh City Code is hereby amended to read as follows:

Sec. 42-274. Issuance.

Within five (5) days after the approval of such application for a business license for a taxicab and the approval of the City Attorney of the insurance policy provided, the City Clerk shall

issue a business license for such taxicab business. The business license shall have endorsed thereon the City number of such license and the year for which it is issued. Such business license shall be conspicuously displayed at the address of the business.

Section 8. Section 42-291 of the Pittsburg City Code is hereby amended to read as follows:

Sec. 42-291. **Required.**

It shall be unlawful for any person to act as a driver of a taxicab without having first secured a license as a taxicab driver to be issued by the Finance Department.

Section 9. Section 42-292 of the Pittsburg City Code is hereby amended to read as follows:

Sec. 42-292. **Application; contents; licensing fee.**

Such license shall be applied for in writing on such forms as the Finance Department may prescribe, and such application shall include:

- (1) Whether the applicant has a valid state driver's license and whether the driver's license has ever been revoked or suspended, and, if so, the reason of such revocation or suspensions;
- (2) Whether the applicant has a valid driver's license issued by a state other than the State of Kansas and whether the driver's license has ever been revoked or suspended and, if so, the reason of such revocation or suspension;
- (3) Whether the applicant has been arrested and/or convicted of any crimes and an explanation thereof; and
- (4) The name of the person by whom the applicant is employed.

All applications for a taxicab driver's license shall be accompanied by the payment of a \$40.00 licensing fee per driver which shall not be subject to refund.

Section 10. Section 42-295 of the Pittsburg City Code is hereby amended to read as follows:

Sec. 42-295. **Identification card and driver's license.**

- (a) *Issuance.* At the time the driver's license is issued, the driver's license identification card shall also be issued. Such card shall be of a form prescribed by the Finance Department and shall contain the picture of the driver affixed in such a manner that another picture cannot be substituted therefor without detection. The driver's license number, card number, and the expiration date of such license shall also be shown thereon.

- (b) *Display.* The taxicab driver's identification card shall be conspicuously displayed in such a manner that the entire card is visible from the rear seat of the automobile which the driver is operating by hanging the tag from the rear-view mirror, and the only identification card displayed shall be the one belonging to the driver who is on duty at that time. Such card shall be enclosed in a pouch so that the card shall be clearly discernible to and can be read by the passenger in the rear seat. No driver shall operate a taxicab unless he shall have his identification card in good condition, and it shall be unlawful to have a torn or illegible card.
- (c) *Loss.* If an identification card is lost, the owner may file with the Finance Department a sworn statement of the facts concerning such loss, and, if satisfied that the facts justify the issuance of a replacement card, the Finance Department shall on the payment of a \$10.00 fee, issue a duplicate taxicab driver' license and/or taxicab identification card. Such duplicate item shall be plainly marked "duplicate," and the number of the original card shall be furnished to the Police Department, as well as the number of the duplicate card.

Section 11. This Ordinance shall take effect upon its passage and publication in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY ON THIS 22 DAY OF
OCTOBER, 2019.

Mayor - Patrick O'Bryan

ATTEST:

Tammy Nagel - City Clerk

(Published in The Morning Sun on _____, 2019)

ORDINANCE NO. G-1302

AN ORDINANCE amending Section 78-116 of the Pittsburg City Code to prohibit parking on the south side of Park Street between Broadway and College Streets.

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

Section 1. Section 78-116 of the Pittsburg City Code is amended to read as follows:

Sec. 78-116. No parking zones.

Except when necessary to momentarily avoid conflict with other traffic or in compliance with the direction of a police officer, it shall be unlawful for the driver of a vehicle to stop, stand or park any vehicle on:

Alleys

West side of alley lying between North Broadway Street and North Pine Street from 14th to 15th.

Abby Lane

The west and south side of Abby Lane, an "L" shaped street, from Amber Drive to the west line of lot 20, Amber Meadows subdivision.

Amber Drive

The north side of Amber Drive from Rouse Avenue west to the west line of lot 9, Amber Meadows subdivision.

Broadway

Both sides of South Broadway from Kansas Avenue to Centennial Drive.
Both sides of North Broadway Street from 20th Street to the north city limits.

Cedar Crest Circle

The west side of Cedar Crest Circle from Cedar Crest Drive south, including the west half of the cul-de-sac, Cedar Crest Estates.

Cedar Crest Drive

The southern and west side of Cedar Crest Drive from Rouse Avenue east and south to the south line of lot 17, Cedar Crest Estates.

Cedar Lane

South side of Cedar Lane from 144 feet west of the intersection of Cedar Lane and Woodgate Terrace to 156 feet east of the intersection of Cedar Lane and Woodgate Terrace.

Centennial Drive

Both sides of Centennial Drive from South Broadway to Rouse.

Cleveland Street

South side of West Cleveland Street between Broadway and Olive Streets.

College Avenue

On the west side of South College Avenue between Forest Avenue and Martin Avenue.

College Street

The west side of College Street from its intersection with Jefferson Street to its intersection with Adams Street, during school days from 7:30 a.m. to 4:30 p.m.

East Park Street

On the south side of East Park Street from its intersection with the east edge of South Smelter Street east to the end of East Park Street.

Elm Street

West side of Elm Street between Lindburg and Ford.

West side of Elm Street from 14th to 15th.

East side of South Elm between East Washington and East Park.

East side of Elm Street between 13th Street and 14th Street.

East side of Elm Street from Ford Avenue to Hudson Street.

English Street

East side of English Street from its intersection with Ford Avenue south to its intersection with Union Street.

Fairview Street

East side of North Fairview Street between 9th and 10th Streets.

Ford Circle

Both sides of Ford Circle.

Ford Avenue

On both sides of Ford Avenue from Rouse to Broadway.

Forest Street

South side of Forest Street from Broadway to Walnut.

Grand Oaks Court

Both sides of Grand Oaks Court from Grand Oaks Drive north, including the cul-de-sac, Grand Oaks Estates 2nd Addition.

Grand Oaks Drive

Both sides of Grand Oaks Drive from Rouse Avenue west and north, including the cul-de-sac, Grand Oaks Estates Replat and Grand Oaks Estates 2nd Addition.

Hobson Drive

On both sides of Hobson Drive from its intersection with the south curb of Ford Avenue south a distance of 155 feet.

Homer Street

East side of Homer Street from Ford Street to Quincy Street.

West side of Homer Street from Twin Lakes Drive to Ford Street.

Both sides of the 1000 block of South Homer from its intersection with the 500 block of East Monroe south to its intersection with the 600 block of East Monroe.

West side of Homer Street from the pedestrian crosswalk at the intersection of Homer and Normal south 130 feet to the entrance of the parent drop off to George Nettels Elementary School.

Industrial Street

West side of Industrial Street from 13th Street to 14th Street.

Jefferson Avenue

On both sides of Jefferson Avenue a distance of 100 feet west from the west line of Broadway, and a distance of 100 feet east from the east line of Broadway.

On the south side of Jefferson between South Walnut Street and South Olive Street.

Joplin Street

Both sides of South Joplin from Lindburg Street to Centennial Drive.

East side of Joplin, commencing 100 feet south of the intersection of East Carlton and South Joplin, then north to the south line of the intersection of East Belleville and South Joplin.

Both sides of Joplin Street from 4th Street to Park Avenue.

West side of North Joplin Street from 4th Street to 20th Street.

Both sides of North Joplin from 20th Street to Atkinson Avenue.

J.F. Kennedy Street

On the west side of J.F. Kennedy Street from Ford Street to Hudson Street.

Lincoln Park

On the north side of the road extending from the east end of the parking lot adjacent to Jim Kelly ball diamond to Memorial Drive.

On the south side of ball park access road from the east end of the parking lot adjacent to Jim Kelly ball diamond to Memorial Drive.

Lindburg Street

North side of West Lindburg Street from its intersection with South Walnut Street to the first alley west of South Walnut Street.

Locust Street

West side of South Locust between East Lindburg Street and East Ford Street.

East side of South Locust Street from 2nd Street to Park Avenue.

West side of North Locust Street from its intersection with East 6th Street south to the northern entrance to City Parking Lot No. 7.

Both sides of North Locust Street between East 29th Street and the Wal-Mart parking lot.

West side of South Locust between East Lindburg Street and East Hudson Street.

West side of South Locust from the intersection of Lindburg Street south 180 feet.

Mallory Court

East side of Mallory Court from the intersection of 14th Street south 483 feet including the east half of the cul-de-sac.

Martin Street

South side of West Martin between Olive and College Streets.

Memorial Drive

South side of Memorial Drive (West 12th Street) from U.S. Highway 69 bypass to Georgia Street.

North side of Memorial Drive from Miles Street to the west entrance of the ball park access road.

South side of Memorial Drive from Catalpa Street to the band dome parking lot.

Michigan Street

East side of Michigan Street from 15th Street to 16th Street.

Mill Road

North side from 147 feet west of the intersection of Mill Road and Woodgate Terrace to 157 feet east of the intersection of Mill Road and Woodgate Terrace.

Monroe

On both sides of the 500 block of East Monroe from its intersection with Smelter Street east to its intersection with Homer Street.

South side of Monroe Street from Stilwell Street east to the dead end.

North Highland Street

On both sides of North Highland Street from its intersection with the south curb of East Fourth Street south a distance of 100 feet.

Oak Ridge Circle

Both sides of Oak Ridge Circle.

Oak Ridge Road

South side of Oak Ridge Road from the west side of the intersection of South Tucker Terrace and Oak Ridge Road west to the east side of the intersection of South Tucker Avenue and Oak Ridge Road.

Both sides of Oak Ridge Road from the intersection of Tucker Terrace east 115 feet.

Olive Street

East side of South Olive Street from the intersection of Olive Street and Quincy Street south 165 feet.

East side of South Olive Street between Cleveland and Walnut Streets.

West side of South Olive Street from Jefferson Street to Webster Street.

Park Street

South side of West Park Street between Broadway and College Streets.

Pine Street

East side of North Pine between 7th and 8th Streets.

Both sides of North Pine Street from 11th Street to 15th Street.

Both sides of Pine Street from the intersection of Quincy Street south 535 feet to a point 200 feet north of Carlton Street.

Quincy Street

On the north side of West Quincy Street from College Street to Catalpa Street.

On the south side of West Quincy Street from Catalpa to the U.S. 69 Highway bypass.

On both sides of West Quincy Street for a distance of 450 feet from the west right-of-way of Broadway.

On both sides of East Quincy Street from the east right-of-way of Broadway to the Rouse Street intersection.

Rouse Street

Rouse Street from 4th Street to Centennial Drive.

On both sides of North Rouse Street from East 4th Street north to north City limits.

Scotty Drive

The east side of Scotty Drive from 31st Street north, including the east half of the cul-de-sac, replat of lots 1, 2, 3, 4, 19, 20 and 21 Radell's Second Addition.

Tanglewood Drive

Both sides of Tanglewood Drive from the north intersection with Rouse Avenue south to the south intersections with Rouse Avenue, first replat of Tanglewoods.

Tucker Avenue

The east side of South Tucker Avenue from the south side of the intersection of Oakridge Road and South Tucker Avenue south a distance of 143 feet.

Tucker Terrace

The west side of South Tucker Terrace from the north side of the intersection of South Tucker Terrace and Oak Ridge Circle to the north side of the intersection of South Tucker Terrace and Oak Ridge Road.

Both sides of South Tucker Terrace from the south side of its intersection with Ford Street south to the north side of the intersection with South Tucker Terrace and Oak Ridge Circle.

West side of South Tucker Terrace from the north side of its intersection with Oak Ridge Circle to the north side of its intersection with Oak Ridge Road.

Victorian Drive

On the west side of Victorian Drive and on the south side of Victorian Drive.

Villa Drive

South side from the west side of the intersection of Villa Drive and Victoria Drive west a distance of 271 feet.

Walnut Street

West side of North Walnut between 3rd Street and 9th Street.

West side of South Walnut for a distance of 30 feet North of South Walnut Street intersection with West Lindburg Street.

On the east side of South Walnut Street from Jefferson Street to Quincy Street.

Both sides of North Walnut Street from 15th Street to 20th Street.

On both sides of Walnut Street from Kansas Avenue, northwesterly to the fast alley running east and west thereof.

On the west side of Walnut Street from Euclid Avenue south to the east-west alley.

On the west side of Walnut Street from Kansas Avenue south to the first alley running east and west.

On the west side of former Walnut Street from Kansas Avenue north to the east-west alley.

Warren Street

On the west side of North Warren between 3rd Street and 4th Street.

Washington Avenue

On the south side of Washington Avenue beginning at the intersection of College Avenue and Washington Avenue and continuing for a distance of 280 feet to the east end of the Lakeside Elementary School drive-thru island.

South side of East Washington Street from Rouse Street west to the K.C.S. Railroad tracks.

Windsor Circle

On the east side of Windsor Circle and on the south side of Windsor Circle.

Windsor Court

The east side of Windsor Court from Windsor Drive south, including the east half of the cul-de-sac, Balkans' Addition.

Woodgate Terrace

The east side of Woodgate Terrace from the north side of the intersection of Mill Road and Woodgate Terrace north to the south side of the intersection of Cedar Lane and Woodgate Terrace.

1st Street

South side of 1st Street from Broadway Street to Pine Street.

North side of 1st Street from Broadway to Locust.

3rd Street

South side of 3rd Street from Pine Street to Walnut Street.

On both sides of West 3rd Street between North Olive Street and North College Street.

The north side of 3rd Street beginning at the alley lying between North Walnut and Olive Streets thence west to Olive Street.

South side of 3rd Street between Walnut Street west to the north-south alley.

The north side of 3rd Street between Georgia Street and Warren Street.

4th Street

On the outside perimeter of the street designated as 4th Street Circle.

On the north side of East 4th Street for a distance of 150 feet east of such East 4th Street's intersection with North Grand Avenue.

On both sides of East 4th Street between Lapham Street and Water Street.

5th Street

On the north side of east 5th Street from the southwest corner of lot 16, block 13, original town addition to the city east to Joplin Street.

6th Street

The north side of 6th Street between Elm Street and Locust Street.

9th Street

South side of 9th Street from Locust to first alley west of Locust.

10th Street

South side of East 10th Street between Broadway and Locust.

Both sides of East 10th Street between Locust and Joplin Streets.

Both sides of West 10th Street between Walnut and Catalpa Streets.

14th Street

South side of East 14th Street from Elm to Grand Streets.

Within 100 feet of the intersection of Broadway and 14th Street on the east side of Broadway or the south side of 14th Street.

18th Street

North side of East 18th Street between Locust Street and Elm Street.

19th Street

North side of West 19th Street between Broadway Avenue and Walnut Street.

North side of East 19th Street between Grand Street and Joplin Street.

20th Street

South side of East 20th Street from Locust Street which extends south of 20th Street to Michigan Street.

On both sides of East and West 20th Street from a point 356 feet east of the east right-of-way line of Broadway Street west to the U.S. 69 Bypass.

22nd Street

On the north side of East 22nd Street from its intersection with the east edge of North Tucker Street to the west curb of North Rouse Street.

23rd Street

South side of West 23rd Street from North Pine (Walnut) Street west to the railroad right-of-way.

Both sides of East 23rd Street from Broadway Street to Michigan Street.

24th Street

Both sides of the 100 Block of West 24th Street.

27th Street

Both sides of 27th Street from the east side of its intersection with Broadway Avenue to the west side of the intersection of 27th Street and Joplin Avenue.

29th Street

On either side of East 29th Street between North Joplin Street and North Broadway Street.

(Code 1975, § 21-1507; Ord. No. G-861, § 1, 10-10-2000; Ord. No. G-874, § 1, 6-12-2001; Ord. No. G-875, § 1, 6-26-2001; Ord. No. G-885, § 1, 8-28-2001; Ord. No. G-904, §§ 1, 2, 7-9-2002; Ord. No. G-908, § 1, 7-23-2002; Ord. No. G-935, § 1, 3-23-2004; Ord. No. G-963, § 1, 1-11-2005; Ord. No. G-967, § 1, 3-22-2005; Ord. No. G-980, § 1, 9-27-2005; Ord. No. G-983, § 1, 12-13-2005; Ord. No. G-986, § 1, 3-14-2006; Ord. No. G-1014, § 1, 1-23-2007; Ord. No. G-1031, § 1, 10-23-2007; Ord. No. G-1048, § 1, 9-9-2008; Ord. No. G-1055, § 1, 12-23-2008; Ord. No. 1058, § 1, 1-27-2009; Ord. No. G-1101, § 1, 10-26-2010, Ord. No G-1144 § 1, 6-14-2011, Ord. G-1162 § 1, 5-8-2012, Ord. No. G-1166 § 1, 7-10-2012, Ord. No. G-1184 § 1, 10-8-2013, Ord. No. G-1220 § 1, 3-10-2015, Ord. No. G-1230 § 1, 9-22-2015)

Section 2. This Ordinance shall take effect upon publication in the official City paper.

PASSED AND APPROVED this 22nd day of October, 2019.

Mayor- Patrick O'Bryan

ATTEST:

Tammy Nagel - City Clerk

CONTRACT
for
PROFESSIONAL SERVICES
between
City of Pittsburg, Kansas
and
Ben Moore Studio, LLC
for
Survey of Downtown Pittsburg

THIS CONTRACT is made and entered into this (date) day of October , 2019 by and between:

THE CITY OF Pittsburg, KANSAS, a municipal corporation hereinafter referred to as "CITY"; and BEN MOORE STUDIO, LLC, hereinafter referred to as "CONSULTANT".

WHEREAS, CITY desires to continue a survey and evaluation of architectural and historical resources in the **Survey of Downtown Pittsburg**, including a determination of which properties and/or collection of properties might merit preservation; and

WHEREAS, the Kansas State Historical Society has offered CITY financial support for preservation activities in the form of a Historic Preservation Fund Survey Grant; and

WHEREAS, CONSULTANT has demonstrated the capacity to carry out the terms of this contract under direct supervision of the Historic Preservation Planner;

NOW, THEREFORE, in consideration of the mutual promises herein set forth, the parties agree as follows:

1. DESCRIPTION

The Survey of Downtown Pittsburg involves both survey work as outlined in the Kansas Historic Preservation Office's Products Manual and the compilation of the survey results into a summary document. Per the RFP, there are approximately **100** structures in the survey area. All products must meet the requirements of the State Historic Preservation Office (SHPO) as set forth in *Survey and Grants: Administration Manuals and National Register Bulletin 24, Guidelines for Local Survey: A Basis for Preservation Planning*.

The final report and project methodology report shall be provided in hard copy and in computer format of Adobe Acrobat (PDF).

2. SCOPE OF SERVICES:

The products of this contract shall constitute a work for hire per the specifications of the RFP issued by the CITY, and the response to the RFP by the CONSULTANT, both of which are made part of this agreement. The following items are required for this project:

a. The CONSULTANT shall provide a project methodology report, following the format and procedures outlined in the Kansas Historic Preservation Offices *Local Historic Resources Survey Manual*.

b. The CONSULTANT shall provide one full set of approximately 100 completed Kansas Historic Inventory Reconnaissance Forms. The CITY shall provide one or more digital photographs for each of the 100 forms. The CONSULTANT shall also provide inventory survey forms on all structures found in the survey area (separate from buildings) which are architecturally or historically significant as determined in cooperation with the Pittsburg Historic Preservation Planner.

c. The CITY shall provide a map indicating the boundaries of the survey area identifying the location of each of the inventoried properties.

d. The CONSULTANT shall provide a summary report that compiles the information gathered from the survey forms. The summary report shall contain a context (developmental history) statement for the survey area, methodology, architectural analysis, and a list of properties and districts eligible for listing in the Register of Historic Kansas Places, or the National Register of Historic Places. The consultant shall follow National Register Bulletin #15.

e. The CITY shall provide Photography and other material expenses.

f. The CITY shall provide a base map of the entire survey area. They will also provide an individual site plan of each surveyed location. The CITY is responsible for site plans on inventory forms. The CITY is also to assume costs in regard to photocopying, processing and printing. A complete description of the requirements to be applied to this survey is contained in the KSHS publication *Local Historic Resources Survey Manual*, and those requirements are a part of this contract. The City shall provide a list of property owners with address and parcel id in Microsoft excel format

g. The CITY may, within the scope of this contract, direct CONSULTANT to perform such additional work as from time to time it may deem necessary.

3. REMUNERATION

The maximum amount of remuneration to CONSULTANT is **\$16,000**

Payments to the CONSULTANT shall be made within thirty (30) days after receipt of the invoice from the CONSULTANT. Invoices shall be submitted at the completion of and delivery of agreed to deliverables, but not more than monthly.

Deliverables:

Kick-Off and Public Meeting - \$2,000

Survey Forms for first 50 properties uploaded to SHPO - \$6,000

Survey Forms for 2nd 50 properties uploaded to SHPO - \$6,000

Closeout Materials & Final Public Meeting - \$2,000

Payment to CONSULTANT by CITY for services rendered may be made pursuant to Historic Preservations Office's Products Manual requirements upon successful provision of any work element described. Such reimbursement will require indication of satisfaction regarding submitted work by the Kansas State Historical Society.

4. SCHEDULE:

All work is to be satisfactorily completed in a timely fashion in order that the State Historic Preservation Office may receive the required documents by **July 31, 2020** (per the CITY's RFP). The final project materials shall meet both the State Historic Preservation Office's approval and the City of Pittsburg's approval. Per the RFP specifications and the CONSULTANT's response, written progress reports shall be submitted on a monthly basis to the City's Historic Preservation Planner.

5. ADDITIONAL RESPONSIBILITES:

a. That the right is reserved to CITY to terminate this agreement at any time, upon written notice, in the event that the project is to be abandoned or indefinitely postponed, or because the CONSULTANT's inability to proceed with the work, or because the services of the CONSULTANT are unsatisfactory; provided, however, that in any case CONSULTANT shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the provisions of this agreement, but in no case shall payment be more than CONSULTANT's actual costs, plus a reasonable sum for fixed percentage of CONSULTANT'S actual costs.

b. The services to be performed by CONSULTANT under the terms of this agreement are personal and cannot be assigned, sublet or transferred without specific consent of CITY.

c. It is further agreed that this agreement and all contracts entered into under the provisions of this agreement shall be binding upon the parties hereto and their successors and assigns.

- d. Neither the CITY's review, approval or acceptance of, nor payment for any of the work or services required to be performed by CONSULTANT under this agreement shall be construed to operate as a waiver of any right under this agreement or any cause of action arising out of this performance of this agreement.
- e. The rights and remedies of CITY provided for under this agreement are in addition to any other rights and remedies provided by law.
- f. It is specifically agreed between the parties executing this contract that it is not intended by any of the provisions of any part of this contract to create the public or any member thereof a third party to this contract to maintain a suit for damages pursuant to the terms or provisions of this contract.
- g. The CONSULTANT shall not use his or her position for the actual or apparent purpose of private gain (other than payment for services rendered) for his/herself or another person, particularly one with whom he/she has family, business, or financial ties.
- h. The CONSULTANT shall not convey inside information that has not become part of the body of public information and that would not be available upon request, directly to any person for the purpose of private gain for himself or herself or another person, particularly one with whom he or she has family, business, or financial ties.
- i. The CONSULTANT shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his or her participation with the City, except when that information has been made available to the general public or will be made available upon request, or when the State Historic Preservation Office gives written authorization for the use of non-public information on the basis that the use is in the public interest.
- j. The CONSULTANT and the CITY shall negotiate a timeline for submission of materials that shall become a part of this official document and will allow the completion of the project by **July 31, 2020**, the date committed to by CONSULTANT in the RFP response.
- k. The parties agree that this Agreement shall be governed by and construed according to the laws of the State of Kansas. Any legal action or proceeding with respect to this Agreement or any document related hereto shall be brought only in the district court of Crawford County, Kansas, by execution and delivery of this Agreement, each party hereto hereby accepts for itself and in respect of its property, generally and unconditionally, the jurisdiction of the aforesaid courts. The parties hereto hereby irrevocably waive any objection, including, without

limitation, any *forum non conveniens* which any of them may now or hereafter have to the bringing of such action or proceeding in such respective jurisdictions.

IN WITNESS THEREOF, CITY and CONSULTANT have executed this agreement as of the date first written above.

Patrick O'Bryan, Mayor
City of Pittsburg

Ben Moore, Managing Member
Ben Moore Studio, LLC