

Greensburg City Council
January 17, 2017
City Hall

A) CALL TO ORDER

Mayor Robert Dixon called the meeting to order at 6:00 p.m. on January 17, 2017.

B) PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance was said and the invocation given by Pastor Franklin Ruff.

C) ROLL CALL & APPROVAL OF THE AGENDA

Council present: Matt Christenson, Mark Trummel, Haley Kern, Rick Schaffer, and Sandra Jungemann. The Public Arts Committee (PAC) had asked to be added to the agenda. City Administrator Kyler Ludwig requested they be added as the first business item. Trummel made a motion to approve the agenda with the addition of PAC as the first business item. Jungemann seconded the motion, and it passed 5-0.

D) CITIZEN COMMENTS

There were no comments from those in attendance.

E) CONSENT AGENDA

Jungemann made a motion to approve the Consent Agenda, including minutes of the January 3, 2017 meeting, as presented. Kern seconded the motion, which passed 5-0.

F) ITEMS OF BUSINESS**1. Public Arts Committee (PAC)**

Judi Kirk, PAC, stated that the committee is working on signage and was seeking Council approval of a name for the art park being constructed on South Main St. Three suggests were offered: "Starlight Park", "Park on Main", and "Park on Wisconsin". Because the park is on City property, naming the park requires Council action. Kern made a motion, seconded by Jungemann, to approve "Starlight Park", as recommended by PAC. The motion passed 5-0.

Kirk provided a picture of the five or six 3' benches that will be constructed on the site. Kirk and her husband are donating brick left from construction of their home, Luke Derstein will do the masonry work, and Mark Trummel is donating time and skill to weld the metal portions of the benches. Donations have been sought for construction of the benches. Donors will have a plaque on the front of the bench. PAC is also discussing the possibility of a story board at the sight. They have enlisted the assistance of Joan Hayse in planning landscaping of ornamental trees for the site. Dixon asked if Council would be given a site plan of the benches for approval. Kirk confirmed this was the case. Council would also be asked to approve the storyboard.

2. 2016 Performance Measure Review

Ludwig presented Council with a 2016 Key Performance Indicator Report. The report compared totals from all of 2016. 2016 data will help to create a benchmark for goal setting, specifically in the policy department. Dixon asked for an explanation of "water loss". Ludwig stated that the numbers presented were sums rather than averages. The well depth average changed in 2016.

3. KPP Letter of Intent

In December 2016, KPP voted unanimously to move toward a contract language change that would bring all of its member cities under the same language. In September 2011 the governing body passed Resolution 2011-

04, which authorized the Mayor to enter into a contract with the Kansas Power Pool (KPP). The 2011 contract included terms that locked the City into the Power Pool for a minimum of 20 years, up to 40 years, or until all debt is paid. In January 2012 KPP altered the proposed contract, which changed the termination language to a flat 20-year agreement. The 2012 contract was signed in January of 2012 by KPP and the City of Greensburg. Following conversation at the December 2016 Council meeting, KPP confirmed that the contract signed in January 2012 is the enforceable agreement. Ludwig believes that the contract language being proposed by KPP is within the scope of what Council approved in 2011. Under the new agreement, the City's contract with KPP would extend with new bond issuances up to a 40 year period. New debt taken on by KPP would need to be approved by the Pool, which the City is an active member of. Such language would allow KPP to build assets and reduce the cost of service. A flat 20 year agreement limits KPP to shorter bonds, making financing more difficult to secure. Ludwig believes that KPP is the City's best option for providing electricity to customers over the next 20 to 40 years. Council was asked to authorize Ludwig or Dixson to sign the Letter of Intent (LOI) with KPP to change the termination language in section 2.2 of the power purchase contract.

Discussion was had amongst the Council and City Attorney Gordon Stull. Stull believed there to be resolutions passed in 2015 that modified the 2011 Power Purchase Contract. Stull voiced concern over language in the proposed contract defining how the contract could be terminated. Stull stated that most LOIs say that they are not binding agreements "bearing acceptable language to the City." He asked if KPP had a deadline for the LOI. Ludwig stated that KPP was requesting LOIs be completed in January so that they know what cities within the pool are onboard.

Christenson made a motion, seconded by Kern to approve Ludwig or Dixson to sign the LOI with KPP on the condition that the City Attorney is satisfied with clarifications on current contract status. The motion was approved 5-0.

4. 2017 Draft Council Schedule

In an effort for Staff to plan Council Meetings in 2017, Ludwig presented a draft schedule, which included a rough outline of topics for discussion throughout 2017. Ludwig requested Council feedback on any changes they would like to see in the current plan. The consensus of the Council was that the draft provided a nice road map, allowing Staff and Council to look ahead so that they do not miss covering something.

5. Code Enforcement Discussion

Dixson requested that code enforcement be placed on the agenda as a discussion topic. Christenson thanked Staff for their efforts, noting that code enforcement is a thankless job that brings a lot of "grief". Kern and Jungemann concurred.

Kern stated that she had done a lot of thinking regarding the Council's approach to code enforcement. Wishing to be seen as a Council that works with its citizens, she would prefer to "put out fires" as they are reported rather than looking for violators of the code. She recommended that if a complaint is made, Staff and Council should deal with it by attempting to communicate with the violator. If the violator does not communicate, then the code should be applied.

Trummel voiced that prior to 2007 code enforcement was not much of an issue. He feels that following the 2007 tornado a new word was added to the city's vocabulary, "code", for a good reason, to ensure that people didn't just do whatever they wanted in the rebuilding process. Trummel feels that the city is getting back to "normal" and that we need to work with each other and not take code enforcement to an extreme. He views the code as a starting point from which to work with citizens on. Trummel noted that looking at each situation

can be difficult at times. Schaffer agreed that prior to 2007 code enforcement was not a much of an issue, but cautioned that a "blind eye" may have been turned too often.

Jungemann cautioned against getting carried away with enforcing one code. Kern believes that communicating is the key to what the city doing.

Christenson cautioned against selective enforcement and against having an adopted code that is not enforced. He agreed that codes exist for when neighbors can't work matters out, but stated that whatever the codes say Staff and Council should try to enforce. Christenson reminded Council that they had reviewed the current code book when Ed Truelove was the Administrator, and that the adopted codes come from a combination of many entities. City Council did not write it all themselves.

Dixson stated that the code is in place to protect the health and safety of the community. Stressing consistency in enforcement, Dixson feels that it is easy for a city to hide behind a code and that Staff and Council need to work with citizens, but that there comes a time when Council will have to make a decision.

Ludwig stated that Staff's authority is given by Council in the form of the city code. To date, flexibility is only given by Council. Noting that flexibility could cause issues in the future, Council was asked to consider if flexibility at Staff level should be built into the code. Christenson cautioned against this, stating that it was not a burden for Staff and that it should be up to Council to allow exceptions. If Council feels that the code is too strict, Christenson suggested reviewing the code and building in flexibility.

Dixson requested that if Administration is expected to perform that Council make sure that they give clear direction. Dixson stated that this agenda item was simply discussion. No consensus was reached.

G) CITY ATTORNEY'S REPORT

There was no report from Stull.

H) CITY ADMINISTRATOR'S REPORT

Ludwig discussed the following topics:

Ice Storm: The compost site has been opened up for branches. If citizens are unable to haul limbs themselves, they are encouraged to pile them at the curb up until January 31st. City crews will be picking up limbs along the curb. The Methodist church has said that those needing assistance moving limbs can contact the church. Friday the school plans to have students volunteering as well.

City CD Renewal: The City has a CD that came up for annual renewal. Ludwig approved the renewal through Greensburg State Bank.

Asian Kitchen Bankruptcy: There has been a holdup with the bankruptcy proceedings for Asian Kitchen. There is a motion pending to allow Economic Development to retain possession of items remaining in the Incubator space.

Luminous Neon Contract: Tourism has received a maintenance contract from Luminous Neon for the LED sign. They have a few questions to resolve before anything is brought to Council.

Dog Tags: 2017 pet registrations are due March 1st.

Council Tablet Tutorial: Ludwig will provide a tutorial on the use of tablets provided to the Council at the next council meeting.

Land Bank: Ludwig hopes to have a quote by next meeting for signs to be placed on Land Bank properties.

Vacation: Ludwig will be out of town next week.

Dixson asked if the gate to the compost site will be close February 1st. He noted that citizens need to be re-educated on what items should be brought to the compost site. He and Ludwig agreed that it is difficult to regulate what is brought in when the site is unmanned and open 24/7.

D) GOVERNING BODY COMMENTS

There were no additional comments from the Council.

J) EXECUTIVE SESSION

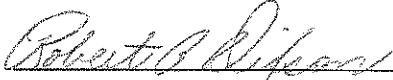
Stull requested 15 minutes executive session for attorney client privilege. Kern made a motion, seconded by Christenson, to go into Executive Session until 7:20 pm. The motion passed 5-0.

Council returned to open session. Trummel made a motion to extend executive session for attorney client privilege until 7:35 pm. Kern seconded the motion, which passed 5-0.


Council returned to open session at 7:35 pm.

K) ADJOURNMENT

Dixson declared the meeting adjourned at 7:35 pm.



Robert A. Dixon, Mayor



Christy Pyatt, City Clerk