Greensburg City Council
June 4, 2012
CITY HALL

Item 1: Opening Session
Call to Order; Pledge of Allegiance; Invocation; Roll Call
Mayor Bob Dixson called the meeting to order at 6:00 p.m. on June 4, 2012. The Pledge of Allegiance was said and the invocation given by Pastor Terry Mayhew. Roll call was taken. Council present: Mark Trummel, Matt Christenson, Erica Goodman, Sandra Jungemann, and Rex Butler.

Additions/Deletions to the Agenda
Trummel made a motion, seconded by Christenson, to approve the agenda as presented. Motion carried 5-0.

Mayor’s Report
Dixson commented on what a great Memorial Weekend the City had with class reunions, family reunions, and the Big Well Opening. He thanked Georgina Rodriguez and her volunteers for the tremendous job they did on organizing the Arts and Crafts Fair. Several vendors commented to him that it was the best fair they’ve had in a long time as far as revenue.

Council Member’s Report
There were no reports from the Council.

City Administrator Comments
City Administrator Ed Truelove reported that on May 23rd the City closed on the sale of the property for the new airport. On that same day, City Staff and the City Attorney were in District Court for Mr. Jackson’s appeal of the small claims court ruling in favor of the City in regard to the City’s ability to require trash service. Staff has received a copy of the ruling on that appeal, which was also found in the City’s favor.

Jeanine Hassiepen, People’s Insurance, has advised that the Big Well insurance policy is in effect at a cost of $1,007 annually. In addition, she is exploring an additional terrorism policy at a cost of $38 annually. Truelove questioned some items in the policy paperwork and Hassiepen is researching those items for him. If ever there was a declared terrorism event at the Big Well, the Federal Government can help pay for repairs or restoration of the building if the City is covered by terrorism insurance.

Based on Charter Ordinance 13, Mayor Dixson swore Christy Pyatt in as City Clerk earlier today. Pyatt is working toward becoming a Certified Municipal Clerk.

Item 2: Public Comment
Dixson welcomed the guests in attendance and opened the floor for public comment.

Carolyn Irvin stated that she had several citizens question her about the yearly income for the Big Well Manager, following a news article in the Kiowa County Signal. Irvin asked what credential and education Stacy Barnes had for that position, what her job description was that would constitute an annual salary of $48,000, and how Barnes came to hold the position.
Truelove explained that former Interim City Administrator Jay Newton, who has over 30 years of municipal experience, had done a tremendous amount of research in to all of the city positions, their job descriptions, and average salaries. There are not a lot of comparables for tourism so Newton reviewed similar levels of management. The annual salary that was quoted in the newspaper was the maximum pay for someone in the Tourism Director position. He explained that with merit raises of 2-3% it would take Barnes many years to reach the maximum salary for her pay scale category. Barnes was appointed to the position and it was not advertised as the position could be adequately filled by current City Staff.

Upon Irvin’s question of what position Barnes held prior to being appointed as Tourism Director, Barnes stated that she was doing the exact same duties as she was prior to the appointment. The title was created to cover the job duties that Barnes was already performing. Irvin again asked why the position was not advertised and pointed out that Barnes was the daughter of the Mayor. Dixson replied that Barnes was hired by the City prior to him considering running for Mayor. Trummel asked Barnes when she was hired and what her title was at that time. Barnes replied that she was hired in September 2007 and was the Assistant to the City Administrator. Barnes was later appointed Big Well Director. Truelove clarified that department heads, including Barnes, report directly to the City Administrator.

Dixson pointed the Council’s attention to the Big Well revenues reflected in the council packets. He stated that the revenues reflected all of the hard work by Big Well Staff and the busy parking lot that he sees when he drives by. He acknowledged the work of other City employees who helped Big Well Staff move and prepare for the grand opening. Trummel noted how excited Big Well Staff were the weekend of the ribbon cutting. Christenson thanked the design team of Law Kingdon Architecture and Project Explore, as well as McCown Gordon, for their work on the project, stating that it had turned out better than hoped.

**Item 3: Consent Agenda**

Butler asked about check number 20704 to Great Plains Development for completion of the streetscape contract. Pyatt explained that this payment was the final payment to the administrators of the Economic Development Administration (EDA) grant that paid for much of the streetscape project. Byatt and Great Plains have met to close out the books on that project in order to process the final EDA pay request of over $200,000.

Goodman made a motion to approve the consent agenda as presented. Jungemann seconded. Motion passed 5-0.

**Item 4: Items of Business**

A) Receive Stacy Barnes and Dee Chandler to propose a billboard use agreement between the City of Greensburg and the Kiowa County Chamber of Commerce.

Truelove clarified that he was not requesting an expenditure for the billboard at the east end of town, near the golf course, just a contract with the Chamber to use the billboard. The City will be paying to reface the billboard, which is owned by the Chamber, and Truelove felt that it would be in the best interest of the City to enter into a lease agreement to protect their investment. The Chamber was agreeable to the lease. Barnes and Dee Chandler, Kiowa County Chamber, were available for questions from Council.

Goodman made a motion to approve the lease agreement as presented. Butler asked for clarification on who owned the billboard and who would pay for repairs to the billboard should they be required later on. Barnes stated that the City would be paying for the refacing of the billboard out of their Big
Well budget. The lease presented is a “no cost lease.” According to Truelove, future repairs to the billboard will be something that the Chamber and City will work together on.

Trummel and Jungemann pointed out that the wording on the proposed billboard was misleading. They requested that the lease read “Cannonball Golf Course”, rather than “City’s golf course.”

After giving a brief history of the ownership of the billboard, Goodman amended her previous motion to approve the lease agreement with the correction of the wording to “Cannonball Golf Course.” Christenson seconded. Motion passed 5-0.

**B) Consider the payment of a bill from Adams Electric & Plumbing, LLC to John Yohn (317 S. Olive) for repairs to the cold water line going to a water heater following City repair of a water leak.**
Utility Superintendent Mick Kendall had presented Truelove with a bill given to him by John Yohn for repairs done to a clogged water line going to his hot water heater. Yohn claims that the line became clogged after the City did repairs to the water main near his home. Truelove stated that there is no way for Staff to determine if this is indeed what caused the line to clog, but Kendall did confirm that a water leak was repaired near Yohn’s house. Truelove requested direction on what to do with the bill and asked Council if this was a position that the City wanted to be in and to what level does Council want plumbing repairs at private residents paid for?

Butler stated that rust was something that the City has to deal with because of the old metal lines that make up the water system. Trummel asked if Yohn was the only citizen who mentioned problems following the repair to the line and was assured that he was. It is unclear whether the leaking line was in front of Yohn’s home or further down the street. Further conversation on whether or not the meter was screened and whether or not notifying residents prior to performing work would be effective continued. Goodman is concerned that the City may be opening a can of worms. Trummel made a motion to deny the request to pay the bill. Butler stated that prior to the tornado the City had sometimes split the bill with the homeowner and asked if that could be done again. Christenson seconded Trummel’s motion. Motion passed 4-1 (Butler).

**C) Consider adoption of Ordinance 1019 granting a Conditional Use Permit for a bulk storage propane facility at Home Lumber Supply (715 E. Kansas Ave.).**
Dixon explained that before Council was a request for a Conditional Use Permit for a bulk storage propane facility at Home Lumber. The Planning Commission has reviewed this extensively and recommends approval.

Goodman questioned the orientation of the map. Trummel stated that the propane storage would be fenced in per State Fire Marshal regulations. Trummel feels that this is a service that we don’t want leaving the community. Trummel made a motion, seconded by Jungemann, to approve the request. Roll call vote: Christenson – yes; Trummel – yes; Jungemann – yes; Goodman – yes; Butler – yes. Motion passed 5-0.

**D) Consider approval of Resolution 2012-10 authorizing the issuance of temporary permits to park a single recreational vehicle on a residential lot for workforce housing.**
Dixon explained that the Planning Commission was considering changes to their RV regulations due to the anticipated influx of workforce. Pyatt stated that regulations found in the proposed Resolution 2012-10 were based on recommendations from the Commission, who preferred to have the Council
proceed with allowing single RVs on individual, residential lots while the Commission reviews the Zoning Code.

Butler questioned the number of days recommended for an RV to be allowed without a permit or requirement for city utilities. After a lengthy discussion, Butler made a motion to approve Resolution 2012-10 with the change to 14 days without a permit. Goodman seconded. Motion passed 5-0.

E) View a presentation on the Center for Innovation and consider a partnership between the City of Greensburg and the Center for Innovation.

Dixson explained that Greensburg has come to be recognized as a potential partner with the Center For Innovation (CFI) in Arlington, TX. He and Truelove were invited to the center on May 15th and were given a three hour presentation on the possibility for partnership.

Truelove presented a portion of the copyrighted Power Point presentation produced by CFI. The mission of CFI is to create economic sustainability through technology led economic development. They do this on a global level through commercializable discoveries. CFI can help get patents and make products commercializable in your region by assisting with the transfer of technology from the lab to the commercial market. The City of Greensburg could benefit by CFI bringing industry to produce products that have been developed, attracting the potential for a stronger workforce, assisting in getting a business started, providing access to federal labs, and expanding the small local business by contracting the production of parts that are not economically feasible for the Federal Government to produce. Greensburg is considered by CFI to be a solid potential partner in the network of 40 partners being created. Currently CFI has 22 partners, some of which are already reaping the benefits of their partnership. Acknowledging the great things being done through the current partnership with local Economic Development, they feel that this is an opportunity to partner nationally, immediately. CFI is very excited about the possibility of partnering with our “living laboratory.”

The initial investment for the City is $25,000 for one year and Truelove believes that the return on the investment may surprise the City within the next year. Discussion on the particulars of what CFI has to offer continued.

The main focus of Truelove’s presentation was Tech Comm, a national organization who would tailor to our interests and culture. Dixson stated that the main thing Tech Comm can offer Greensburg is intermediary authority, something local entities do not have. There are several corporations involved with Tech Comm that the City has already had contact with, but intermediary authority would allow us a deeper connection. This partnership is an asset based, sustainable development opportunity, not government handouts.

Truelove and Dixson will gather literature for the Council to review. A contract is forthcoming at the next meeting. Council was invited to view the CFI website. City Treasurer Pam Reves has assured him that the City currently has the funds to proceed, but the expense could be figured into the 2013 budget.

F) Consider approval of Resolution 2012-11 adopting and establishing personnel policies for the City of Greensburg and rescinding previously adopted personnel policies.

Truelove explained that Jay Newton had provided the second portion of the work contracted to him, the personnel policies for the City. Staff has examined the document extensively. An updated version of Resolution 2012-11 (from the one given in the packet) was made available to Council at their desk. City Attorney Gordon Stull had reviewed the resolution and requested 2 changes. Goodman asked if
employees would receive a copy of the document. Truelove plans to distribute it to employees both in folders and on CD.

Christenson questioned that the appendices were referenced several times in the main document, but that many of the appendices were blank. It was explained that this was an oversight. Those documents had been previously approved by Council and would be retained in the new document but had simply not been added yet. Truelove will distribute the appendices electronically.

Jungemann made a motion to approve Resolution 2012-11 with the appendices previously approved. Christenson seconded. Motion passed 5-0.

Truelove advised that he had received a letter of resignation from the Honorable Ann L. Dixson, Municipal Judge. Truelove voiced his appreciation for her years of service. He will be working closely with the Mayor to determine who will fill that vacancy, as this is a mayoral appointment, and keep Council informed on the situation. Trummel made a motion to regretfully accept the resignation of Ann L. Dixson as Municipal Judge. Jungemann seconded. Motion passed 5-0

Item 5: City Attorney’s Report
There was no report from the City Attorney.

Item 6: Executive Session
Stull and Truelove requested 15 minutes executive session for attorney client.

Georgina Rodriguez arrived at the meeting and thanked Council and city employees for their help and for accommodating those participating in the Arts and Crafts Fair. She reported that she already has vendors signed up for next year who have booked rooms at the local motel.

Christenson made a motion to go into executive session for attorney client until 7:40 p.m. Trummel seconded. Motion passed 5-0.

Dixon declared the meeting back in open session at 7:40 p.m. and asked if there was anything further to come before the Council.

Butler asked Stull if, through the mowing ordinance, the City can send a certified letter to a property owner and then come back and mow it without proof that the grass needed to be mowed or additional notification through the year. He further asked what proof Staff would have to present if they were called to court for mowing a property. Through Staff, Stull confirmed the process for weed notices and abatement. Stull explained that if taken to court, the City would have the burden of proof. Staff’s sworn testimony is proof and at that point the burden of proof would shift to the plaintiff. Stull stated that Staff is not required to obtain pictures as proof. Stull further explained that the principle of the ordinance was written off of state statute. The City is covered by statute but when you step outside of statute, you take on the burden of defending your own process. Stull confirmed that the state statutes on this issue have been in place for a very long time with no amendments. Truelove stated that he would be willing to deeply examine the ordinance with any of the Council if they so desired. Truelove asked to what level of integrity do you hold a city employee. Documentation and enforcement of the current ordinance is something that he is dealing with internally. He assured Council that Staff willingly provides phone numbers of citizens who have said they are available to mow properties.
Dixson announce that Trummel, as Council President, will be leading the next meeting as he will be out of town. Trummel will still be allowed to vote on any action taken. Jungemann stated that she will also be absent at the next meeting.

**Item 7: Adjournment**

With no additional action to be taken, Dixson declared the meeting adjourned at 7:55 p.m.

Robert A. Dixson, Mayor

Christy Pyatt, City Clerk