Greensburg City Council  
January 16, 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 January 16, 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**
Dixon requested that Council add Special Meeting Minutes from January 11th and 12th to the consent agenda. Trummel made a motion to approve the addition. Christenson seconded. Motion passed 5-0.

**Mayor’s Report**
There was no report from the Mayor.

**Council Member’s Report**
There was no report from Council.

**City Administrator Comments**
There was no report from the City Administrator.

**Item 2: Consent Agenda**
Jungemann made a motion, seconded by Trummel, to approve the Consent Agenda with the requested additions. Motion passed 5-0.

**Item 3: Items of Business**

A) Receive representatives from Siemens’ Industry, Inc., to present the 2011 Siemens Sustainable Community Award.
Kathryn Rosser and Kassandra Buckhauater-Mack from Siemens Industry, Inc. presented the City Council with the 2011 Siemens Sustainable Community Award. This honor was announced in April 2011. Greensburg was one of three small cities in the U.S. to be recognized. Along with a plaque, the City will receive $20,000 in trees. After a brief video recognizing Greensburg as a recipient, Dixon asked if a Tree Board Member was present to speak on the City’s plans for the trees. Ann Dixon was present and explained that the Tree Board had decided that the trees will be used to develop the Big Well Visitor Center and Memorial Park. The board has been working closely with McCown Gordon and the project’s landscape architect from LawKingdon. Mayor Dixon thanked the Tree Board and Dee Chandler, Economic Development/Kiowa County Chamber of Commerce, for their assistance in the application process and landscape planning.

B) Receive and consider acceptance of bids for construction of a new water treatment plant, subject to review and approval of USDA.
Tyler Pjesky of PEC was present to present bids for the proposed Water Treatment Plant. Bids were opened on January 10th with 6 bidders submitting documents. Three out of the six bids were below the Engineer’s Estimate with APAC being the low bidder. PEC has checked references for APAC who is most commonly known in this area for asphalt. APAC has been the contractor for pump stations and water treatment plants. PEC recommended Council accept the low bid of APAC, contingent upon USDA approval, for a total base bid price of $2,656,618 plus Add Alternate No. 1 for the irrigation system and sod located south of the plant building at a price of $7,500, for a total price of $2,664,118.
Christenson asked what type of sod was being used. PEC had spoken with Mck Kendall regarding the type of sod. Kendall specifically requested that fescue not be used. Bermuda sod will be placed.

Trummel made a motion to approve the bid from APAC, including Add Alternate No. 1, contingent upon USDA approval. Goodman seconded. Motion passed 5-0.

C) Receive Mr. Ray Stegman, Kiowa County Emergency Management Director, to review the Kiowa County hazard Analysis Plan
Ray Stegman, Director of Kiowa County Emergency Management, was not present at the meeting. Newton noted that there may have been some confusion with the meeting time as both City and County Offices had been closed today for the Martin Luther King holiday. Council will continue on in the agenda and return to Item C if Stegman arrives late.

D) Consider Ordinance #1016 establishing a City Land Bank in accordance with K.S.A. 12-5109
City Attorney Gordon Stull was asked by Interim City Administrator Jay Newton to prepare an ordinance that would implement the City Land Bank that was recommended on December 13. Stull stated that he had reviewed state statutes for cities and counties in regard to Land Banks. He also contacted the League of Municipalities to see if they could provide a city ordinance adopting such a program, which they could not. The League is unaware of any city in Kansas that utilizes a Land Bank. Newton concurred, though he is surprised that no one else has used a Land Bank as a tool for future development. Stull had made copies of state statutes on the topic for the Council. He encouraged them to review the information and revisit the topic when they had a better idea of what they would like to see in the ordinance. He also suggested that Kiowa County may want to consider a collaborative effort similar to the one in Wyandotte County.

Butler asked if the City of Hoisington had utilized a Land Bank following their tornado several years ago. It was his understanding that the City offered free land to those who would develop it. This is something that can be researched, but Stull explained that a city can buy or acquire property without having a Land Bank established.

E) Consider Ordinance #1017 amending Chapter I, Sections 1-612 and 1-613 of the Code of the City of Greensburg, Kansas, modifying Open Records Fees, and rescinding City of Greensburg Ordinance 967.
Newton prepared and presented Council with an ordinance amending the current city charge of $1.00 per page copy fee to a $.20 per page copy fee. Newton recommended the change as it appears to be excessive and intended to make it more difficult for citizens requesting information in accordance with the Kansas Open Records Act. The proposed ordinance also reduces the hourly city labor charge for providing information from $20.00 per hour to $12.00, a charge Newton feels more nearly represents actual cost of labor for providing requested information.

Patrick Clement, Kiowa County Signal, had asked to address the Council regarding open records. He presented Council with a letter prior to the meeting. There were three topics that Clement wished to address: electronic transmission of records, readily available public records, and viewing public records at no charge. Clement believes that there should be different rate structures for the release of paper copies of records and electronic copies. Clement stated that a number of his colleagues from nearby cities receive a large majority of their public record requests electronically and he feels that Greensburg should have those same capabilities. Clement questions the phrase “readily available public records.” He does not feel that Greensburg city records are readily available. He requested that any new ordinance be very clear and easily followed with no interpretation necessary by staff. Clement was unsure as to if the City had a Public Information Officer (P.I.O.) as required. Newton explained that he has most frequently seen the City Clerk appointed as the P.I.O.; however, City Attorney Gordon Stull is the current officer for Greensburg. Clement stated that after speaking to colleagues, he does not feel
that his requests for records have been excessive, but stated that current requests had yet to be fulfilled.

Newton stated that there is typically a pamphlet on the release of records policy provided by the P.I.O. He feels that if staff knows the law on open records there is no need for a legal opinion on a release request. Stull stated that the P.I.O. is often not the person who hands out the records but resolves any issues with what should or should not be released. Stull stated that there is a pamphlet that he can provide on the subject.

It is Stull’s understanding that the League of Municipalities helped with the current ordinance governing release of records. Stull explained that “readily available” means that staff cannot be required to create a document that does not already exist to fulfill a records request. Stull offered an amended Ordinance 1017 that allows future modifications to the ordinance to be made by resolution.

Dixson asked if the City had an official records request form. It was confirmed that they do have a form available.

Christenson stated that he was in favor of posting important city documents on the city website. Clement requested that a section of the new ordinance specifically address the electronic transmission of large documents with an appropriate, lower cost. Discussion continued on electronic release vs. hard copy. Newton will do more research and seek direction from the League of Municipalities on electronic transmission. He requested that Council proceed with amending the current copy fees as recommended and adopt electronic transmission by resolution at a later date. Clement stated that current records requests should be provided for viewing at no charge. He was instructed to visit with Newton about his current requests.

Trummel made a motion, seconded by Jungemann, to adopt Ordinance # 1017 which allows for future modifications to be made by resolution. Roll call vote: Butler – yes; Goodman – yes; Jungemann – yes; Trummel – yes; Christenson – yes.

F) Consider extension of a letter of Intent/Development Agreement between the City of Greensburg and Greensburg Solar, LLC.
Dixson requested a motion to table discussion on the extension of a Letter of Intent/Development Agreement between the City of Greensburg and Greensburg Solar, LLC. Goodman made the motion. Butler seconded. Motion passed 5-0.

G) Consider entering into a Letter of Intent/Development Agreement between the City of Greensburg and Greensburg Crystalline, LLC for Lot 5, Block 1, Greensburg Business Park.
Dixson explained that the Letter of Intent/Development Agreement between the City of Greensburg and Greensburg Crystalline, LLC for Lot 5, Block 1, Greensburg Business Park, had been modified from the copy in their meeting packets. The previous document had stated that the City would provide natural gas service to the site free of charge. This has been removed as the City is not a gas utility provider. Jungemann made a motion to enter into a Letter of Intent/Development Agreement with Greensburg Crystalline, LLC. Christenson seconded. Motion passed 5-0.

H) Consider appointments to the following City of Greensburg Board:
   1) Public Housing Authority: Two appointments for 3 year terms commencing January 1, 2012.
   With Council having no names to present as nominees for the two vacancies on the Public Housing Authority and no one from the audience showing interest, the matter was tabled.
**Item 4: City Attorney’s Report**
There was no report from the City Attorney.

**Item 5: Public Comment**
John Wickland asked that Council make clear which items on the agenda are being addressed, specifically Item F that was continued, as the public did not have a copy of the agenda available tonight. Dixson stated that Item F was consideration of an extension of the Letter of Intent/Development Agreement between the City of Greensburg and Greensburg Solar, LLC.

Ruth Anne Wedel informed Council that there were no agendas available to the public tonight. Christy Pyatt, Deputy City Clerk, advised that City Hall had been closed today due to the holiday and that she had missed making additional copies of the agenda.

**Item 6: Executive Session**
Trummel made a motion, seconded by Butler, to go into executive session for 30 minutes, or until 7:20 p.m., for attorney-client privilege as requested by Dixson. Motion passed 5-0. Dixson informed the audience that there would be no action taken after executive session.

Trummel made a motion at 7:20 p.m., seconded by Butler, to return to open session. Motion passed 5-0. Trummel made a motion, seconded by Butler, to go into executive session for attorney-client until 7:50 p.m. and to include the City Attorney and Administrator. Motion passed 5-0.

Trummel made a motion at 7:50 p.m., seconded by Goodman, to return to open session. Motion passed 5-0.

Trummel asked if staff had addressed the previously discussed drainage issue near the hospital. He was advised that Mike Hayse’s crew had created a concrete drain and piped the water under the road to the pond this fall. They will continue to rake the area as we receive moisture and monitor the area when there is a heavy rain. There is some work still to be done this spring.

Jungemann complemented the work done on the golf course road and the road near Shanks. Newton stated that Hayse’s crew has been putting ground asphalt on many dirt streets around town.

**Item 7: Adjournment**
Dixson declared the meeting adjourned at 7:56 p.m.

\[\text{Signature: Robert A. Dixson, Mayor}\]
\[\text{Signature: Jay Newton, City Administrator/Clerk}\]