Greensburg City Council
April 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 April 16, 2012. The Pledge of Allegiance was said and the invocation given by Steve Kirk. Roll call was taken. Council present: Mark Trummel, Matt Christenson, Erica Goodman, Rex Butler, and Sandra Jungemann.

Additions/Deletions to the Agenda
Christenson stated that he would be recusing himself for Business Item B as he is on the Media Center Board. Trummel made a motion, seconded by Butler, to approve the Agenda as presented. Motion passed 5-0.

Mayor’s Report
Dixson reported that the Siemens Tree Planting Ceremony had been held on Friday, April 13th at the Big Well. He invited the community to take a look at the park area now that landscaping is underway and the trees are planted.

The Senior Center hosted their ribbon cutting ceremony on Saturday, April 14th. Dixson encouraged the public to visit the center.

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

City Administrator Comments
City Administrator Ed Truelove requested that Council withdraw check number 20573 from the Consent Agenda and consider it with agenda item 4A.

At the last Council meeting Truelove had advised that the City’s Auditors were able to get the City’s repayment on the FEMA Community Disaster Loan down to $800. When Haggerty, the auditors for FEMA, reviewed the amended submittal, they found additional errors and have called for a complete cancelation of the loan repayment.

Ruth Ann Wedel, Greensburg GreenTown, has advised Staff that the American Institute of Architects (AIA) will have members of its Young Leaders Program here on April 19th to examine LEED buildings in town.

Kansas Power Pool has advised that they have closed on the previously discussed Dogwood Facility.

On April 12th a letter was sent to residents on S. Main advising them of the street closings on April 28th. The City has not received any comments back yet.

The Oath of Office will be administered to the Mayor and Council Elects at the next Council Meeting.

Recognition of Visitors
Dixson welcomed all of those attending tonight’s meeting.
Item 2: Public Comment
There was no comment from the public.

Item 3: Consent Agenda
Christenson asked that the vote tally for Business Item B on the April 2, 2012 agenda be added to the minutes. Council was reminded to move check number 20573 from the Consent Agenda to Business Item A. Goodman made a motion to approve the Consent Agenda with Christenson’s requested correction to the minutes and moving check number 20573 to Business Item A. Christenson seconded and the motion passed 5-0.

Item 4: Items of Business
A) Consider a contract between the City of Greensburg and Whipple Studios LLC for the Fleener-Beck Memorial Plaza Sculpture and signage.

Truelove explained that the Fleener-Beck Memorial Plaza Sculpture is an integral part of the Big Well project. McCown Gordon feels that since their scope of the project will be completed and turned over to the City before the sculpture is complete that the sculpture contract should be directly through the City. During the process of developing the contract, City Attorney Gordon Stull had cautioned that the City may want to consider asking McCown Gordon take care of the contract to insure that proper insurance and a performance bond were in place. That is being discussed with McCown Gordon and the preliminary answer was that they did not think it would be a problem. Upon speaking to Mr. Whipple, Truelove found that Mr. Whipple carries ample insurance for the project. Truelove stated that the contract before Council was easily developed with Mr. Whipple. He recommended approval of the contract as presented.

Dixson asked about a time frame on completion of the sculpture. Whipple answered that contractually it would be complete September 1. If all goes well he expects it to actually be complete in early to mid July.

Goodman asked if the sculpture would be paid for out of Big Well funds. Truelove assured her that the funds were available within the Big Well project. Christenson asked if USDA needed to review the contract. Truelove stated that USDA has been involved in the OAC meetings and is aware of the sculpture.

Requiring the contract to go through McCown Gordon would hinder the closing of the original scope of the project. Stull suggested Council approve the contract conditional on approval by Truelove and USDA.

Butler asked if John Fleener, donator of the land, has approved of the sculpture design. Fleener has been involved in the project from the beginning and was present to confirm his approval of the design.

Trummel made a motion, seconded by Jungemann, to approve the contract with Whipple Studios LLC. Motion passed 5-0.

Fleener asked to address Council. He stated that he, his wife, and his two sors donated the property at 207 W. Wisconsin. He is appreciative of the memorial plaza to the pioneers and builders of Kiowa County, past and present.
B) Receive Jan West, Kiowa County Media Center, to request permission to video all regularly scheduled and special meetings of the Greensburg City Council beginning June 2012. There was not a representative of the Media Center present and Council chose to move on to the next agenda item and see if a representative would later arrive.

After the end of discussion on Business Item D, Jan West of the Kiowa County Media Center was asked to address Council with their request to video all regularly scheduled and special Council meetings beginning June 2012. (Christenson removed himself from the room due to a possible conflict of interest). West described their request in detail, stating that the recordings would be unedited and from gavel to gavel. Copies of the recordings would be available to Council. Recording would begin on a monthly basis, with just the first meeting of the month. Recordings would increase as staff and volunteers become available. The City’s current sound system will not be utilized for sound. The Media Center will set up a separate mic at the Administrator’s table and the City Attorney’s table. Boundary mics would be set up around the Council desk. If possible they will also place a mic at the podium so that citizen comments can be captured.

Butler asked if there would be any cost to the City. West explained that there would not be. Should they decide to broadcast live, at some point, there may be additional cost because of the equipment needed.

Trummel asked if the County Commission had approved their meetings being recorded. West reported that she had not been at the meeting, but that the Commission had denied their request.

Goodman stated that she thought this was a fantastic idea and made a motion to grant permission for recording. Jungemann seconded. Motion passed 3-1 (Trummel voting “No” and Christenson having recused himself).

Christenson returned to open session.

C) Receive Georgina Rodriguez to request the use of the current Big Well Gift Shop, in the Business Incubator, for the May 26th Arts and Crafts Fair.

Georgina Rodriguez stated that she had a candy vendor who would be attending the May 26th Arts and Crafts Fair. She asked if the vendor could utilize the space in the Incubator that is currently the Big Well Gift Shop as it will be empty at that time. The vendor will not need electricity but does need to be out of direct sunlight. Rodriguez feels that this will also encourage traffic toward Turquoise Ranch. She would also like to barricade the sidewalk on the backside to keep citizens back from the vendor who is bringing Alpacas. Rodriguez currently has 72 vendors for the fair. She has already spoken to Mick Kendall, Utilities Superintendent, about getting 220 drops put in. Rodriguez would like to see 2 dumpsters and picnic tables placed on Florida Street.

Goodman and Trummel thanked Rodriguez for all of her efforts to bring this event back to the community.

Truelove stated that he had no objection to allowing the Incubator Space to be utilized. Trummel made a motion, seconded by Jungemann, to approve the request. Motion passed 5-0.

D) Consider permitting the Triangle Rodeo Club to host a Beer Garden on May 5th, in conjunction with the concert events being held in the 300 block of South Main St.
Truelove stated that he had been approached by Zane Huffman of the Triangle Rodeo Club about using the ½ block of S. Main that is being used on May 5th for the concert event for a beer garden. Huffman was concerned that many concert goers would not participate in the provided beer garden or would bring in beverages from the outside if only a small blocked off area was provided. Huffman requested that the designated garden area be the entire concert area. The area would have to be marked off and signs posted that state that no outside alcohol is permitted. Truelove stated that state statute allows for such a venue, with the permission of the Council. If approved, Truelove requested that the required beer license be approved as well.

Trummel mentioned issues with a similar situation in Mullinville a couple of years ago. Truelove stated that Huffman was concerned that a small area blocked off would result in the club having to return a lot of beverages, due to lack of participation. The club will not consent to hosting the garden if they are required to be contained outside of the concert.

Butler asked if the City would need insurance. Truelove was under the understanding that the City was insured for events of this type, in a public venue.

Dixon asked if this was what Council wanted to portray during the May 4th Anniversary events. Truelove reminded Council that in years past beer gardens with street dances have been allowed in the downtown area. He understands that in the past there have been some problems, but that those incidents were minimal the last few years because of the increased law enforcement presence. Truelove believes that the event could help with tourism efforts.

Goodman recognized that the City’s insurance provider, Jeanine Hassiepen, was also on the tourism committee and was present at the meeting. Goodman asked Hassiepen to clarify the City’s position on insurance coverage for the event. Hassiepen stated that the City’s General Liability Insurance does not cover special events such as the concert, beer garden, or weekend event. The Rodeo Club does carry liability insurance. The quote Hassiepen received for a $1,000,000 limit to cover all events for that weekend (regardless of whether there is a beer garden or not) was $2,475 plus $148.50 tax. This is a one-time only insurance.

Christenson asked what the time frame for the beer garden would be as the concert event is spread throughout the afternoon and evening. Truelove did not have that information.

Goodman asked how many people were expected for the concert. Stacy Barnes, Tourism Director, stated that 1,500 – 3,000 were expected. Trummel pointed out that there will be alcohol present in the concert area whether there is a beer garden or not. Butler stated that at least with a beer garden it would be better regulated. With so many concert goers expected, Christenson feels that there will be an increased Sheriff’s Office presence regardless of whether or not there is a beer garden.

Because the required City insurance will be the same cost regardless of whether there is a beer garden or not, Christenson and Trummel stated that they supported the rodeo club in their efforts. Trummel informed Council that there was a possibility that the club would be attracting additional rodeo events to the area in the near future, which would bring increased sales in Greensburg. Trummel made a motion to approve the proposed beer garden area being the same as the concert area and to approve the requested beer license. Christenson seconded. Motion passed 5-0.
Truelove requested a motion on the purchase of additional insurance for the weekend’s events. Trummel made a motion to approve, seconded by Butler. Motion passed 5-0.

E) Receive Mike Gurnee, Planning and Zoning Consultant, to present Ordinance no. 1018 to amend the Sustainable Comprehensive Plan and Resolution 2012-03 defining the Boundaries of the city of Greensburg, Kansas.

Mike Gurnee, Planning and Zoning Consultant, explained that the Planning Commission had unanimously voted to extend the Comprehensive Plan and Land Use Map to include the Business Park and BTI properties. Both properties would be designated Eco-Industrial. BTI would be included so that if and when it is annexed there would be no delay in allowing additional development, if BTI so desired. Gurnee explained that if property is within City limits it must have a Comprehensive Plan before a subdivision can occur (per state statute).

Christenson made a motion, seconded by Goodman, to approve Ordinance 1018 as recommended. Roll Call Vote: Butler – yes; Goodman – yes; Jungemann – yes; Trummel – yes; Christenson – yes.

Gurnee explained that Resolution 2012-03 was proposed to amend the Boundary of the City of Greensburg. He stated that when property is annexed, the City must establish a boundary resolution. This has not been done since the golf course and business park properties were annexed. The Resolution will be filed with the Register of Deeds, County Clerk, and State Transportation Engineer. It must also be published in the newspaper.

Goodman asked if there was a new map to go with the resolution. Gurnee stated that a new map has not yet been produced, but that it will be coming and that a sketch map of the boundary is on file.

Trummel made a motion to approve Resolution 2012-03. Christenson seconded. Motion passed 5-0.

F) Discuss and consider the disposition of privately owned hangers located at the Greensburg Business Park.
Butler recused himself due to a possible conflict of interest and left the room. Truelove explained that the issue of the disposition of privately owned hangers located at the Greensburg Business Park was on the agenda to bring the subject into open discussion. Truelove has visited with the hanger owners. Tim Tyree has stated that he is waiting for an offer from the City. Truelove would like Council to arrive at a decision with owners that is acceptable to both the City and the owners, but finds that this may be quite difficult to accomplish. Most of the owners have expired leases. Another is set to expire this month and another in 2013. Truelove offered several possible scenarios for disposition: current owners could offer the hangers for sale and the new owner could move the structures; the current owners could move their hangers to new locations; current owners could gift the hangers to the City for a tax write-off and the City would demo the structures with remaining USDA Business Park funds. USDA will not allow remaining funds to be used for the purchase of the hangers. Most of the leases state that owners have 60-90 days from the end of the lease to move the building. One owner has requested $40,000 to allow him to build elsewhere. If this amount were offered for each of the 6 buildings, the City would have $240,000 in unfunded expense. The total assessed value of the hangers is $37,480.

Christenson asked what fund the $37,480 would come from, should Council decide to go that route. Truelove stated that he had visited with City Treasurer Pam Reves. The $37,480 is more feasible than the earlier request. Reves expects that some budgeted funds won’t be expended as much as was expected when the budget was prepared. Truelove reminded Council that they were able to avoid
having to pay back any of the FEMA Community Disaster Loan, but that there are other FEMA loans pending that will more than likely require some form of repayment. Truelove would like additional time to examine the budget, but wanted to start dialogue on the subject. Trummel agreed.

Goodman asked what the price of a lease was. The highest lease was around $100 and went as low as $50. Some who were delinquent on their lease payment stated that they thought they had been paying each year, some said they were waiting for a bill from the City. Reves confirmed that prior to the tornado she had sent renewal notices to hanger owners. This has not taken place since the tornado. Staff had received back payments on two leases (2007-current and 2009-current). Those payments were returned to the owners so as not to hold up their money while this issue is decided.

Christenson asked what the terms of the leases stated about the status of the building upon termination of the lease. Stull explained the leases and stated that these were typical ground lease arrangements. Normally the property reverts to the ground owner. Some of the leases allow or require removal of the structures at the expense of the owner.

Truelove stated that there was one owner interested in moving his hanger one time, to the new airport, but the airport is not ready for hangers. It was discussed if the buildings were structurally sound enough to move. The cinderblock structure would be impractical to move.

Ron Shank, hanger owner, stated that he would like to discuss a deal between the current airport property owner and the City to allow him to move his hanger to the new site. Shank understood that he would not have access to the structure until the airport was opened, but this would allow him to move the structure once rather than to a temporary site and then to the airport. Dixon stated that the City is still working on a development plan and that an area for hangers has yet to be determined. Shank asked what the hangers were appraised at by the appraiser hired by the City. Truelove stated that those numbers were not available and there were questions about the quality of the report. Upon discussing the appraisals with the City Attorney, it was determined that the values may not be relevant for what is being considered.

Stull discussed what is required of the City in this type of situation. Owners are to be compensated for what they lost, but in this situation the City is not dealing with real estate. The hangers would be considered real property. There are issues with the leases being terminated and whether the hangers remain the owner’s property. In the end the value of the hangers needs to be determined, but how they can properly be appraised is still an unanswered question. Stull stated that replacement cost is irrelevant because the buildings have not been lost, but the City does not want to be too harsh in this matter.

Truelove stated that he had not planned for any action on the topic tonight, but wanted an open, transparent discussion. He stated that the Council wants to do what is best for everyone, including taxpaying citizens. Butler returned to the room.

G) Consider allowing Staff to return Contractor Registration to a January to January schedule and grant currently registered contractors and extension until January 1, 2013.

Truelove stated that it was his understanding that in the past contractor registration in the City ran from January to January. After the tornado in 2007, it made sense to have registration go from June to June. Staff would like to see the date move back to a standard calendar year and extend the licenses of those currently registered.
Stull asked what the ordinance stated. Truelove stated that the ordinance says that registration will be done yearly, but whether it is done in January or June has been set administratively. Truelove stated that those who register after tonight would have to register again on January 1.

Christenson made a motion, seconded by Butler, to move contractor registration to January. Motion passed 5-0.

H) Consider three appointments to the Tree Board, with terms retroactive to June 1, 2011- May 31, 2014. Truelove explained that Staff had discovered that three members of the Tree Board were serving on expired terms. He requested that Pat Wirth, Ann Dixon, and Randy Rinker be appointed to the Tree Board for a term retroactive to June 1, 2011 and ending May 31, 2014. Christenson made the motion, seconded by Jungemann. Motion passed 5-0.

I) Consider the appointments to the Planning Commission, PBC, and Tree Board for the following terms: Planning Commission: Three 2 year terms (May 1, 2012 – April 30, 2014); PBC: two 4 year terms (May 1, 2012 – April 30, 2016) and the Council Representative (to be confirmed yearly); Tree Board: Three 3 year terms (June 1, 2012 – May 31, 2015) and the unexpired term of Randy Rinker (until May 31, 2014)

Truelove asked Council to consider appointments to the following terms for the Planning Commission, PBC and Tree Board.

Planning Commission: Three 2 year terms (May 1, 2012 – April 30, 2014) are open for appointments. Four possible candidates were given: Mary Racette (currently serving), Loren Campbell (currently serving), Jim Craley, and Georgina Rodriguez. Trummel made a motion, seconded by Goodman to appoint Racette, Campbell, and Rodriguez. Motion passed 5-0.

PBC: Two 4 year terms (May 1, 2012 – April 30, 2016) are open, but there was only one applicant, Judith Kirk (currently serving). The City Council representative is to be confirmed yearly. Erica Goodman currently serves on 3 Council boards, including PBC. She is willing to continue, unless there is someone else on Council who would like to serve in this capacity. Christenson stated that he was willing to serve.

Dixson stated that in some communities the PBC is the City Council and that ours is an unusual situation. At this time there are no additional projects planned for the PBC once the Big Well project is complete.

Trummel made a motion, seconded by Butler, to appoint Judith Kirk and Matt Christenson to the PBC. Motion passed 5-0. One four year term still remains open and will be on the next Council Agenda.

Tree Board: Three 3 year terms (June 1, 2012 – May 31, 2015) are open for appointments. The Tree Board has recommended Sheryl Christenson (currently serving), Mitzi Hesser, and Gene McFall. Also, Randy Rinker has asked to step down, leaving an unexpired term until May 31, 2014. The Tree Board has recommended Jane Wade. Jungemann made a motion to approve the appointments as recommended. Trummel seconded. Motion passed 5-0.

Dixson thanked all those who have served on committees for their dedication and willingness.

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

**Item 6: Executive Session**
Stull requested 15 minutes of executive session for attorney-client. Trummel made a motion to go into executive session until 7:50 pm. Goodman seconded. Motion passed 5-0.

At 7:50 Dixson resumed open session.

Butler asked if the tornado memorial was going to be included on the Big Well site and if it was going to be updated. He was advised that McCown Gordon would like to move the memorial on-site this week. Staff was unaware of any updates that needed to be made to the memorial stone. The Hopkins family has requested a rededication of the memorial on May 26th. Barnes suggested that May 5th may be a more appropriate date. She will discuss options with the family.

**Item 7: Adjournment**
With no additional discussion, Dixson declared the meeting adjourned at 7:52 pm.

\[Signature\]
Robert A. Dixson, Mayor

\[Signature\]
Christy Pyatt, Deputy City Clerk