Greensburg City Council  
May 21, 2012  
CITY HALL

**Item 1: Opening Session**
Call to Order; Pledge of Allegiance; Invocation; Roll Call
Mayor Bob Dixon called the meeting to order at 6:00 p.m. on May 21, 2012 and welcomed those in the audience. The Pledge of Allegiance was said and the invocation given by Pastor Christa Zapfe. Roll call was taken. Council present: Mark Trummel, Matt Christenson, Erica Goodman, Sandra Jungemann, and Rex Butler.

**Additions/Deletions to the Agenda**
City Administrator Ed Truelove requested the addition of two discussion items to the agenda:
   G) Consider approval of temporary permits for RVs on individual lots.
   H) Consider approval of expenditure for airport property.
City Attorney Gordon Stull explained that the Title Company on the airport property would like to see specific action from Council on the actual payment of the contract price. Stull would also like to go into executive session for attorney/client before action is taken on this item.

Trummel made a motion, seconded by Jungemann, to approve the agenda with the two requested additions and executive session to be held prior to action on item H. Motion passed 5-0.

**Mayor’s Report**
Dixon reminded everyone of the Arts and Crafts Fair this Saturday in downtown. He also invited everyone to the Big Well Ribbon Cutting at 2:00 p.m. on Saturday.

**Council Member’s Report**
Christenson reported that the Kiowa County LEPC is being re-established, to meet state and federal guidelines. This committee is crucial to cities and the county receiving certain portions of their regular funding as well as any future disaster funding. The committee would like to have a representative from City Council. Christenson has volunteered for this appointment, unless another member or the Mayor would like to volunteer. Either Truelove or Deputy City Clerk Christy Pyatt will also participate.

Trummel made a motion to appoint Christenson. The term limit is up to Council. Regular appointments from Council are for 1 year, and Council agreed to review this appointment in one year as well.

Goodman seconded the motion. Motion passed 5-0.

**City Administrator Comments**
Truelove stated that he had requested information from fellow Administrators on whether or not their cities charged the media for records requests. Twenty-four cities responded. Truelove provided Council with a copy of those results and will discuss them during Business Item B.

Goodman has asked Truelove for a list of current city wages as they consider the proposed Position Classification and Pay Plan. City Treasurer Pam Reves collected that information and a copy was provided to Council.

Truelove has a meeting scheduled on June 6th with Lochner to discuss the airport. KDOT requested that Truelove ensure that the Council understands that Phase 1 of the airport is turf and shorter than the
desired end result. They have requested a forecasted demand for use of the airport. Truelove requested input from Council for that number.

Dixson asked if KDOT representatives would be present at the June 6th meeting. Truelove confirmed that they would not be.

Trummel asked what the City would need to do to have the airport extend past its initial design. Truelove has been told by Lochner that they expect to have the airport master plan to him in July. The City will need to go back and revisit KDOT for additional funds for additional phases. The purpose of phase 1 is to get the airport up and running quickly. KDOT is communicating with our Lochner airport manager to ensure that we all understand phase 1. Truelove explained that phase 1 could move directly into phase 2, a lengthened and paved runway. Getting the airport to a paved status is very important in this area and strongly supported by KDOT. A paved surface would allow for air ambulances to land. Dixson stated that the dirt work for a wider runway will already be done in phase 1 so the City will not have to come back and redo dirt work.

Goodman asked if the airport project could be a discussion item on the next agenda, just to refresh Council. Truelove invited Council members to attend the June 6th meeting with Lochner.

**Item 2: Public Comment**
Stacy Barnes invited Council to visit the Big Well this week for a sneak peek. She reiterated that the ribbon cutting would be at 2 pm Saturday.

**Item 3: Consent Agenda**
Goodman asked if check #20660 was the same as item F on the agenda. Truelove clarified that it was and asked Council to remove that check from the Consent Agenda, and considering it with agenda item 4F in case there were any questions about the Position Classification and Pay Plan. Butler made a motion to approve the Consent Agenda as presented with the exception of check #20660. Christenson seconded. Motion passed 5-0.

**Item 4: Items of Business**
A) Receive Roy Halley to request a refund of mowing costs that were assessed to the taxes of property commonly known as 506 N. Walnut prior to his purchasing the property.
Truelove informed Council that Mr. Halley would be unable to attend tonight’s meeting but had asked Truelove to relay his request to Council. Halley purchased 506 N. Walnut in November 2010. The city had apparently mowed the property in 2009. When the owner did not pay the mowing fee, it was assessed to the property taxes. Halley objects to paying the bill, which he did not incur. He also questions that the City mowed the property because of the amount of debris that was present on the lot following the 2007 tornado.

Butler asked if the fee is assessed to the owner or the property. Truelove clarified that the fee is assessed to the property tax. Stull stated that a title search, which was not done, at the time the property was purchased would have shown the unpaid taxes.

Truelove showed the copy of the map/photo that Halley had given him, as well as a copy of the tax statement.
Christenson stated that it is the responsibility of the property owner to ensure that the property has a clear title. He stated that the city did have cost incurred. Christenson was concerned that properties would flip, just to have the fees waived, if Council refunded fees to new owners.

Trummel and Butler agreed that the issue of unpaid fees was between the seller and the buyer.

Goodman asked what the City was charging for mowing a property. Truelove and Pyatt confirmed that the City charges a flat fee of $350 plus $25 administrative fee for each property. Many of the undeveloped properties are difficult to mow because of debris and the height of the grass by the time the owner is noticed and does not comply. There is considerable wear and tear on city equipment. The intention of setting a higher fee was to encourage property owners to not use the City as a mowing service.

Trummel made a motion, seconded by Christenson, to deny Halley’s request. Motion passed 5-0.

B) Receive Patrick Clement to request that fees for release of records be waived for the Kiowa County Signal.

Patrick Clement of the Kiowa County Signal stated that he hoped that Council had an opportunity to review and discuss with the public his letter to them, as well as his newspaper article, regarding his opinion that City Staff has broken the Kansas Open Records Act multiple times. Clement stated that the City is ill equipped to handle the release of public information at this time and that he is doing the City a favor by addressing the issue as he has. Clement stated that he could have filed legitimate complaints against the City. He feels that he has been more than patient and is frustrated. Clement feels that the situation has created a strained relationship between the paper and City Staff.

Butler asked if the legal notifications that the City prints in the Signal are printed for free. Clement clarified that the notices do not go through his office but that the City is charged for the printing of those notices.

Clement stated that this is not a relationship of convenience. Clement’s goal is to report accurately. He feels that through his reporting, the only thing that citizens should be able to complain about is the facts, rather than incorrect information. He feels that the City is penalizing people by requiring a records copying fee when open records are requested. Clement went on to list the times that he has requested records from the City, admitting that he has never asked to come to City Hall and look at the records, rather than have them copied. He feels that City Employees are not happy with him simply because he makes requests for records.

Trummel asked Clement how many articles he had written based on unapproved minutes, pointing out that some of the information could be incorrect because they had not yet been reviewed and approved. Clement stated that this was a good point and something that Pyatt had pointed out as well. He stated that a document is official once it is created, not once it is typed. Clement had stated that he requested unapproved Council minutes because he had been on vacation during the last Council meeting. Dixson asked if Clement had arranged for someone to sub for him at that meeting, as previous editors have done. Clement stated that he had not. Clement stated that his request was initially denied and that a complaint could have been filed at that time. He requested a temporary alleviation of the labor fees that are included in cost of copying records, giving employees the opportunity to learn about releasing records.
Truelove discussed Clement's previous request for Administrator contracts and the fee schedule that was adopted while Jay Newton was Administrator. Truelove believes that Clement worked closely with Newton when he was developing the policy. Truelove stated that Clement did not take the City up on its offer to provide records at a fee. Truelove stressed that should Council desire to release records for free to the media, they would need to specify how many records could be released for free and at what point staff would stop releasing them for free. Truelove believes that releasing some records and not others for free could create animosity as Staff determines what is free and what is not. Truelove also questioned how Council would determine who gets free copies and who does not. Truelove reminded Council that the Ordinance is all that Staff has to go by and it needs to be very clear. The City has paid $1,250 in fees to the Kiowa County Signal this year alone. Truelove stated that Council needed to determine whether or not they would make an exception to their Ordinance or if this would be handled administratively. Truelove requested a new Ordinance if Council was going to change how records would be released.

Clement informed Council that the fine for a KORA violation is $500 and that he was finished being patient. He stated that if he felt there was a violation in the future he would file a complaint.

Dixon asked if the City had a records request form. Truelove verified that there was, but Clement’s requests have come in the form of emails. Stull stated that the City cannot predicate using a form, but stated that the form helps to clarify the request. Stull advised that he (Stull) is the PIO and that any issues with release of records can be brought to him. Staff is able to process simple requests, but should there be a question, they are to call him for verification.

Clement stated that he is satisfied with the ability to view records. Dixon asked if the issue was money, to which Clement replied that it was not. He stated that he had been denied records and lied to by Staff. Other newspapers that he’s contacted have stated that they do not pay for records from cities.

Butler asked if Clement’s request had gone to the PIO. He clarified that his request was to Staff.

Christenson agreed that access to open records should be available, but that the question is whether or not Council should exempt the paper from record fees. Clement reiterated that he feels that Council should eliminate labor fees and that both the fees and the availability of records was a problem.

Truelove stated that he had asked fellow Administrators how they handle release of records to the media. He had 24 responses. Out of the 24, 11 cities said that they charge the media for records, 3 cities said that they do not. Ten cities stated that they do not charge, unless the request is large. Ellinwood said that the free information provided to the paper in the Council packets was enough information. Clement pointed out that the payment plan was not included in his packet and that if he requested it he would be charged. He stated that if Staff does not release the plan to him he will file a complaint. Council discussed that the plan was public as it was being discussed in open session. Clement encouraged Council to take their fees to their constituents and see how they feel about them.

Truelove will closely monitor release of records requests.

C) Consider Resolution no. 2012-07 calling for the abatement of a junked motor vehicle at property commonly known as 221 W. Colfax.
Staff confirmed that there had been no response from the owner of 221 W. Colfax on the possible abatement of the junked tractor. Butler asked what the process would be for removing the vehicle.
Truelove stated that he would contact a company to retrieve the tractor. He asked Stull if a mechanic's lien would be placed on the vehicle. Stull stated that more than likely there was no title on the tractor and that it had never been registered. Truelove stated that a value would be established for the vehicle. Any costs associated with the abatement would be billed to the owner. If not paid, the costs would be assessed to the property on which the vehicle currently sits.

Jungemann made a motion to approve Resolution No. 2012-07. The resolution gives the owner 10 days from the date it is passed to remove the vehicle. Christenson seconded the motion. Motion passed 5-0.

D) Consider Resolution No. 2012-08 calling for the abatement of a junked motor vehicle at property commonly known as 520 N. Walnut.

Trummel made a motion, seconded by Jungemann, to approve Resolution No. 2012-08. The resolution gives the owner 10 days from the date it is passed to remove the vehicle. Motion passed 5-0.

Dixson recognized that Georgina Rodriguez had joined the audience and asked if she would like to address the Council about the Arts and Crafts Fair this coming weekend. Rodriguez has 77 vendors signed up for the fair. She handed Council a copy of the map she had prepared of where the various booths would be set up. Rodriguez has already communicated with City Staff about trash bins, barricades, and electrical hook-ups. A large tent will be set up at the event with picnic tables so that participants can get out of the sun if they so desire. There will also be a piano under the tent that people can sit down at and play. There will also be a food court set up. Check-in for vendors will be at the Santa House. Porta-potties will not be available, but citizens can use the restrooms at Kwik Shop and various other businesses, as they have in the past. Tourism has helped with advertising the event. Rodriguez has had to turn away 35 vendors, but has started a list for next year. Next year there will be a charge for booths. The sidewalk in front of the former Big Well shop and Turquoise Ranch will be left open so that shoppers can enter the Incubator. Rodriguez has 14 volunteers currently signed up to help through the day.

Dixson thanked Rodriguez for all of her hard work. Rodriguez clarified that this event is called the "Kiowa County Arts and Crafts Fair," promoting other visitor locations (such as the Round Barn) in the county. Rodriguez will get revenue forms from Truelove at City Hall.

E) Consider Resolution No. 2012-09 to adopt the Position Classification and Pay Plan for the City of Greensburg as prepared by Jay Newton.

As requested, Jay Newton, has created a Position Classification and Pay Plan for Council to consider. Truelove apologized to Dixson and Stull for not getting them copies prior to the meeting. He stated that Newton had done a considerable amount of research to make the City comparable to like cities.

Goodman pointed out some typing errors or places she felt needed clarification.
1) pg 2, section 1.5, second line - should read "there has been a significant change".
2) pg 5, section 2.9 – In the past, Big Well has been considered part time. If the positions should revert back to part time, she feels that the positions should receive merit raises.
3) pg 8, section 3.5 – Goodman asked why there was a maximum salary. She asked if the plan shouldn’t be reviewed and changes made every so often.
4) pg 45, "Financial Accountability," 3rd line - should say "budget".

Truelove explained that Council can periodically examine the document and approve potential increase to the pay plan. This plan is designed with potential Council activity in mind. With this plan there is also
the benefit of planned savings while the plan remains as is. Merit raises would become a lump sum if
the salary was maxed out, giving employees incentive to continue doing well.

Butler stated that he was not ready to vote. He asked how Council would budget for pay changes.
Christenson agreed. He would prefer to take action for 2013 and review current salaries. Truelove
reminded Council of the salary information he had provided before the meeting. Under the proposed
plan, only 2 employees would see an increase in pay in this budget year. Merit raises that were already
planned for will still apply. All other increases would come with the new budget in 2013.

Butler stated that he hates to see the employees who have to go out in storms, at all hours, and who
operate expensive equipment be on the second tier, though he recognizes that this is the practice nearly
everywhere. Christenson stated that a plan such as the one proposed is more of a business decision. He
feels that the question is whether or not it fits the city’s needs. Butler voiced his approval so long as
salaries fit within the budget.

Truelove stated that Newton is still working on a personnel manual. He feels that it is critical that Stull
review that document before it is presented for approval.

Christenson made a motion to approve the plan with Goodman’s recommended corrections. Trummel
seconded. Motion passed 5-0.

F) Request approval of payment of $ of contractual agreement between the City of Greensburg and
Jay Newton for a Position Classification and Pay Plan.
With the approval of the Position Classification and Pay Plan, Truelove asked for approval of ck# 20660,
payment of $ of the contractual agreement between the City of Greensburg and Jay Newton.
Christenson made a motion to approve payment. Jungemann seconded. Motion passed 5-0.

G) Consider approval of temporary permits for RVs on individual lots.
Truelove advised Council that the Planning Commission is considering reviewing current regulations on
RVs to allow for temporary parks. Currently, there is a teacher who would like to place an RV on an
individual lot for approximately 1 year. This lot has easy access to city utilities. Allowing temporary
permits for such a use is something that was allowed following the 2007 tornado. Staff did not see an
Ordinance or Resolution regarding this issues and requests that Council review continuing to allow
temporary permits. Council was provided with a list of pros and cons on allowing temporary permits.
Staff would prefer to see a case-by-case review by Staff, allowing only 1 RV per lot, and requiring city
utilities. These permits would be allowed short term only, until the Commission has time to review their
codes.

Goodman asked if the City had been receiving requests for places to park RVs. She stated that she had
received several requests. She asked if the RVs would be allowed on any lot. Staff would prefer to see
temporary permits contained to R-1B until the Commission can examine the issue.

The availability of utilities on some of the lots was discussed and it was confirmed that citizens will still
be allowed to store their RVs on their property or park one in their driveway for a weekend visit. It was
the consensus of the Council to have Staff prepare a document for the next Council meeting that would
allow temporary permits in the R-1B zoning district, 1 RV per lot, and city utilities be required.

H) Consider approval of expenditure for airport property.
Stull requested 20 minutes executive session prior to action on the approval of expenditure for the airport property. Trummel made a motion to go into executive session for attorney/client until 8:05 pm. Christenson seconded. Motion passed 5-0.

Council returned to open session at 8:05 p.m.

Butler made a motion, seconded by Jungemann, to authorize the Mayor and Administrator to move forward with the closing of the airport contract. Motion passed 5-0

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

**Item 6: Executive Session**
There was no need for additional executive session.

**Item 7: Adjournment**
Truelove requested that Council return their copies of the draft Position Classification and Pay Plan.

Dixson declared the meeting adjourned at 8:07 p.m.

Robert A. Dixson, Mayor

Christy Pyatt, City Clerk