Greensburg City Council  
July 2, 2012  
CITY HALL

**Item 1: Opening Session**

**Call to Order; Pledge of Allegiance; Invocation; Roll Call**
Mayor Bob Dixson called the July 2, 2012 City Council meeting to order at 6:00 p.m. The Pledge of Allegiance was said, and the invocation was 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**
Christenson requested an executive session for attorney client prior to Business Item 4F. City Administrator Ed Truelove requested that Council consider signing a Letter of Support for the Advanced Manufacturing Jobs and Innovation Accelerator Challenge Grant through the Center For Innovation (CFI). He asked that this be added as Business Item 4J. Trummel made a motion, seconded by Goodman, to approve the agenda with the requested additions. Motion passed 5-0.

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

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

**City Administrator Comments**
Truelove advised that he has been in conversation with Dennis Pauly regarding an updated lease for the Kiowa County Gun Club.

**Item 2: Public Comment**
Dixson welcomed all those in attendance and opened the meeting to public comment. There were no comments from the public.

**Item 3: Consent Agenda**
Butler questioned what check number 20793 on Appropriation Ordinance #1883 was for. Truelove explained that this was for the Public Works wash bay. Public Works Superintendent Mike Hayes has reported that the bay is not utilized to its potential. Staff has suggested that the equipment be put up for sale. Goodman made a motion, seconded by Jungemann, to approve the consent agenda as presented. Motion passed 5-0.

**Item 4: Items of Business**

A) **Receive Jeremy Butler requesting that mowing fees for 312 E. Wisconsin be waived.**
Jeremy Butler stated that he would like to appeal a mowing bill from the City for property located at 312 E. Wisconsin. Butler does not believe that the property was out of compliance when Staff mowed it.

Trummel asked if the property owner was sent a weed notice. Truelove explained that Steven Schmidt is the owner of record for the property and that a notice of violation was sent to him on 4/17/12. Trummel asked if Butler was working for Schmidt or why he was making the appeal rather than the owner of record. Butler explained that Schmidt had sold the property to Dennis Powell who in turn sold it to Butler. When asked, Butler confirmed several times during the discussion that neither of the deeds
of sale have been filed at the Register of Deed’s Office. He stated that his deed to the property would be registered this week.

Staff confirmed that the notice of violation that was mailed, certified, to Schmidt had been returned “unclaimed.” Policy requires the letter to be mailed certified to the owner of record. If the notice is not accepted, Staff is allowed to proceed with the abatement process. Staff confirmed this afternoon that the owner of record, Schmidt, has remained unchanged since 1980. Staff went on to explain to Council the time frame by which the notice was mailed, returned, the property was mowed, and a bill was issued. Originally Councilman Rex Butler had paid the mowing fee on this property but then had it refunded to him. Rex Butler also argued that the property in question was not out of compliance when it was mowed by City Staff. The mowing bill is still outstanding.

Discussion continued on the weed notice process and possible remedies to insuring that the appropriate person is sent a notice. Truelove feels that the current process is effective if the property owner signs for his/her certified mail.

Truelove stated that in his conversations with Butler, Butler had referenced City Code 8-403C as a reason that he should not be billed for the mowing of the property. This code states that if a property changes hands during the abatement process, the new owner cannot be held responsible for the bill unless they are also issued a letter of violation as well. Butler stated that the ownership was not the issue. He again stated that his issue was that he did not believe that the property was out of compliance when it was mowed by City Staff.

When asked by Trummel, Truelove stated that approximately 100 notices were mailed out during that general time period. Approximately 20 of those properties had to be mowed by the City. Trummel, Christenson, and Goodman affirmed that they trust staff’s judgment in determining if a property is out of compliance. City Attorney Gordon Stull pointed out that the grass in excess of 12” tall is not the only determination for whether or not a property is out of compliance and referenced City Code 8-402. In response, Rex Butler stated that no property in Greensburg was in compliance according to the code. Stull confirmed that the current weed ordinance, based on state statute, has been in place for many years.

Jungemann asked if Council should waive the mowing fee. It was discussed that waiving a mowing fee without evidence that the property was in compliance would set precedence. Rex Butler requested that a committee be formed to review the current weed ordinance. Jeremy Butler was encouraged to have his deed filed at the Register of Deed’s Office. Truelove asked him to produce his claimed proof that the property was not out of compliance, which he referenced in the discussion. No proof was produced. Stull feels that if the deed is registered, the bill can be waived administratively, according to the code. It was the consensus of the Council to table the discussion until the next meeting, allowing Butler to produce the proof that he referenced and have the deed registered.

B) Convene the advertised public hearing regarding a dangerous and unfit structure located at 308 S. Sycamore. Consider Resolution No. 2012-12, setting a time by which the condition must be alleviated by the property owner.

Dixson convened the advertised public hearing for property located at 308 S. Sycamore. Truelove gave a brief Staff report, stating that due to the City’s budget, Staff could only address open basements a few at a time. Truelove has been working with the property owner, Tauna Butler, on plans to alleviate the
dangerous condition located on her property. Truelove endorsed Ms. Butler's plans for the property and pointed Council's attention to a letter from Butler relaying those plans.

Jason and Tauna Butler, owners, were present in the audience. Ms. Butler stated that her concern was what the city planned for the area where her property is located. Directly after the tornado they were not allowed to build their home back on the existing foundation. Butler agrees that the danger needs to be alleviated but is hesitant to proceed with placing a concrete lid on the basement to secure it without knowing what the City's plans are. The City's Master Plan shows the block her property is on as green space. Butler asked for confirmation of whether or not they would be allowed to build a business on that property. She also offered the option of the City purchasing the property for a viable amount or allowing her and her husband to make a donation of the property to the City for tax purposes. Butler stated that the property is tied up with SBA so removing the basement is not an option for them.

City Clerk Christy Pyatt explained that the property has been rezoned as Downtown Commercial and locating a business on the property would be an option as far as zoning. Dixson recommended to Council that they table the resolution for abatement before them for 90 days and give the owner the opportunity to work with Staff to resolve the issue. Truelove concurred, stating that a business on the lot would detract from a green space, but that adding a business to the community is a good thing. He is willing to work with the Butlers to come to an agreement that will benefit both entities. Goodman agreed that the space would be an excellent location for a business, but the main concern is simply getting the basement secured. She reminded everyone that the Master Plan is a working document.

Dixson adjourned the hearing. Christenson made a motion to table Resolution 2012-12 for 90 days. Jungemann seconded. Motion passed 4-1 (Butler abstaining).

C) Convene the advertised public hearing regarding a dangerous and unfit structure located at 221 W. Colfax. Consider Resolution no. 2012-13, setting a time by which the condition must be alleviated by the property owner.

Dixson opened the advertised public hearing for property located at 221 W. Colfax. Truelove reported that Staff has attempted to contact the property owner on several issues without success. The owner has presented no plan of action. Council was asked to consider the resolution before them but change the number to 2012-12 as the previous agenda item was tabled. This will allow Staff to keep Resolution numbers in sequential order.

Dixson adjourned the hearing. Truelove recommended giving the property owner 60 days to alleviate the condition. Goodman made a motion to approve Resolution 2012-12, giving the property owner until September 2, 2012 to alleviate the dangerous condition. Christenson seconded. Motion passed 5-0.

D) Convene the advertised public hearing regarding a dangerous and unfit structure located at 221 W. Garfield.

Dixson advised Council that there was no need to hold the advertised public hearing for 221 W. Garfield as the owner has brought the property into compliance. Truelove concurred, stating that this was an agenda item simply because the hearing was advertised.

E) Consider approval of a Letter of Intent between the City of Greensburg and Greensburg Crystalline to lease Lot 3, Block 2 in the Greensburg Business Park.

Dixson and Truelove have been working closely with Greg Schoonover and Troy Haeftner. An updated copy of a Letter of Intent with Gigawatt Investment Group was presented to Council prior to the
meeting. The name change was requested by the group due to their financing. This letter was requested by the group to assist them in finalizing their finances for developing in Greensburg. Truelove pointed out that additional changes to the document included clarification of the rate for the last 10 years of the initial term. Goodman made a motion to approve the Letter of Intent as presented. Trummel seconded. Motion passed 5-0.

F) Consider approval of a Lease Agreement between the City of Greensburg and Greensburg Crystalline to lease Lot 3, Bock 2 in the Greensburg Business Park for the purpose of developing a manufacturing facility.
As requested at the beginning of the meeting, Christenson made a motion to go into executive session for attorney client until 7:25 p.m. Trummel seconded. Motion passed 5-0. Dixon declared the meeting back in open session at 7:25 p.m. and called for a recess until 7:45 p.m. Dixon declared the meeting back in open session at 7:45 p.m.

Stull stated that there were some recommended changes to the proposed ground lease between the City of Greensburg and parent company Gigawatt Investment Group, LLC. Stull requested that he be allowed to make the changes to the document tomorrow and authorize the Mayor to sign the document once the changes are made. July 2, 2012 will be the date the agreement is made. Changes include:
- Pg 1 - Listing Gigawatt Investment Group, LLC as the lessor along with Greensburg Solar, LLC and Greensburg Crystalline KS, LLC.
- Pg 4 Section 12 - Notices will be sent to the principle office in Kansas at 100 S. Cottonwood, Greensburg. Orval Howell's address will be removed.
- Pg 6 Section 14A - A sentence will be added that ensures the cost of construction will be at least $10 million.
- Pg 11 - Rent will go to previous renewal terms rather than $1.
- Signature page will be modified.

Greg Schoonover, Gigawatt Investment Group, LLC, confirmed that the modifications to the lease agreement reflect the wishes of Gigawatt Investment. Truelove stated that the previously approved Letter of Intent will need to be modified as well so that it reads exactly like the Lease Agreement. Jungemmann made a motion to approve the Ground Lease, subject to changes discussed and agreed on by Gigawatt Investment Group, LLC, and authorize the Mayor to sign the Lease and Letter of Intent, which is to be modified to reflect changes to the Ground Lease document. Christenson seconded. Motion passed 5-0.

G) Continue discussion and consider the disposition of privately owned hangers located at the Greensburg Business Park.
Truelove reported that he and City Clerk Christy Pyatt have been notified by Kent Colwell at USDA-RD that they are interested in closing out the Business Park project in the near future. Remaining funds cannot be used to purchase the hangers that remain on site, but they can be used for demolition and land preparation. Truelove requested that Council consider making an offer to the owners of the hangers. He reminded Council that they are under no legal obligation to pay the owners once the leases expired. By their lease, owners are required to either relinquish the structures to the City or move them to another location. Truelove recommended coming to a middle ground, suggesting that Council offer owners the County Appraisal Value, possibly with an increase of 10-20%. Council was provided those amounts in their meeting packets. City Treasurer Pam Reves has confirmed that funds for such an offer are currently available in the insurance portion of the budget, but that the City cannot afford to pay much more than this. Truelove would work with Stull to notify owners that their leases have expired.
and offer a monetary settlement. A deadline for acceptance of the City’s offer was suggested to be September 3rd, 2012.

Trummel agreed that Truelove and Stull should work together on a letter to the owners and offer the County Appraised Value. Owners should be given 30 day notice to remove the structures or accept the City’s offer. Butler seconded, and the motion passed 5-0.

H) Consider calling a Special Council Meeting on July 12th to welcome Wes Jurye from the Center For Innovation (CFI) and consider a partnership agreement with CFI with the scheduled budget works session to follow.

Dixon informed the Council that it was suggested that there be a regular meeting when Wes Jurye from CFI comes to speak to the Council about the potential partnership between CFI and the City. Originally Jurye was scheduled to speak during a scheduled budget work session. Dixon requested a Special Meeting for July 12, 2012 at 6:00 p.m. in the Council Chambers. Christenson made a motion, seconded by Trummel, to call the Special Meeting as requested. Motion passed 5-0. The already scheduled budget work session for that evening will be held directly following, if it is still necessary.

I) Consider moving the location of the July 10th budget work session to the conference room of the Sun Chips Business Incubator.

Truelove requested that Council consider moving the July 10, 2012 budget work session to the Incubator Conference Room. Truelove feels that the environment will be less formal and more conducive to working through the budget. Trummel made a motion to move the July 10th, 2012 budget work session to the Incubator Conference Room. Jungemann seconded. Motion passed 5-0.

J) Consider signing a Letter of Support for the Advanced Manufacturing Jobs and Innovation Accelerator Challenge Grant.

Truelove requested Council approve the Mayor to sign a Letter of Support for the Advanced Manufacturing Jobs and Innovation Accelerator Challenge Grant through CFI. Truelove gave a brief synopsis of the proposed grant. The City’s in-kind contribution over a 3 year period would be $36,000 at $100/hour. A partnership agreement with CFI is not necessary for this grant process. CFI will write the grant and Staff will provide information to them as needed. Staff and Mayoral time, as well as any expenses incurred in the process, count toward the in-kind contribution. Greensburg will have the ability to participate in additional grant opportunities; however, these will most likely be contingent on a partnership agreement between CFI and the City.

Recommending several minor corrections to the Letter of Support, Goodman asked for clarification on the City’s contribution to the grant. The City’s $36,000 contribution is in hours, not cash. Truelove stated that it reflects that we want to be an active partner in the process.

Jungemann made a motion to authorize the mayor to sign the Letter of Support, with corrections. Trummel seconded. 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.
Butler asked Truelove how much it had cost the City to remove the foundation from the old County Fire Department building. Truelove stated that with more the 40 loads, the cost would be just over $2,000. Truelove feels that the removal of the concrete was necessary as the City attempts to encourage private property owners to clean-up their properties. Butler then recommended that Staff check on the City's water rights to the Big Well and make sure they are kept current. Butler's final request was that a committee be formed to review the City's current Weed Ordinance. It was the consensus of Council to pursue this action. Truelove recommended that items such as decorative grasses be excluded from the ordinance. It was recommended that master gardeners, members of the tree board, and 2 Council members be included on the Committee. Dixson stated that he is not for changing a code or ordinance simply to change it, but he agreed that if there is a need to have it reviewed the Council should pursue it. The motivation should be to make things better, not just change rules for convenience.

Item 7: Adjournment
With no additional comments or items to come before the Council, Dixson declared the meeting adjourned at 8:22 pm.

Robert A. Dixson, Mayor

Christy Pyatt, City Clerk