

**Greensburg City Council  
October 1, 2012  
CITY HALL**

**Item 1: Opening Session**

**Call to Order; Pledge of Allegiance; Invocation; Roll Call**

Mayor Robert Dixon called the October 1, 2012 City Council meeting to order at 6:00 p.m. The Pledge of Allegiance was said, and the invocation was given by Greg Waters. 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 Goodman, to approve the agenda as presented. Motion passed 5-0.

**Mayor's Report**

Dixon pointed Council's attention to the flag framed and hanging on the back wall of the Chambers. The flag was the one that was used at City Hall on May 4, 2007. Dixon also thanked Paul DeWeese for constructing and installing the acoustic panels in the Chambers. Those in the audience were asked to raise their hand if they were having difficulty hearing so that Staff can gauge the effectiveness of the panels.

**Council Member's Report**

There were no comments from Council Members.

**City Administrator Comments**

City Administrator Ed Truelove stated that Staff was evaluating the effectiveness of the newly completed acoustic panels without the use of the sound system. At the next meeting Staff will have the sound system in use. Repairs may need to be made to Goodman's mic as there appears to be a short.

Truelove has been advised that there have been over 1,000 claims received in the Atrazine settlement.

Letters will be going out to local 501(c)3 organizations, advising them of a December 1<sup>st</sup> application deadline for the grant funds budgeted for 2013.

Dixon and Truelove attended a KDOT planning meeting last Thursday in Hutchinson. They were given an update on Kansas T-Works projects. K96 and US 54 are prominently being discussed, primarily the Kingman by-pass. Area Engineer Scott Mullins visited with Truelove last week. He advised that US 54 from west of Greensburg to the east Kiowa County line will be resurfaced beginning in late May, early June 2013. This project is funded through the KDOT Preservation Fund.

Trummel asked if Truelove had any additional information on the relocation of Davis Park. Truelove has received an email from Rob Stork at KDOT. Truelove hopes to bring information to the next Council meeting regarding KDOT's request for the City to obtain 3<sup>rd</sup> party assessed values for these items.

**Item 2: Public Comment**

Dixon welcomed those in attendance. There were no comments from the public.

**Item 3: Consent Agenda**

Butler questioned check number 21052 for phones at the Incubator. It was explained that the City is responsible for specific phone lines in the Incubator building. Those lines include the Economic

10.1.12

Development Office (including the line used to download information to the community sign), the maintenance phone, the conference room phone, and the line designated for building control systems. Butler then questioned check 21058. Truelove explained that building control system operator training was approved through the Energy Manager Grant and this will be reimbursed. Dixon clarified that check 21068 was for Truelove and Dixon to attend the League of Kansas Municipalities meeting this coming weekend and for acoustic panel materials.

Goodman made a motion to approve the Consent Agenda. Butler seconded. Motion passed 5-0.

**Item 4: Items of Business**

**A) Receive Chad Pore, Greensburg Rotary, and consider a park improvement project proposal for Sunset Acres Park.**

Chad Pore, President of Greensburg Rotary, along with members Greg and Lisa Waters, was present to request approval for a park improvement proposal for Sunset Acres Park. After giving a brief history of Rotary in Greensburg, Pore stated that Rotary has contributed \$250,000 to Greensburg and Kiowa County since the 2007 tornado. Rotary has been awarded a 50/50 district grant to make improvements at Sunset Acres Park and would like to use those funds to install a new semi-permanent backstop, pitching mound, bases, and semi-permanent soccer goals. The school is donating the framing for the backstop. Rotary would like to work with the City to adopt a 5 year park plan. Other improvement possibilities at Sunset Acres include an expanded basketball court and picnic area. Pore requested Council support the installation of the backstop, pitching mound, bases, and goals at this time. He also invited Council to attend a Rotary meeting. They meet at noon on Wednesdays in the hospital conference room.

Trummel made a motion, seconded by Jungemann, to approve the proposed improvements. Motion passed 5-0.

**B) Consider an appointment to the Greensburg Recreation Commission to fill an unexpired term ending January 1, 2014.**

City appointee Chris Tedder has stepped down from the Greensburg Rec. Commission. Aaron Zadina and Brad Estes have expressed interest in fulfilling the unexpired term. Council was provided with a letter of qualifications from Estes. There is nothing keeping the City from considering citizens outside of city limits for the appointment; however, USD 422 can select nominees from anywhere within their district and Haviland and Mullinville each have their own commissions. Truelove stated that, in an effort to avoid taking from any of those entities, he would prefer that City nominees be from the Greensburg area. He feels that both candidates are well qualified for the open term. The City's second seat is currently held by Missy Cannon. Dixon explained how the 5 member Commission is selected.

Goodman stated that she feels that attendance at meetings is very important. Acknowledging that Estes is a very busy man, she stated that she has reviewed minutes from another board that Estes serves on and has found that he is frequently not in attendance. Goodman serves with Zadina on the Tourism Board, and stated that he is very active and has nearly perfect attendance.

Trummel made a motion to appoint Zadina to the unexpired term ending January 1, 2014. Goodman seconded. Motion passed 5-0.

**C) Consider an extension to the abatement process for property located at 308 S. Sycamore.**

Tauna Butler, owner of 308 S. Sycamore, has communicated to Truelove that she is awaiting the results of an appraisal of her property. She requests additional time to obtain those results and decide what to do with the property. She stated that she would be considering selling the property to the City, selling to a private individual, or establishing a business on the existing, open basement, as discussed at the July 2, 2012 abatement hearing. Truelove recommended a 60-90 day extension.

Jungemann made a motion to give Butler an additional 90 days. Goodman seconded. Trummel asked if they would have a decision from Butler at the end of the 90 days. He and Christenson agreed that Council cannot continue to grant extensions. After a brief discussion, Jungemann and Goodman amended their motion and second to 60 days. Motion passed 5-0.

**D) Consider a request from Kiowa County United to replace curb and guttering on the east side of property located at 300 W. Kansas at a cost of \$1,500, as bid by Pueblo Concrete.**

Kiowa County United has purchased the unfinished building at 300 W. Kansas. Turquoise Ranch is relocating from the Incubator Building to this location. The new owners are finishing the front of the building and installing a concrete parking lot on the east side. They are requesting that the City assist them by paying for approximately 40 ft. of valley curb and guttering to be installed along the drive at a cost of \$1,500. Butler pointed out that traditionally it is the property owner's responsibility to alter curbs and guttering for parking lots. Staff confirmed that this section of curbing was not replaced during the street project. Truelove feels that Kiowa County United is investing significantly in assisting an established business to expand and that a City contribution toward economic development would be appropriate. It was noted that the City previously contributed \$50,000 toward the construction the downtown United building. Butler and Trummel were concerned about setting a precedence. City Attorney Gordon Stull noted that other cities have ordinances that allow requests to the city for gutters/curbs /sidewalks at a 50/50 split. The City of Pratt goes through the Economic Development Board. Dixon recommended that Council discuss this possibility with Economic Development for future projects, but believes that they do not have the funds to contribute this fiscal year.

Goodman made a motion to approve the contribution. Jungemann seconded and the motion passed 4-1 (Butler).

**E) Discuss and consider whether to provide upfront payment or participate in a 10 year bond financing of the City's portion of the required upgrades to certain City owned generating units of the KPP that are designated network resources (DNRs) for all KPP members.**

Truelove reminded Council that in August 2011 the City entered into a 20 year contract with KPP, but stated that he was unable to locate in Council minutes where the Council agreed to pre-pay their portion of repairs, though City Treasurer Pam Reves and KPP representative Carl Myers recall the dialogue. The City must advise KPP by mid October if they intend to go through the bond process, rather than pre-pay. Reves assures Truelove that the funds are available to pre-pay. If Council chooses the bond process, the interest rate is 3.45%. A bond issue would require an increase in utility cost. If Council proceeds with pre-payment, the \$46,647 City portion will be called in late 2013. Dixon requested and received clarification that if the City chooses pre-payment their utility costs will not go up due to other cities choosing to utilize the bond. Christenson favored pre-payment to save on interest and avoid broker and other associated costs.

After a brief discussion on potential cost increase over the next year, Butler made a motion to earmark up to \$50,000 for pre-payment of the City's portion. Christenson seconded. Motion passed 5-0.

**F) Discuss LEED Certification for City Hall building.**

10.1.12

Staff has been communicating with BNIM regarding the current status of the City's LEED certification for City Hall. BNIM plans to submit the City's request to the US Green Building Council (USGBC) on Friday and have provided Staff with a copy of the score card to be submitted. BNIM questions achieving LEED Platinum with the submittal of 53 points. Fifty-two points are required, and it is not unusual for USGBC to deny points that are submitted. They may also convert some of the "maybe" points to "yes". Non USGBC members are required to submit a \$2,700 filing fee. In the BNIM contract, \$85,000 of the total \$295,000 was specifically for LEED Certification. The City has paid the full \$295,000; however, BNIM believes that this fee should be paid in addition to previously paid contract costs through the additional \$25,000 noted in the contract under section 1.3.9.2 as "reimbursable expenses." Referencing an April 2008 letter from BNIM that specifies what the \$85,000 covers, Truelove feels that the City has already paid for the filing fee. Additional costs have reduced the amount of "reimbursable expenses" funds dramatically. Christenson agreed with Truelove that the submission fees referenced in 1.3.9.2 of the contract are for submissions for code review, not LEED Certification. Goodman questioned if the building would be re-examined during the certification process. Staff confirmed that this would not be the case. Dixson pointed out that BNIM is marketing City Hall as a LEED Certified building and has won several awards for such. Trummel expressed dissatisfaction with other issues in the building (including the additional expense of acoustic panels to improve sound quality in the Council Chambers and to fix the roof that is leaking). It was the consensus of the Council that the City owes nothing more to BNIM for reimbursement of the certification filing fee.

**Item 5: City Attorney's Report**

There was no report from the City Attorney.

**Item 6: Executive Session**

Stull requested a 15 minutes executive session for attorney/client. Trummel made a motion, seconded by Butler, to go into executive session until 7:30 p.m. Motion passed 5-0.

Dixson declared the meeting back in open session at 7:30 p.m.

Trummel asked Staff to investigate if USDA had stipulations on what could and could not be developed in the Business Park. Staff noted that current zoning regulations list what development is allowed in an industrial zone, but will check with USDA for additional direction.

Goodman requested Staff provide an updated list of board appointments and term limits.

Dixson stated that he would be out of town during the next Council meeting. By request of Goodman, Staff will look into the possibility of using SKYPE during the meeting to allow Dixson to participate.

Council was reminded of their scheduled work session on Monday, October 8<sup>th</sup> at 6 p.m. in the Incubator meeting room. Stull is not required to attend.

Dixson relayed to Council that Public Works Superintendent Mike Hayes' mother's funeral was held earlier today and asked Council to remember the family.

**Item 7: Adjournment**

Dixson declared the meeting adjourned at 7:37 p.m.

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Robert A. Dixson, Mayor

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Christy Pyatt, City Clerk