

**Greensburg City Council  
February 18, 2013  
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 February 18, 2013. 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, and Haley Kern. Sandra Jungemann was absent.

**Additions/Deletions to the Agenda**

Dixon requested that Business Item H, consider an invitation from the Kiowa County Commission to attend their February 28<sup>th</sup> meeting, be added to the agenda. Trummel made a motion to approve the agenda with one addition. Christenson seconded. Motion passed 4-0.

**Mayor's Report**

Dixon advised the Council that the Kansas Agriculture And Rural Leadership Caucus 2013 through Kansas State University will be in town Thursday and will be touring the city. Dixon also presented the Council with a plaque from the Kansas Chapter of the American Concrete Institute. Law Kingdon submitted the Big Well project for the organization's award. Law Kingdon, McCown Gordon, Beran Concrete, and local contractor Heft Construction will also receive a plaque for their partnerships in the project.

**Council Member's Report**

There was no report from Council.

**City Administrator Comments**

City Administrator Ed Truelove advised that on February 13<sup>th</sup> he attended the US 54 pre-construction meeting in Hutchinson. The resurfacing project in Kiowa County will begin on May 30<sup>th</sup>. KDOT will start working in Greensburg and proceed east to the county line, where they ended work last year.

Staff has been contacted by representatives of Project Rebirth, a non-profit organization interested in presenting their material on pre/post trauma resiliency. They will be showing the feature length documentary on the events of 9/11. The event is scheduled for March 15, 2013, and will be open to the public.

There are two projects still in progress for the Big Well. Staff is working with McCown Gordon to install a gate on the bottom stair landing of the well, allowing maintenance staff to utilize the jib crane more safely. Staff is also obtaining bids for a park pavilion.

Truelove advised that future items to be discussed with the Council will include an ordinance to establish a truck route and a re-work of the animal control ordinance.

**Item 2: Public Comment**

Dixon welcomed those in attendance and opened the floor for public comment. There was no public comment.

**Item 3: Consent Agenda**

Goodman made a motion, seconded by Kern, to approve the Consent Agenda as presented. Motion passed 4-0.

**Item 4: Items of Business**

**A) Receive representatives of KDHE, Southern Plains Co-op and Allied Environmental to accept public comment regarding the draft Corrective Action Decision (CAD) associated with the nitrate contamination of Greensburg Public Water System Well No. 8.**

Don Breit, Allied Laboratories, along with Jessica Crossman and Ryan Weiser, KDHE, opened the advertised public hearing regarding the draft CAD associated with the nitrate contamination of Greensburg Public Water System Well No. 8 in 2002. Also present was Bobby Martin of Southern Plains Cooperative (SPC), formerly Farmers Grain and Supply. Breit gave an overview of the CAD, including explanation of the nitrate contamination that resulted in remediation requirements from KDHE. SPC has complied with all KDHE requirements, removing the contaminated soil (contamination source). KDHE will continue monitoring the water of Well No. 8. The meeting was then opened to public comments.

John Janzen asked about the effectiveness of the extraction well that was placed at the site and if a vertical zone of the aquifer was being tested. Janzen voiced that he feels the co-op should provide financial compensation to the City for their portion of the cost of the treatment plant. He continues to be concerned that well #8 will continue to have high nitrates after being restarted in the coming days. Janzen was told that the extraction well was not as effective as originally hoped; that the co-op had done all that was asked of them to clean-up the contamination; that there was a contingency that would be enforced if nitrate levels become elevated again; that additional compensation for the water treatment plant was between the City and the co-op; and that only the top of the aquifer was being monitored. High use of well #8 will pull the existing nitrate plume toward well #8. Utility Superintendent Mick Kendall believes that well #8 will be started up in approximately 2 weeks. Staff will be monitoring the water closely. KDHE spoke of the issues with nitrates regionally, in relation to agriculture in general. They assured those in attendance that the requirement for water monitoring stays with the property, should SPC ever sell the property.

Christenson asked if the nitrates were expected to naturally dissipate and if the completion of the water treatment plant influenced the CAD. He was told that KDHE did anticipate the nitrates to eventually dissipate and that completion of the plant had no influence on the CAD.

Marvin Jantz, SPC board member, expressed that the co-op had removed the nitrate problem and that well #8 has not been tested since 2004.

Rex Butler feels that the City is being penalized for being proactive and constructing the treatment plant before the KDHE deadline for contingency. He asked if a wet weather pattern would affect current nitrate levels. KDHE does not believe that a wet weather pattern will affect current nitrate levels as the source of the nitrates has been removed.

Trummel voiced his concern for well #8 also and reminded Council that the City had been told that if it was not in use by 2015 the City would lose its water rights. With that in mind, the Council approved construction of the water treatment plant without a request from KDHE through the remediation process.

Dixson asked if KDHE assisted SPC with the cost of clean-up. He was told that KDHE provided oversight. SPC did receive monetary assistance of \$200,000 from the Department of Agriculture.

Bobby Martin, SPC, gave an overview of improvements SPC has made on their fertilizer site, including new construction, containment and clean-up procedures.

KDHE clarified that they will receive written public comments on the CAD until March 2<sup>nd</sup>. SPC has 10 years or less to resolve the nitrate issue, with a contingency in place if levels go up or the issue is not resolved. The 10 year deadline will begin on the date of the final CAD. Water will be monitored until it meets requalification. Council was advised that they can submit a written request that the deadline for public comment be extended to allow time for well #8 to be brought back on-line and run for several days to achieve a more accurate nitrate reading. The request, with explanation, should be submitted to Jessica Crossman.

**B) Receive Donna Meier Pfeifer, Cannonball Trail American Red Cross, for an update.**

Donna Meier Pfeifer of the Cannonball Trail American Red Cross presented Council with an update on the services they have to offer, regional jurisdiction changes, and disaster and emergency response. Red Cross is 100% donor funded. Pfeifer requested financial support on an annual basis. She announced that June 16 – June 23, 2013 there will be a Red Cross training, free to participants through a grant that was recently awarded to the chapter. Overnight accommodations are available at the Pratt Community College dorms. Dixson voiced appreciation from the City and County for the Red Cross response to the May 4<sup>th</sup>, 2007 disaster.

**C) Receive representatives of the Twilight Theatre Board, requesting action on their request for a City contribution of \$150,000 for the theatre construction.**

Roger Stotts and Gary Goodman from the Twilight Theatre Board were present to give reasons for Council to approve their request for a contribution of \$150,000. They also provided answers to questions posed by Council and the County Commission at earlier meetings. A preliminary project scope, business plan, operational budget, and signed petition were presented. Stotts reported \$800,000 in commitments. In addition, the group is applying for a \$300,000 grant. The group also has the potential for donations from vendors in the theatre industry. They believe that they are currently \$1.9 million short for completion of construction. If all potential donations are received they will be approximately \$200,000 short of the \$1.9 million but feel that they can easily close the gap.

**D) Consider Resolution 2013-05, adopting a policy on Citizen Participation at Council Meetings.**

Resolution 2013-05 was tabled at the previous Council meeting. Truelove explained that the Resolution formally adopts current City policy on citizen participation at Council Meetings. The public comment portion of the document remains unchanged. Staff has added policy on the use of recording devices. The policy releases the city's liability for privately owned equipment. Truelove verified that the policy does not change the previously agreed to process with the Media Center recording Council Meetings. The policy allows Council to approve deviations from the policy as they see fit. Goodman asked if citizens should be required to notify Council that they are utilizing a recording device. Truelove cautioned against such a provision, in an effort to avoid the appearance of limiting a citizen's statutory right to use the recording device. Goodman pointed out a typing error in Section 2, bullet point #8. "It" should be changed to "if." She also recommended that Section 2 read that citizens be allowed to comment on any subject rather than just anything not on the agenda. Christenson made a motion, seconded by Trummel, to approve Resolution 2013-05 with the recommended changes to Section 2. Motion passed 4-0.

**E) Consider Resolution 2013-06, amending the Position Classification and Pay Plan and the Organizational Chart located in the Position Classification and Pay Plan and the Personnel Policy Handbook.**

Resolution 2013-06 amends the Position Classification and Pay Plan with proposed changes to the pay scale and the addition of position descriptions for Chief of Police, Police Officer, Animal Control Officer, Building Official, and Code Enforcement Officer. The Organizational Chart is found in both the Position Classification and Pay Plan and the Personnel Policy Handbook. It will be updated to include the recommended position descriptions. Currently the Chief of Police and Police Officer positions are combined as is the Building Official with the Code Enforcement Officer. The proposed changes allow for these positions to eventually be separated without having to amend the codes a second time and brings the pay scale more in line with local averages. Truelove recommended that Staff review the pay scale annually and address concerns to Council. Truelove also recommended that Council review the cost of living percentage a minimum of every 2-3 years. Christenson made a motion to approve Resolution 2013-06. Kern seconded. Motion passed 4-0.

**F) Consider approval of a Greensburg Police Department patch as submitted by Troy Dilport.**

Chief Alvarez presented Council with 3 concepts for a Police Department patch. Submissions in the patch design contest each came from Troy Dilport. Alvarez also displayed the Class A dress uniform on which the patch will be placed. The 3 concepts have been shown to Staff. Concept C is the preference of Staff because of its unique shape and its symbolic representation of the community. The consensus of the Council was concept C. Dilport will be awarded Big Well Bucks and a notice of the winner placed in the Kiowa County Signal.

**G) Consider approving the Mayor to sign a letter of support for our local Post Office as they consider improved facilities.**

Local Post Master Randy Kelley is working with his supervisor to request a more permanent facility for the local Post Office. He has requested a letter of support from the City and zoning information for the Downtown District. Truelove requested Council approval for the Mayor to sign the letter of support provided by Staff. Christenson made a motion to approve the Mayor sign the letter as presented. Trummel seconded. Motion passed 4-0.

**H) Consider an invitation from the Kiowa County Commission to attend their February 28<sup>th</sup> meeting.**

Dixon stated that County Commissioner Ron Freeman has extended an invitation to Administration, the Mayor, and Council to attend their February 28<sup>th</sup> meeting at 10:30 a.m. Kiowa County United has asked to be on the Commission agenda. Dixon believes that Kiowa County Economic Development is also invited. If a quorum of Council members plan to attend the Commission meeting, a Special Meeting needs to be called and announced. The consensus of the Council was that Administration and the Mayor attend the meeting and report back to Council.

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

There was no report from the City Attorney.

**Item 6: Executive Session**

City Attorney Gordon Stull requested a 20 minute Executive Session. Goodman requested a 5 minute recess prior to Executive Session. Dixon declared a 5 minute recess until 8:10 p.m. At 8:10 p.m. Council resumed open session. Trummel made a motion to go into Executive Session for attorney/client until 8:30 p.m. Kern seconded and the motion passed 4-0. Council resumed open session at 8:30 p.m.

Discussion was held on the City submitting a written position to KDHE on the Well #8 CAD. Administration will work with Stull to draft a letter requesting an extension of the public comment portion of the process. Stull suggested a 60 to 90 day extension request to allow time for the completion of Well #8, start up and several days of pumping water from the well, testing of the water, and a response from the City to the CAD. The City Administrator was directed to work with the City Attorney to request the extension from KDHE.

Dixson and Truelove have been in contact with Wes Jury from the Center For Innovation (CFI). Jury provided a written update of the ongoing work they are doing for the City, attempting to link the City with industry. Discussions at CFI on unmanned aircraft have led to discussion about Greensburg. Dixson and Truelove will have a monthly conference call with CFI for updates.

**Item 7: Adjournment**

Dixson declared the meeting adjourned at 8:40 p.m.

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Robert A. Dixson, Mayor

Christy Pyatt, City Clerk