

**Greensburg City Council
July 1, 2013
CITY HALL**

Item 1: Opening Session

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

Mayor Robert Dixon called the meeting to order at 6:00 p.m. on July 1, 2013. The Pledge of Allegiance was said and the invocation given by Pastor Terry Mayhew. Roll call was taken. Council present: Mark Trummel, Erica Goodman, Haley Kern, Matt Christenson and Sandra Jungemann.

Additions/Deletions to the Agenda

Trummel made a motion to approve the agenda as presented. Jungemann seconded. Motion passed 5-0.

Mayor's Report

There was no report from the Mayor.

Council Member's Report

There was no report from Council.

City Administrator Comments

City Administrator Ed Truelove advised Council of the following:

- Debbie Cesmat donated \$150 to help re-open the City's animal shelter, from funds she raised at a booth at the 2013 Arts and Crafts Fair.
- The new conceal carry weapon law goes into effect today. Staff will begin working on changes to our policy to bring the City into compliance with state statute.
- Staff will meet with representatives of Mies Construction on July 10th, to discuss the demolition project at the Greensburg Business Park.
- On Wednesday, June 26th, the Planning Commission approved a non-conforming use permit for Georgina Rodriguez, allowing her to continue small animal husbandry on her property that is less than the 2-acre minimum required by the current zoning code and the animal control ordinance.
- Provided for Council on their bench was a copy of the support page for agenda item 4A; the June police department report; the Big Well sales report for June; and the open letter to Council from Ms. Judi Kirk concerning the downtown planter boxes.

Item 2: Public Comment

Dixon thanked those in the audience for attending and opened the floor for public comment. There were no comments from the public.

Item 3: Consent Agenda

Jungemann made a motion, seconded by Kern to approve the consent agenda as presented. Trummel questioned check 21839, asking where the City was at with the Center For Innovation (CFI). Truelove stated that the contract with CFI was for 3 years, this being the second installment. Staff has had many contacts with CFI and with companies through CFI. There is a monthly conference call between the Staff and CFI. The City continues to be invited to Arlington for conversations on bioscience, unmanned aerial systems, and other opportunities. Truelove cautioned that it can take at least 3 years for a business to establish itself in a new location such as Greensburg. Christenson questioned the business license request for Kook's Meat. Truelove advised that once notified that they were not currently licensed, Kook's quickly applied for their license. Goodman would like to see Staff work with the Chamber to educate business owners of the requirement to be licensed with the City. Jungemann's motion passed 5-0.

Item 4: Items of Business

A) Receive representatives of the Twilight Theatre Board.

Brad Estes and Gary Goodman of the Twilight Theatre and Community Auditorium Board were received for a video presentation on the theatre and to present Council with a formal request for a financial partnership. A document containing several partnership scenarios for the requested \$150,000 was provided to Council prior to the meeting. Estes stated that, since their last presentation to Council, the Board has received over \$800,000 in private donations and tax credits. They continue to solicit grant opportunities. Goodman stated that a contract for interior work on the facility had been signed and work will begin shortly. Estes confirmed that their business plan is available, should the Council wish to examine it. The plan includes both full and part time employment opportunities. Following the video presentation, Estes requested questions from the Council, of which there were none. Estes requested that Council consider the theatre as they begin budget talks in the coming weeks.

B) Discuss and consider options for new hangar buildings to be located at the new Greensburg Airport.

Truelove explained that he had recently been in contact with local businessman Tim Tyree to discuss potential plans for future hangars at the new airport. Tyree is very interested in reopening a facility for his ag service, including aerial spraying, out at the new airport. Truelove suggested three options for hangar space: lease property and allow hangar owners to build their own hangars; build to suit hangars and lease them at current market value; or allow businesses to purchase a small section of the airport ground to build their own hangars. Tyree prefers to purchase the ground for several reasons, one being the large expense of building a facility that would meet his needs for a chemical operation. Tyree owns the property that his facility is on at the Kinsley Airport. The facility is designed to recapture spilled chemicals to avoid environmental impact and is heavily regulated. Staff recommends looking ahead and having documents and regulations in place for such a development and working with Tyree to ensure a strong relationship between him and the City. KDOT Aviation has voiced concern over the possible sale of airport property. This action would not eliminate but would increase the difficulty of becoming an FAA recognized airport in the future. Truelove has spoken to a representative at FAA about the scenario, which they call the "through the fence" scenario. Jay Dill, Administrator for the City of Kinsley, has confirmed that Tyree Ag created new job opportunities with the opening of the Kinsley facility. Truelove recommended the Council look into regulating the sale of airport property to businesses with a right of first refusal clause and with sales to be considered later, after construction of the airport has begun. Trummel asked how much property Tyree felt he would need and how a personally owned hangar would affect the project design. Staff will be conferring with H.W. Lochner on the best location for such a facility and has already discussed possibly moving the planned pilot's lounge further south to allow more room to the north. For economic development, Tyree would prefer a facility at center field. He owns 2 acres at Kinsley but has mentioned that he would prefer 5 acres here. Both Trummel and Christenson voiced that they would like to see the City work with Tyree to ensure his building at the airport. Both would prefer that the City build and lease hangars to pilots who are not operating a business. Trummel mentioned that regulations on chemicals change regularly and if the City owned the Tyree hangar it would be responsible for those upgrades. Goodman asked if EPA and KDHE would be involved with the construction of a chemical facility. She was assured that those facilities are heavily regulated.

Staff will continue to research grant opportunities for City owned hangars and work with H.W. Lochner to determine costs and the best type of hangar for the City's needs. Trummel suggested a style that would allow for expansion at a later date rather than building a hangar that is larger than the current need.

C) Consider renewing a service agreement with Hach Company for the water treatment plant.

Truelove presented a service agreement renewal for equipment at the water treatment plant. The original agreement was purchased by Layne Western through the project. The contract would relieve the City from potential large expenditures, should equipment fail.

Christenson noted that the annual cost of a service agreement is much easier to budget for than unknown repair costs. City Attorney Gordon Stull has reviewed the contract and recommended that paragraphs 19 and 20 of the agreement be amended. His concerns include the limit of liability at twice the amount of what they'd been paid

and if the contract covered third party or just warranty claims. Also of concern was that the agreement calls for any possible litigation to be held in Colorado and in accordance with Colorado law. Stull suggested the Council could approve the agreement conditionally, with the City Attorney working to clarify these issues. Trummel would prefer to hold the agreement until the next Council meeting, for clarification on the above mentioned concerns. Truelove stated that the current agreement appears to be effective until July 18, following the next Council meeting. Trummel made a motion to table the agreement. Christenson seconded. Motion passed 5-0.

Item 5: City Attorney's Report

Stull mentioned that the funds received through the law enforcement diversion program are to be used for special services. Stull does not wish to be in charge of the spending of these funds as is generally the case, especially in counties. The current fee for each diversion is \$100 and can be used for equipment, continuing education for prosecutors and law enforcement, and training. Stull asked if Council would prefer requests for funds be given to Truelove, but with communication with Stull, or if they would prefer Council involvement. Stull believes that the fund should continue in place from year to year and not be rolled over into the General Fund, allowing funds to build up and be available when needed for the previously mentioned expenditures. It was the consensus of the Council to allow Administration his current spending authority of \$5,000 with this fund. Expenditures rising to the level of concern with Administration should be brought to Council. Also, the fund should be allowed to accrue from year to year.

Item 6: Executive Session

Stull requested 10 minutes executive session, attorney client. Christenson made a motion, seconded by Trummel, to go into executive session until 7:00 p.m. Motion passed 5-0. Dixon declared the meeting back in open session at 7 p.m.

Item 7: Adjournment

With no additional items to come before the Council, Dixon declared the meeting adjourned at 7:00 p.m.

Robert A. Dixon, Mayor

Christy Pyatt, City Clerk