Greensburg City Council
August 19, 2013
City Hall

Item 1: Opening Session
Call to Order; Pledge of Allegiance; Invocation; Roll Call
Mayor Robert Dixson called the meeting to order at 6:00 p.m. on August 19, 2013. The Pledge of Allegiance was said and the invocation given by Dixson. Council present: Matt Christenson, Mark Trummel, Erica Goodman, Haley Kern, and Sandra Jungemann.

Additions/Deletions to the Agenda
Trummel made a motion to approve the agenda as presented. Christenson seconded. Motion passed 5-0.

Mayor’s Report
Dixson reported that on Saturday the Big Well had a couple visiting from Belgium. The Big Well had been a destination on their vacation plans. A group from Wichita was also visiting on Saturday. Dixson was encouraged by those who still see Greensburg as a destination location. He encouraged those present to press on, as those who built the well did, until they made it to the water and not to settle before they reached their goal.

Council Member’s Report
There was no report from the Council.

City Administrator Comments
City Administrator Ed Truelove briefed Council on the following topics:
- Introduced Larry Foulk as the City’s new Building Inspector/Code Enforcement Officer. Foulk began his duties July 22nd.
- The City’s Utility Billing Clerk noticed an abnormally high water reading at the hospital. Representatives from PEC and BCS have been on sight and have determined that the loss is associated with the cooling system. The hospital continues to work toward a solution.
- Mick Kendall, Utility Superintendent, is working with local citizen Ki Gamble to reduce the number of electrical meters, poles, and overhead lines at his residence and farm. Information on the cost of the project can be presented at the next Council meeting. This reduction will be beneficial to Gamble and the City.
- Staff is working on proposed changes to our school route/speed zone ordinance. The school route speed zones are currently located for the old school. Staff hopes to bring a proposed Ordinance to Council at the next meeting.

Recognition of Visitors
Dixson welcomed those in the audience and thanked them for attending the meeting.

Item 2: Public Comment
Ruth Ann Wedel referenced Business Item E on tonight’s agenda. She stated that she supports the current policy of the Convention and Tourism Board regarding meeting attendance. Wedel explained that since January she has been taking a break from the Convention and Tourism Board. She is ready to step back into her position and feels that GreenTown should be represented on the Tourism Board.

Item 3: Consent Agenda
Council thanked City Clerk Christy Pyatt for providing maps of the city for each Council Member, as requested. Trummel made a motion, seconded by Jungemann, to approve the Consent Agenda as presented. Motion passed 5-0.
Item 4: Items of Business
A. Receive David Barber, USDA, to request approval of a Letter of Conditions and Resolution 2013-08 for Ell Grant funds to be used for a street sweeper.

David Barber, USDA Rural Development, briefed Council that the City’s application for Ell (60/40) grant funds for the purchase of a street sweeper had been approved at $50,950. The City’s contribution for this grant will be a minimum of $33,967. The City could move forward with the funds available and add to their contribution, if the purchase was more than $84,917, or apply for additional USDA funds in the next fiscal year. Should the City decide not to utilize the awarded funds, in full or in part, the funds can be de-obligated. Barber presented a Letter of Conditions (LOC) on the awarded funds for Council to approve by adopting Resolution 2013-08 and discussed each document that would need to be completed for the processing of the grant. Dixon asked how long the funds could be held. The LOC stipulates a 12 month period, allowing the city to plan expenditures in the next budget cycle. Barber will work with the City to extend the 12 month period should the City be in the process of a purchase or obtaining additional funds. Goodman made a motion to adopt Resolution 2013-08 as presented. Christenson seconded. Motion passed 5-0.

Council recessed for the Mayor, City Clerk and City Attorney to sign required USDA documents. Open Session resumed at 6:27 p.m.

B. Consider a contribution to the Twilight Theater from the City’s Donation Fund.

Truelove stated that the Twilight Theater Board is requesting an unspecified contribution toward completing construction of the Twilight Theater. Citing large expenditures in the near future on several city projects, Truelove was hesitant to contribute from the City’s General Fund. Upon the request of Christenson, Truelove stated that approximately $24,000 in donations is available through a generous donor from Texas. The funds were donated to benefit the citizens of Greensburg. Truelove was comfortable with utilizing donation funds in full or in part. Dixon recommended that if these funds were contributed to the theater, the City and the Twilight Theater Board each send a “Thank You” to the donor. Kern asked Roger Stotts, Twilight Theater Board, when he anticipated work to begin on the interior of the theater. Stotts stated that an August 12th start date had been delayed due to the project manager being on other projects. This additional time will allow the paint bid, which came in higher than expected, to be re-evaluated. Stotts thanked the Council for any contribution they would see fit. It was the consensus of the Council to place the total amount of the Texas donation on the Consent Agenda, to the Twilight Theater, for the next Council meeting.

C. Authorize PEC to issue a Notice of Award and contract to complete demolition at the Greensburg Business Park.

Truelove advised Council that three bids had been received for the demolition at the Greensburg Business Park. Due to the small scope of the project two bids came in significantly higher than the local bid from Heft and Sons. Truelove asked Council to authorize the issue of a Notice of Award to Heft and Sons for $23,750. Remaining Business Park grant funds exceed the bid amount and will allow the City to be reimbursed for additional costs (i.e. landfill costs incurred by Staff tearing down buildings and seeding the property after demolition). Christenson made a motion to award Heft and Sons the demolition bid. Kern seconded. Motion passed 5-0.

D. Consider a 36 month agreement with Luminous Neon for a standard bulletin sign to be located in Ford, KS.

Convention and Tourism is requesting a 36 month agreement with Luminous Neon for a new sign that is to be constructed in Ford, KS. This location is in keeping with the New Boston Group recommendations for marketing. The fee would be paid from the Convention and Tourism budget. Jungemann made a motion to approve the agreement. Christenson seconded. Motion passed 5-0.

E. Accept the resignation of Ruth Ann Wedel from the Convention and Tourism Board.

Truelove explained that on July 31, 2012, the Convention and Tourism Board passed an attendance policy, in response to members who had challenges attending meetings, creating a lack of a quorum. The policy states that three or more absences signify a resignation from the board. The board does not have established by-laws and Truelove, though he supports the policy, feels that policies for the Board should be approved by Council.
Discussion on the adoption of policy by other Council appointed boards and committees ensued. Stull advised that this board is governed by statute and that he would need to review the statute to give a legal opinion; however, he feels that it is generally a good idea to bring such policies before Council. Trummel made a motion to table the resignation of Ruth Ann Wedel for further information. Jungemann seconded. Motion passed 5-0.

F. Consider Ordinance 1041, terminating the Cable Franchise Agreement between Allegiance Communications, LLC and the City of Greensburg.
Truelove advised that adoption of Ordinance 1041 would formalize the termination of cable services by Allegiance Communications, LLC in the City of Greensburg. The company is liquidating their assets. Stull advised that he had added language to the Ordinance to commit Allegiance to paying for the publication of the Ordinance. This language follows that found in the original agreement. Goodman made a motion to approve Ordinance 1041 as presented. Jungemann seconded. Roll call vote: Christenson – yes; Trummel – yes; Jungemann – yes; Goodman – yes; Kern – yes. Motion passed 5-0.

G. Consider Ordinance 1042 to adopt the Standard Traffic Ordinance for Kansas Cities 2013 and repealing Chapter XIV, Section 14-102 of the City Code to remove the omission of certain provisions of the Standard Traffic Ordinance.
Truelove presented Ordinance 1042, adopting the Standard Traffic Ordinance (STO) for Kansas Cities 2013 and repealing Chapter XIV, Section 14-102 of the City Code, removing the omission of certain provisions of the Standard Traffic Ordinance. These changes will allow for the enforcement of all portions of the 2013 STO. Jungemann made a motion to approve Ordinance 1042. Trummel seconded. Roll call vote: Christenson – yes; Trummel – yes; Jungemann – yes; Goodman – yes; Kern – yes. Motion passed 5-0.

H. Consider Ordinance 1043 to adopt the Uniform Public Offense Code for Kansas Cities 2013 and repealing Chapter XI, Section 11-202 of the City Code regarding the unlawful discharge of firearms.
Truelove presented Ordinance 1043, adopting the Uniform Public Offense Code (UPOC) for Kansas Cities 2013 and repealing Chapter XI, Section 11-202 of the City code, which outlaws the discharge of firearms in the City. Unlawful discharge of firearms is covered by the UPOC, which gives a more inclusive list of unlawful firearms. Trummel made a motion, seconded by Kern, to approve Ordinance 1043. Roll call vote: Christenson – yes; Trummel – yes; Jungemann – yes; Goodman – yes; Kern – yes. Motion passed 5-0.

I. Consider Resolution 2013-09, amending Section 8.5 of the Personnel Policy Handbook regarding conceal carry weapons on City property.
Amending Section 8.5 of the Personnel Policy Handbook, regarding conceal carry weapons (CCW) on City property was continued from previous Council meetings. Truelove has spoken to the City’s insurance representative about the city’s liability if an employee who is a CCW permit holder carries while on city property. She verified that the insurance industry is concerned over such a policy being adopted for schools and not for municipalities due to the limited number of children present on city property on a daily basis. Truelove also spoke to Michael Koss at the League of Kansas Municipalities (LKM). Koss advised that if a city is in compliance with state statute the city’s liability is very limited. State statute does not give municipalities the option to restrict CCW permit holders from carrying on city property. Stull has researched AG opinions on the statute. Municipalities cannot home rule out of the statute and cannot restrict people from carrying openly. The State feels that employees with CCW permits should be allowed to protect themselves, should the need arise. Stull questioned if the state has the constitutional authority to single out public entities with such a law, but suggested LKM be contacted with that concern. Stull stated that the statute does not say that the city is not liable if it fails to provide adequate security. In that case, Stull believes a city would be liable for negligence, because of this statute. Staff verified that the City currently has three employees who are CCW permit holders. Truelove stated that Staff could ask for voluntary compliance with the current City policy that does not allow weapons on City property, but they cannot force CCW permit holders not to carry. Documented loss of productivity would be just cause to ask them to make changes to the way they carry or secure the weapon. Several Council Members and the Mayor voiced their displeasure of the state removing control from local government on this issue. Trummel made a motion to approve Resolution 2013-09, to bring the City’s policy on CCW on city property into compliance with state statute. Kern seconded. Motion passed 3-2 (Christenson and Goodman voting “No”).
J. Discuss retaining, modifying, or discarding the City’s current Business License Ordinance.
Truelove reviewed discussion from the previous Council meeting regarding the City’s current Business License Ordinance and recommended that Council discard the requirement, allowing the zoning code to control economic development. Goodman preferred to continue a licensing procedure, either a one-time license are a yearly renewal. Dixon clarified that the requirement for peddlers to obtain a license would remain. Concerns over enforcement of a business license were voiced. Ruth Ann Wedel, sitting in the audience, was allowed to address the Council and commented that a business license would be a nice tool for the City if the Administrator or Mayor would visit a business to advise them of the requirement and present them with their license, once approved. She felt that information collected during the licensing process could be supplied to the Chamber and allow them to officiate ribbon cuttings or present welcome baskets. Goodman also pointed out that the license application requires a sales tax ID number; something that she feels can be easily overlooked by a new business owner. Jungemann made a motion to instruct the City Attorney and Staff to create an Ordinance to repeal the requirement from city code. Christenson seconded. Motion passed 5-0.

K. Consider a Street Closing Request from Levi Murray, for September 7, 2013, to conduct a benefit dance.
Truelove presented a request from Levi Murray for a street closing for the 200 and 300 blocks of South Main on September 7th. Murray plans to conduct a benefit dance for the granddaughter of a local resident who plans to compete in the National American Miss Pageant in California. Through the pageant, Miranda Wingfield would be eligible to compete for college scholarships. Murray is hiring the band that played at the local rodeo earlier this summer. Attendance at that event was very high and Murray anticipates a similar response for the dance. Murray does not plan to sell alcohol; therefore, there is not a Special Event Cereal Malt Beverage License Application attached to this street closure request. Truelove recommended Council approve only the 300 block of South Main and the city’s half block of green space across the street from City Hall. Council voiced concerns over insurance coverage, lack of a controlled area for alcohol that they feel would be present at the event, and clean-up of the site. Reviewing the Council’s current street closure policy, Truelove recommended the Council set additional requirements such as special event insurance and consent from residents in the area on the applicant. Jungemann made a motion to approve the application for the 300 block of South Main Street and the half block across from City Hall. Goodman seconded. Motion passed 5-0.

Item 5: City Attorney’s Report
City Attorney Gordon Stull updated Council on the court case with John Colclazier. Colclazier was in court with the City again last week on a matter of contempt. Colclazier presented to court with a deed for his property located at 405 S. Grove. The deed was signed and Monica Hayse was present in court with a check for $20,000. The funds were paid to the court and will be used to pay back taxes. The balance will be used to offset City fines. Stull is working to get an update on the title insurance, due to the delay in having the property transferred.

Item 6: Executive Session
There was no need for Executive Session.

Item 7: Adjournment
Dixson declared the meeting adjourned at 7:51 p.m.

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Robert A. Dixson, Mayor  Christy Pyatt, City Clerk