A) CALL TO ORDER

B) PLEDGE OF ALLEGIANCE AND INVOCATION

C) ROLL CALL & APPROVAL OF THE AGENDA

D) CITIZEN COMMENTS
   A resident may address the Council on subjects that are not on the Agenda. All comments are limited to a maximum of three minutes for each speaker. In accordance with the Open Meetings Act, City Council members may not discuss or take action on any item that is not on the Agenda.

E) CONSENT AGENDA
   These items are routine and enacted by one motion. There will be no separate discussion of these items unless a Council member so requests. Any consent agenda item can be removed and placed on the agenda as an item of business.
   1. Approval of Minutes
      a. Regular Meeting – October 5, 2015
   2. Appropriation Ordinance
      a. Ordinance #1962 - $102,375.87

F) ITEMS OF BUSINESS
   1. Citizen Appeal for Mowing Fee Pardon - 517 E Wisconsin
   2. Review Draft Ordinance on Commercial Vehicle Parking
   3. Industrial Park Land Donation to Land Bank

G) CITY ATTORNEY’S REPORT

H) CITY ADMINISTRATOR’S REPORT

I) GOVERNING BODY COMMENTS

J) ADJOURNMENT

NOTICE: SUBJECT TO REVISIONS

It is possible that sometime between 5:30 and 6:00 pm immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the council chambers or lobby of City Hall. No one is excluded from these areas during those times.

To be placed on future agendas please contact City Administrator Kyler Ludwig at administrator@greensburgks.org or call City Offices at 620-723-2751
Greensburg City Council  
October 5, 2015  
City Hall

A) CALL TO ORDER  
Mayor Robert Dixson called the meeting to order at 6:00 p.m. on October 5, 2015.

B) PLEDGE OF ALLEGIANCE AND INVOCATION  
The Pledge of Allegiance was said. The invocation was given by Pastor Terry Mayhew.

C) ROLL CALL & APPROVAL OF THE AGENDA  
Council present: Matt Christenson, Mark Trummel, Sandy Jungemann, Rick Schaffer, and Haley Kern. 
Trummel made a motion, seconded by Jungemann, to approve the agenda as presented. The motion passed 5-0.

D) CITIZEN COMMENTS  
Dixson welcomed citizens to the meeting and opened the floor for comments. There were no comments from citizens in the audience.

E) CONSENT AGENDA  
Jungemann made a motion, seconded by Kern, to approve the Consent Agenda as presented. The motion passed 5-0.

F) ITEMS OF BUSINESS  
1. Pool Project Financial Report  
City Administrator Kyler Ludwig requested that City Clerk Christy Pyatt review the pool project financial spreadsheet that was provided in the meeting packet. The Guaranteed Maximum Price (GMP) of the pool project was $2,247,360.52. Change orders to the GMP, approved by City Council, totaled $127,142, bringing the GMP to $2,374,502.52. McCown Gordon was able to return $7,169.52 of the GMP to the City. The total project cost was $2,519,377.98. This included the contract with PEC, purchase of the property from Mennonite Housing, testing performed by Allied Laboratories, the cost of a City Inspector for the project, and additional items the City purchased for set up and for the grand opening celebration. Kansas Department of Transportation (KDOT) contributed $1,500,000 as part of their agreement with the City. The City of Greensburg contributed $992,127.98. Private donations to the project totaled $27,250.

Dixson asked if there was a plan for recognizing those who made financial donations to the project. Staff is open to recommendations for such recognition. Christenson requested the amount of funds utilized for the project from the Tornado Insurance Fund and Infrastructure Fund. Those totals were not available at the time of the meeting, but will be provided at a later date. Ludwig discussed operating expenses for the 2015 season, noting that the season was shortened due to completion of construction at the beginning of July. Kern asked if Staff could provide a count of pool passes sold. That total was not made available to Ludwig, who plans to have a system to collect more in-depth data next season.

2. Discussion on Commercial Vehicle Parking  
Staff has received complaints from citizens concerned about commercial vehicles (particularly semi-trucks) parking on residential streets over-night. The primary concerns were reduced visibility on neighborhood streets near intersections and that they arguably threaten the residential character of
neighborhoods. Staff has additional concerns about the damage caused to roads by large commercial vehicles. Currently the only limits on parking commercial vehicles/trailers in the City are specific to cattle trailers and refrigerated trailers that are operating the cooling unit. These vehicles are permitted to park for up to 2 hours from 12:00 pm through 11:59 am.

Ludwig offered a few options for Council to consider:
1) Limit the parking of commercial vehicles in residential areas.
2) Set a time limit on when commercial vehicles can park in town. The most common limitation is between 10 pm and 6 am. The police service hours are in conflict with evening limitations, and would require staff to only follow up on regular offenders or to do random inspections. Current staffing limits would not allow for regular enforcement.
3) Limit the duration a commercial vehicle can be parked. This can be difficult to enforce as the Officer must verify that a vehicle has been parked for the extent of the time limit.
4) Restrictions can be placed on buses, trucks, trailers, semis, semi-trailers, etc. Cities have been known to restrict vehicles base on height, length, and weight.

Exemptions could be made for residents or for certain types of vehicles (i.e. recreation or pickups).

Council discussed concerns with the current code and issues that they have been made aware of (i.e. cleaning out commercial trailers on city streets, visibility at intersections, parking around the school). They also discussed an exemption for vehicles making deliveries. City Attorney Gordon Stull noted that state and federal laws take away control from local authorities on some issues related to commercial vehicles (i.e. hazardous material vehicles), but do allow local authorities to regulate the parking of such commercial vehicles. The consensus of the Council was to regulate commercial traffic in residential zones and identify places where they can park in city limits. Trummel noted that some semis are already parking in designated areas.

3. Discussion on Electric Utility Staffing

Ludwig invited Utility Superintendent Mick Kendall to speak to Council regarding the difficulty he has had in hiring a lineman and advised Council on several options which included.
1) Continue seeking applicants.
2) Seek staffing coverage through a private partner.
3) Use a private partner for extreme cases and routine checkups while continuing to provide day-to-day service through employees internally with the appropriate training.
4) Seek full privatization of the electric utility system.

Kendall stated that he has been searching for a lineman for approximately 6 years. Efforts to employ locally have been unsuccessful. Currently Kendall and employee Richard Brent are the only employees available. Kendall expressed concern over the possibility of one of them retiring or becoming unable to work. Acknowledging appreciation for the mutual aid received by the City during the 2007 disaster, Kendall does not feel this is a long term solution as those workers first priority is their home City. Kendall has been in conversation with J & J Powerline Contractors Inc. Based out of Dodge City, they now own CMS in Coldwater. A letter containing hourly rates for J & J was provided in the meeting packet. Other crews who could provide assistance are considerably further away and would have a far longer response time. Kendall voiced preference for contracting with J & J for large projects and emergencies. City Staff would continue with day-to-day services, meter hook ups and readings, short projects, and street lights. The City would retain their electrical equipment. Kendall has also considered hiring a lineman out of school, which is a 4 year program. Kendall stated that a City wage and having to
perform duties outside of electrical is a deterrent for applicants. Generally a City could offer $13-$15 per hour to an employee vs. the $30-$40 per hour offered by corporations and private companies.

The consensus of the Council was for Staff to prepare an RFP for contractual services for emergencies and routine check-ups.

4. Change in Municipal Elections
HB 2104 passed by the Kansas State Legislature in May of 2015 made changes to laws governing municipal elections. The bill requires cities to hold elections in the fall of odd-numbered years. This bill also gives governing bodies the authority to determine whether the City’s elections will be nonpartisan or partisan. The City of Greensburg is in a transition from holding elections in the spring of even-numbered years to the spring of odd-numbered years. The required changes must be done before 2017. Ludwig explained that the City election scheduled for the spring of 2016 would allow the City to transition easier. Waiting until after the spring election would allow Staff to utilize the League of Kansas Municipalities prepared Ordinance, rather than creating their own that would bring the City into compliance. If Council moves forward with a change in Ordinance prior to spring election, they will be charged for the already scheduled election. Ludwig recommended Council table the transitioning of municipal elections to the fall of odd-numbered years after the spring election in 2016. He also recommended against a partisan election.

The consensus of the Council was to table the transitioning of municipal elections to the fall of odd-numbered years until after the spring election of 2016.

G) CITY ATTORNEY’S REPORT
There was no report from the City Attorney.

H) CITY ADMINISTRATOR’S REPORT
Ludwig presented a copy of a prepared City Administrator’s Report. The following topics were discussed in the report:

- **GMCN Architect Meeting:** A preliminary industrial building design has been submitted by GMCN; staff has submitted some change requests to reduce costs on the project.
- **Meadowlark Abatement:** Certified letters have been sent to Centera, Diamond Roofing, Kiowa County, and GreenTown regarding the advertised public hearing for the Meadowlark house. Publication requirements will be met following the publication in the paper on Wednesday. A tentative auction date of November 12th at 11:00 am has been scheduled without a reserve on the property. For more information on the property please contact Ruth Ann Wedel.
- **Green Tour Book:** The Tourism Board meeting has been moved to October 6th at 4:00pm. The GreenTour Book will be the focal point of their agenda.
- **Kiowa County Signal:** Ludwig introduced Jeff Guy who recently accepted the position as editor of the newspaper. To contact Jeff you can call 723-2115 or you can email jguy@kiowacountysignal.com.
- **Trunk-or-Treat:** On October 31st from 5:30-7:30pm the Chamber of Commerce is planning the annual Trunk-or-Treat event on the first block of Main Street. The Chamber is encouraging businesses and residents to participate by decorating their cars and having games for the kids to play. If you have any questions please contact Jill Eller. The street closure for this event will be approved administratively.
- **Council Retreat:** Staff has been working with WSU on providing council training to compliment
a strategic planning session. The session can be held on November 7th, 9th, or 14th. The retreat will give Council a chance to train on a few legal policies, and then to set priorities within the City’s strategic plans. (Estimated: 1.5 hours training, 1.5 hours priority setting)

- **Big Well**: Total sales in September of $9,631.58 with approximately 1,000 visitors. The annual sales total is $101,445.03.
- **Police Department**: During the month of September the Police Department responded to 77 incidents (27-dispatch, 41- self initiated, 9- city ordinance).
- **Ron Larrick’s Retirement**: Ron has submitted his notice of retirement. He will resign from his position on November 27, 2015. We are proud of Ron and his 18 years of service with the City.

Council voiced that they would like to use the Meadowlark house abatement hearing as an opportunity to speak to a new owner and give him any expectations they may have for the property being brought into compliance with City code.

Christenson would prefer to split the Council trainings into two sessions. The consensus was to hold the WSU training at 6 p.m. on November 9th. The date and time for a strategic planning session will be established at a later time.

Ludwig advised Council of his intent to provide city credit cards to department heads. Also, the Big Well will be hosting a book signing for local author Judy Kirk on October 17th.

I) GOVERNING BODY COMMENTS
There were no additional comments from the Governing Body.

J) ADJOURNMENT
With no additional items to come before the Council, Dixson declared the meeting adjourned at 6:50 pm.
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**** PAID TOTAL *****

102,375.87

**** REPORT TOTAL *****

102,375.87
TO: Mayor and City Council
SUBJECT: Citizen Appeal: delinquent mowing fee pardon – 517 E Wisconsin
INITIATED BY: City Administrator, Kyler Ludwig

Background:
On September 23rd of 2010 the property at 517 E. Wisconsin was mown by City staff after certified notification had been sent to Brad Beckham the property owner. Mr. Beckham was sent an invoice for $375.00 after the City mowed the property. The City’s policy is to send the delinquent bills to the County, where they are added to the assessed property tax. The county adds these charges once a year for the City, but the fees must be submitted before August 25th to be billed with the year’s property taxes. Any mowing taking place after August 25th is required to wait an additional year before being added to the taxes. The mowing charges at 517 E Wisconsin were included on the 2011 property taxes.

Mr. Wendell Friesen purchased the property at 517 E. Wisconsin from Mr. Beckham on June 5, 2011. As part of the property transaction Mr. Friesen was required to pay the back taxes owed on the property. The mowing charges on the property were not disclosed by Mr. Beckham, and Mr. Friesen did not know about the charges until he saw the fees in late 2011 with his property taxes, the taxes were paid in 2012.

Mr. Friesen has made previous requests to former City Administrator Ed Truelove and Interim Administrator Jay Newton for the pardon of these delinquent mowing charges; both individuals have suggested that he bring the matter before the governing body.

Analysis:
Nuisance abatement liens are common, and it is the responsibility of the new property owner to pay the liens. The City has not made it a regular practice to dismiss mowing charges, and previous property buyers in town have been required to pay similar fees.

Staff has some concerns that pardoning this charge may set a precedent for future cases involving nuisance charges.

Recommendations/Actions: It is recommended the City Council:
Consider the request made by Wendell Friesen to forgive nuisance mowing charges on the property located at 517 E Wisconsin.
TO: Mayor and City Council
SUBJECT: Commercial Vehicle Draft Ordinance
INITIATED BY: City Administrator, Kyler Ludwig

Background:
Following a discussion on commercial vehicle parking at the October 5, 2015 City Council Meeting staff has prepared a draft ordinance for council to review and discuss. Council sought to limit parking of commercial vehicles in residential areas of town because they impact visibility on neighborhood streets, damage roads, and they threaten the residential character of neighborhoods.

The draft ordinance was based on the codes from Clearwater, Lyons, Marion, Iola, and Medicine Lodge.

Analysis:
The draft ordinance does the following

- Prohibits Commercial Vehicles from parking in residential districts. This includes vans, trucks, trailers, etc.
  - Restrictions are not placed on private trailers for personal use only
- Exceptions are made for the following reasons:
  - Loading/unloading
  - While the truck is being used for services – ie landscaping company can park while they are working
  - Construction Projects- must be parked next to construction site.
  - Participation in tourism activities – ie the Big Well, school events, City Pool, etc.
  - When parking in a private parking lot –ie churches
- Additional restrictions remain on cattle trailers and refrigerated trailers (only allowed 2 hours in commercial or industrial areas.

Legal Considerations:
Reviewed by City Attorney Gordon Stull and approved as to form.

Recommendations/Actions: It is recommended the City Council:
Discuss the draft policy and recommend changes to the ordinance.

Attachments:
Exhibit A: City Code- Current, Exhibit B: Draft Ordinance Change
14-207. Semi-trailers.

For purposes of this article, the following terms and words shall have the meanings given herein:

(a) Person - means every natural person, firm, association, partnership or corporation.

(b) Cattle - means animals used by man for labor or food.

(c) Refrigerated - means to keep cool or cold.

(d) Park or Parking - means the standing or parking of a semi-tractor trailer, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property.

(e) Cattle Semi-Tractor Trailer - means every vehicle with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle, which is used or operated to transport cattle.

(f) Refrigerated Semi-Tractor Trailer - means every vehicle with or without motive power, other than pole trailer, designed for carrying property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle, which is used or operated to transport property to be kept cool or cold.

(1) It shall be unlawful for any person to park or leave unattended a cattle semi-tractor trailer or a refrigerated semi-tractor trailer on any street, avenue, alley, public, or private property in the city for a period of more than two hours within each 24 hour period. The 24 hour period to begin on noon of each day.

(2) This article shall not effect refrigerated semi-tractor trailers that are not operating the cooling unit or any motor thereon.

(Ord. 824, Secs. 1:3; Code 2007, 208; Code 2014)
AN ORDINANCE AMENDING SECTION 14-207 OF THE CODE OF THE CITY OF GREENSBURG, KANSAS

NOW, THEREFORE, be it ordained by the governing body of the City of Greensburg, Kansas:

SECTION 1. Section 14-207 of the Code of the City of the City of Greensburg, Kansas, is hereby amended to read as follows:

14-207 Commercial Vehicle Parking.

1. For purposes of this article, the following terms and words shall have the meanings to them by Article 1 Section 1 of the Standard Traffic Ordinance of 2015:

   (a) City
   (b) Park or Parking
   (c) Person
   (d) Residence District
   (e) Semitrailer
   (f) Street or Highway
   (g) Trailer
   (h) Truck
   (i) Truck Tractor

2. For purposes of this article, the following terms and words shall have the meanings given herein:

   (a) Cattle – means animals used by man for labor or food.
   (b) Cattle Trailer - means every Trailer which is used or operated to transport cattle.
   (c) Commercial Vehicle – means any Truck or Truck Tractor or any Trailer, Semitrailer or pole trailer drawn by a Truck or Tractor for the transportation of persons or the delivery of property for hire, compensation, profit or in the furtherance of any commercial enterprise. The term “Commercial Vehicle” does not include vehicles
typically used for passenger or commuting purposes which have a gross weight of ten thousand pounds (10,000 lbs) or under or motor vehicles which are licensed and registered as a passenger vehicle.

(d) Refrigerated – means to keep cool or cold for preservation purposes.

(e) Refrigerated Trailer - means every Trailer which is refrigerated.

(f) Tourism Activity – means the attendance at a museum, art gallery, theater, community festival, school sponsored event, business, or municipal pool.

3. It shall be unlawful for any person to park a Commercial Vehicle on any Street or Highway in a Residence District, City Park or Recreation area, or on other City-owned property, except for the following reasons or purposes:

(a) For the express purpose of loading or unloading property or merchandise.

(b) When the vehicle is necessary and actively being used for the performance of services in a Residence District.

(c) When the Commercial Vehicle or equipment it is transporting are being used as part of a construction project on an adjacent property.

(d) When the Commercial Vehicle has parked for the express purpose of participating in a Tourism Activity within the City.

(e) When parked in a public, church or private parking lot to which the public has access.

4. It shall be unlawful for any person to park or leave unattended a Cattle Trailer or Refrigerated Trailer on any Street or Highway or any public, or private property in a commercial or industrial zoned area of the City for a period of more than two hours within each 24 hour period. The 24 hour period to begin at 12:00 a.m. each day.

(K.S.A. 8-2002; Code 2015; Ord. 1068)

5. Any conflict between the provisions of Section 14-207 of the City Code as hereby amended and the provisions of the Standard Traffic Ordinance 2015 adopted by the City shall be controlled by the provisions of Section 14-207 as amended hereby.

SECTION 2. This Ordinance shall take effect and be in force from and after the date of its publication in the official City newspaper.
ADOPTED by the Governing Body of the City of Greensburg, Kansas this _____ day of _____, 2015.

______________________________
ROBERT A. DIXSON, MAYOR

ATTEST:

______________________________
CHRISTY PYATT, CITY CLERK
TO: Mayor and City Council  
SUBJECT: Industrial Park Land Donation  
INITIATED BY: City Council  
PREPARED BY: City Administrator, Kyler Ludwig  

Background:  
On June 16, 2014 the City of Greensburg established a Land Bank to help aid in the development of properties within the City. The City has not yet placed any of the industrial park properties in the Land Bank.

Analysis:  
In 2014 the City of Greensburg paid $5,379.57 to Kiowa County for the properties located within the industrial park. Under KSA 12-5909 all properties in the Land Bank are exempt from property taxes. Transferring undeveloped industrial properties into the Land Bank would allow for the industrial park properties to benefit from property tax exemption. As the Land Bank the Governing Body would not give up any control or authority in developing the industrial park properties.

The City will still be held responsible for the payment of 2015 taxes (which will be billed in late November). The County Appraiser’s office recommends that we transfer the deed of the property prior to January 1, 2016.

Financial:  
The City is responsible for legal fees required to transfer the industrial park properties.

Recommendations/Actions: It is recommended the City Council:  
Direct City Attorney Gordon Stull to write-up documentation for the land transfer of the Industrial Park from the City of Greensburg to the Land Bank.

Attachments: Exhibit A: 2014 Kiowa County Property Taxes
# RECEIPTS
KIOWA COUNTY TREASURER

Date - Time: 10/14/2015 - 10:01:34AM

**Tax Unit ID:** 1  
**Tax Unit:** GREENSBURG CITY  
**Value:** 28,125

**Parcel #:** 01162  
**CAMA #:** 085 15 0 00 00 002 00 0 00  
**Sec:** 15  
**Twn:** 28  
**Rgn:** 18

**Property Address/Legal:** HWY 54 - GREENSBURG, KS - 67054

GREE00048  
GREENSBURG CITY OF  
300 S MAIN ST  
GREENSBURG, KS - 67054-1728

**Owner:** GREENSBURG CITY OF  
**Legal:** W2 SE4 LESS RD RW SECTION 15 TOWNSHIP 28 RANGE 18

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**Grand Totals:**  
**1st Half:** 2,689.79  
**2nd Half:** 2,689.78  
**Total:** 5,379.57

**Remaining 1st Half:** 0.00  
**Remaining 2nd Half:** 0.00  
**Remaining Total:** 0.00

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