

**Greensburg City Council
October 19, 2015
City Hall**

A) CALL TO ORDER

Mayor Robert Dixon called the meeting to order at 6:00 p.m. on October 19, 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

Dixon welcomed citizens to the meeting and opened the floor for comments. There were no comments from citizens in the audience.

E) CONSENT AGENDA

City Administrator Kyler Ludwig requested that business item 3 of the October 5, 2015 minutes reflect that J & J Powerline Contractors Inc. now own the CMS facility in Coldwater. Trummel made a motion to approve the Consent Agenda with the requested change to the minutes. Jungemann seconded the motion. The motion passed 5-0.

F) ITEMS OF BUSINESS**1. Citizen Appeal for Mowing Fee Pardon – 514 E. Wisconsin**

Ludwig gave an overview of events leading up to the request from citizen Wendell Friesen for a pardon of mowing fees assessed to property that he purchased at 517 E. Wisconsin. On September 23, 2010 the property, owned by Brad Beckham, was mown by City staff after certified notification had been sent. Mr. Beckham was sent an invoice for \$375.00 for the mowing, which he did not pay. 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 charges assessed after August 25th are 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. The Friesen's purchased the property in question 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. Mr. Friesen was not aware of 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. Ludwig opposed granting the pardon because of city policy.

Mr. Friesen addressed Council, advising them of his and his wife's efforts to provide low cost housing in Greensburg. When the property was purchased, Friesen requested a total of the back taxes from the County and paid the amount specified. The mowing charges in question were not assessed at that time. Friesen noted that he has kept the property mowed since taking possession of it.

Council discussed the events amongst themselves and with Ludwig and Friesen. Trummel asked what could be done in the future to make new property owners aware of any pending mowing charges. City Attorney Gordon Stull asked if Friesen had purchased Title Insurance on the property, stating that anyone researching for the insurance company would have found the pending fees. Title Insurance was not purchased on the property. Stull noted that though the mowing fees were not assessed to the taxes, the City had submitted them to the County and they would have been in County records as pending for the next year. Stull suggested Staff could file an affidavit of pending mowing fees in the Register of Deeds office, giving new property owners a better opportunity to be made aware of the fees. The City's code on weed overgrowth was in place prior to 2007. The fees assessed were increased following the 2007 disaster due to an increase in damage to city equipment from tornado debris. The fee was also set to encourage property owners to maintain the properties themselves. Council did voice concern over setting precedence for refunding mowing fees.

Christenson made a motion to direct City Staff to explore filing an affidavit with the Register of Deeds office, to make sure anyone doing due diligence would be made aware of pending mowing fees. Trummel seconded the motion. The motion passed 5-0. No motion was made to refund Mr. Friesen the mowing fees he had previously paid.

2. Review Draft Ordinance on Commercial Vehicle Parking

Ludwig discussed the Staff Analysis on business item 2, provided in the meeting packet. Stull had reviewed the draft ordinance that was also provided for Council's consideration. As prepared, the draft ordinance would prohibit commercial vehicles from parking in residential districts. This includes vans, trucks, trailers, etc. Restrictions were not placed on private trailers for personal use. Exceptions to the prohibition were made for loading/unloading, while the truck is being used for services, construction projects (when parked next to the construction site), participation in tourism activities (i.e. Big Well, school events, City pool, etc.), and when parking in a private parking lot. Additional restrictions would remain on cattle trailers and refrigerated trailers. Ludwig suggested the proposed ordinance be a discussion item only, allowing citizens ample time to comment and share concerns. Stull clarified that regulations regarding hazardous materials are covered in another portion of the city's code.

Trummel made a motion, seconded by Jungemann, to adopt Ordinance 1068 as proposed. Dixon called for a roll call vote. Christenson: yes; Trummel: yes; Jungemann: yes; Schaffer: yes; Kern: yes. The motion passed 5-0.

3. Industrial Park Land Donation to Land Bank

Ludwig proposed Council direct Stull to prepare documents to transfer properties located within the industrial park to the Land Bank. In 2014 the City paid \$5,379.57 in taxes on the property. Under K.S.A. 12-5909 all properties in the Land Bank are exempt from property taxes. As the Land Bank, the Governing Body would not give up any control or authority in developing the industrial park properties. Stull recommended waiting to transfer the property until taxes are billed on November 20th, allowing taxes due for 2015 to be forgiven through the transfer. Any development on property within the Land Bank would cause the property to go back on the tax rolls.

Christenson asked if accommodations should be made in the Land Bank Policy for property in the industrial park. Stull will review the policy, but believes that nothing would need to be changed within the policy. Council questioned if the price to purchase property in the industrial park would be limited to prices set in the Land Bank Policy. Ludwig advised that the policy allows the Land Bank to approve an appropriate price at the time of sale or lease. The property could be owned by the land bank and leased or be deeded back to the city and leased.

The consensus of the Council was to allow Stull to move forward with the process of moving the industrial park property to the land bank.

G) CITY ATTORNEY'S REPORT

Stull advised that the settlement and agreement between the City and former City Administrator Sheila Magee has been filed in District Court. The case is closed, no additional appeals can be made.

H) CITY ADMINISTRATOR'S REPORT

Ludwig presented a copy of a prepared City Administrator's Report. The following topics were discussed in the report:

- **Performance Measures:** Staff will be developing performance measures in each department that will be used to assist decision making. Staff will be developing key performance indicators (KPIs) for the governing body to review on a quarterly basis. Council was asked to make Ludwig aware of any measures it is interested in having for those reports. 2016 will be the baseline year for many of these measures.
- **Staff Flu Shots:** Kiowa County Health Department will be set up at City Hall on Wednesday, October 21st at 8:15am to give flu shots to employees. Employee family members are welcome to participate if they bring in their insurance cards.
- **Kansas Destination Specialist:** Stacy Barnes will be awarded her KDS certificate through the Travel Industry Association of Kansas.
- **School Zone Lights:** The new school zone lights are in place along Main Street. Ludwig thanked Mick Kendall (Utilities Superintendent), Mike Hayes (Public Works Director), and Paul Alvarez (Chief of Police) for their hard work.
- **Economic Development:** Tomorrow at 5:00pm the County Economic Development Board will meet at Greensburg State Bank. Much of the discussion will be focused on how the organization will change with the vacancy of the director position.
- **GreenTour Book:** The Tourism Board has tabled their discussion on the GreenTour Books; this will be brought up after the board reviews the organization of the digital file.
- **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 Training (Special Meeting):** As directed by Council, Special Meeting for Council training has been planned for November 9th at 6pm. Representatives from Wichita State University will prepare approximately 2 hours of training for the governing body. This training is paid for through grant funding.


I) GOVERNING BODY COMMENTS

There were no additional comments from the Governing Body.

J) ADJOURNMENT

With no additional items to come before the Council, Dixon declared the meeting adjourned at 6:55 pm.


Robert A. Dixon, Mayor


Christy Pyatt, City Clerk