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 19, 2015
   2. Appropriation Ordinance
      a. Ordinance #1963 -- $22,733.06

F) ITEMS OF BUSINESS
   1. Blue Cross Blue Shield Insurance Approval
   2. Discussion on Residential Chickens
   3. Update and Discussion on Industrial Park Development

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
A) CALL TO ORDER
Mayor Robert Dixson 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
Dixson 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. Dixson 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, Dixson declared the meeting adjourned at 6:55 pm.
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<td>TOUR KANSAS</td>
<td>GROUP TOUR MAGAZINE AD</td>
<td>665</td>
<td>24287</td>
<td>11/02/15</td>
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</table>

**** PAID  TOTAL *****  22,733.06

***** REPORT TOTAL *****  22,733.06
TO: Mayor and City Council
SUBJECT: BCBS Renewal
INITIATED BY: City Administrator

Background:
The City of Greensburg has used Blue Cross Blue Shield of Kansas as our health insurance provider since 2014. The City currently offers the “BlueCare Premier SG Choice” package for employees and family members. The City pays 80% of the health insurance costs.

Analysis:
The current total cost of employee health insurance per month is $5,021. Blue Cross Blue Shield of Kansas has provided a quote for continued coverage at $5,410 per month. The 2016 coverage will be a 7.75% increase over the previous year’s premium. It is estimated that the City will spend $51,934 in 2016, an increase of approximately $3,737. On average employees will see their contribution to health insurance increase by approximately $10 a month.

4-5% of the increase is due to the increase in ages of those covered, and 2-3% is a result of increased use.

In addition to the increase in costs the policy has changed its deductible from $1,400 per person / $2,800 family to $1,500 per person / $3,000 family. The out-of-pocket maximum has increased from $2,800 per person / $5,600 family to $3,500 per person / $7,000 family.

Financial:
The City should continue to budget for 7-10% increases in health insurance costs. The City has adequately budgeted for the increases in Health Insurance (Exhibit B).

Recommendations/Actions: It is recommended the City Council:
Approve Blue Cross Blue Shield of Kansas as the City’s Health Insurance provider.

Attachments: Exhibit A: BCBS Flyers, Exhibit B: Budget Analysis
# BlueCare Premier SG Choice with Pediatric Dental

When you choose a health insurance plan, you want to get the most out of your health care dollars – today, more than ever. Blue Cross and Blue Shield of Kansas developed BlueCare plans with you in mind. BlueCare helps put you in control of your health care.

<table>
<thead>
<tr>
<th>In-Network</th>
<th>Out-of-Network</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Deductible</strong></td>
<td>$1,500 per person / $3,000 family</td>
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<tr>
<td><strong>Coinsurance</strong> (percentage paid by member)</td>
<td>20%</td>
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<tr>
<td><strong>Coinsurance maximum</strong></td>
<td>Same as the annual out-of-pocket maximum</td>
</tr>
<tr>
<td><strong>Annual out-of-pocket maximum</strong></td>
<td>$3,500 per person / $7,000 family</td>
</tr>
</tbody>
</table>

### Doctor’s office visits

| Home and office visits - Primary | $25 copay for 5 visits, then subject to deductible and coinsurance |
| Home and office visits - Specialists | $50 copay then 100% |

### Preventive care

These services are paid at 100% of the allowable charge. Some of the services include:
- Routine screenings
- Preventive immunizations
- Well-woman visits/screenings
- Contraceptive methods

### Drug coverage

| Prescription drugs | $15 generic / $50 brand / $75 non-formulary / $150 specialty / 20% coinsurance up to $250 maximum for specialty non-formulary |
| Mail order drugs | $3750 generic / $125 brand / $18750 non-formulary / $375 compound (3 month supply) |
| Specialty drugs are not covered |
| Mail order drugs | $15 generic / $50 brand / $75 non-formulary (30 day supply) |
| Specialty drugs are not covered |

### Medical services

| Emergency medical transportation | Subject to deductible and coinsurance |
| Inpatient surgery physician/surgical | |
| Inpatient facility fee | |
| Outpatient surgery physician/surgical | |
| Outpatient lab and radiology | Subject to deductible and coinsurance |
| Advanced imaging (CT/PET scans, MRIs) | $200 copay per billed charge |
| Emergency Room | $300 copay then subject to deductible and coinsurance |
| Injections | Subject to deductible and coinsurance |
# BlueCare Premier SG Choice with Pediatric Dental

## Dental and Vision

<table>
<thead>
<tr>
<th></th>
<th>In-Network</th>
<th>Out-of-Network</th>
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</thead>
<tbody>
<tr>
<td>Pediatric dental (for ages 0-19)</td>
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<td>Subject to deductible and coinsurance</td>
</tr>
<tr>
<td>Pediatric vision (for ages 0-19)</td>
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<td>Subject to deductible and coinsurance</td>
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</table>

## Recovery/Special Needs

<p>| | |</p>
<table>
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<tr>
<td>Outpatient rehabilitation</td>
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<tr>
<td>Outpatient habilitation</td>
<td>Subject to deductible and coinsurance</td>
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<tr>
<td>Hospice</td>
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<tr>
<td>Home health care</td>
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## Mental Illness/Substance Use Disorders

<table>
<thead>
<tr>
<th>Mental illness/substance use disorders – inpatient services</th>
<th>Provided at the same payment level that is applicable to the service provided for a condition other than the mental health disorders</th>
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</thead>
<tbody>
<tr>
<td>Requires pre-admission certification from New Directions Behavioral Health at 1-800-952-5906</td>
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## Mental Illness/Substance Use Disorders – outpatient services

## Other

<table>
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<tr>
<th>Lifetime maximum</th>
<th>Unlimited for each covered person</th>
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</thead>
<tbody>
<tr>
<td>Eligible dependents</td>
<td>Covered to age 26</td>
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<tr>
<td>HSA compliant</td>
<td>No</td>
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</table>

## Exclusions

Following is a list of common non-covered services. For a complete list of limitations and exclusions, refer to your contract.

Duplicate benefits provided under federal, state or local laws, regulations or programs except Medicaid; services involving cosmetic or reconstructive surgery (except as stated in the contract); charges for personal items; convalescent or custodial care or rest cure; all keratotomy procedures; blood or payments to donors of blood; any service or supply related to the medical management of obesity, except services covered as preventive health benefits; services or supplies related to sex transformations; services related to the reversal of sterilization procedures; any medically-aided insemination procedure; charges for services by immediate relatives or by members of the household; acupuncture and admission for acupuncture; medically unnecessary services and admissions; services covered and payable under any medical expense payment provision of any automobile insurance policy; mental illness or substance use disorder services provided by a non-eligible provider; services, supplies or treatments not specifically listed as covered in the member’s contract.

## Drug coverage limitation

Generic drugs are mandatory if available unless physician prescribes a brand drug.

## Specialty drug coverage

In-network benefits are applied when specialty drugs are obtained from Prime Specialty Pharmacy.

This brochure provides a brief description of some important features and exclusions of this benefit program. It is not a legal document. The certificate sets forth in detail the rights and obligations of both you and Blue Cross and Blue Shield of Kansas.
Dental care and regular dentist visits can go a long way to keeping overall health where it needs to be. Whichever BlueCare plan you choose, you’ll find that pediatric dental benefits are included. Our Affordable Care Act compliant plans provide you the coverage you need for your family, and help to make the cost of dental care manageable.

Here’s a quick look at the pediatric dental services offered to members up to age 19:

**Preventive Services**

- Cleanings – One time every six months
- Fluoride treatments – Up to three times yearly
- Sealants – One time a year per tooth
- Space maintainers – One time per year

1 Limitations include occlusal surface only, teeth must be free of caries (tooth decay), not covered when placed over restoration.
2 Covered when medically indicated due to premature loss of posterior primary tooth; recementation not covered within six months of initial placement.

**Diagnostic Services**

- Periodic dental evaluation – Once every six months
- Comprehensive evaluation – One per insured, per dentist per lifetime

**X-rays**

- Bitewing
- Full mouth and panoramic – Once every three years

**Treatment Services**

**Fillings**

- Silver amalgam
- Tooth colored composite

**Crowns**

- Stainless steel – Once per 24 months per tooth
- Metal only, metal/porcelain or porcelain only – Once per 60 months per tooth

3 An approval process (known as “prior authorization”) for determining if services will be considered for payment is required for all crowns except stainless steel.

**Root canals**

- Root canals on baby teeth – One per tooth per lifetime
- Root canals on permanent teeth – One per tooth per lifetime

**The treatment services listed below also require prior authorization to be considered for payment.**

- Periodontal therapy
- Full and partial dentures (once every 60 months)
- Orthodontics

Additional coverage may be available if you have a separate dental plan. Dental services are subject to applicable deductible, coinsurance or annual out-of-pocket maximum. This is a brief summary of the coverage available under this program. It is not a legal document. The exact provisions of the benefits and exclusions are contained in the certificate.
Pediatric Vision coverage under your BlueCare™ plan

Annual eye exams are an important part of anyone’s overall health routine, and they play a key role in ensuring a child’s vision and academic development. Your BlueCare plan includes pediatric vision coverage for those important exams, eyeglasses and other additional benefits.

Here’s a quick look at the pediatric vision services offered to members up to age 19:

Eye Exams
- Basic exams are covered as needed when provided by ophthalmologists and optometrists
- Two exams per month to detect and/or follow medical conditions
- As needed up to one year following cataract surgery

Eyeglasses (standard frames)
- Frames must include a one-year warranty
- Up to three pairs of frames per 365 days
- Up to three sets of lenses per 365 days
- Eyeglasses provided for post cataract surgery within one year of surgery

Contact Lenses
Contact lenses require prior authorization. Contact lens fitting is allowed once per lifetime when contacts are first prescribed and fitted. Subsequent fittings will be considered if a new type of contact lens is being prescribed and fitted.

Blepharoplasty and Blepharoptosis
Surgery for the correction of eyelid defects requires prior authorization.

Exclusions
Although this is not a complete list, your pediatric vision coverage excludes items such as LASIK surgery, sunglasses, safety glasses, athletic glasses, backup eyeglasses and contact lenses for cosmetic purposes.

Vision services are subject to applicable deductible, coinsurance or annual out-of-pocket maximum. This is a brief summary of the coverage available under this program. It is not a legal document. The exact provisions of the benefits and exclusions are contained in the certificate.
<table>
<thead>
<tr>
<th>Depart</th>
<th>Estimated Insurance Cost</th>
<th>City cost (80%)</th>
<th>2016 Budget</th>
<th>Difference From Budget</th>
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TO: Mayor and City Council
SUBJECT: Residential Chickens
PREPARED BY: City Administrator

Background:
On May 6, 2013 the City Council reviewed an amendment to section 15.8 of the Sustainable Land Development Code “Personal Animal Husbandry Special Exceptions”. The ordinance, which would have given council the authority to regulate residential chickens died due to the lack of a motion. A request has been made by a resident to review options again to allow for residential chickens.

Analysis:
Current restrictions prevent residents from housing fowl within city-limits unless they have a two acre lot, and hold a public hearing. Staff is seeking council direction to know if the governing body has any interest in reassessing the regulations on residential chickens.

Recommendations/Actions: It is recommended the City Council:
Discuss interest in a policy allowing chickens in residentially zoned neighborhoods.

Attachments: Exhibit A: May 6, 2013 Minutes, Exhibit B: Draft ordinance –
Item 1: Opening Session  
Call to Order; Pledge of Allegiance; Invocation; Roll Call
Mayor Bob Dixson called the meeting to order at 6:00 p.m. on May 6, 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, Sandra Jungemann, Erica Goodman, and Haley Kern.

H) Consider Ordinance 1038, adopting amendments to the Animal Control Code.
Council was provided an updated copy of the proposed Animal Control Code in their meeting packets. Changes include combining articles on dogs and cats, banning Pit Bulls, and modified fees for animal registration. A habitual violator section was also added. Truelove would like to see a 30 day grace period for citizens to register their animals and remove Pit Bulls before the Ordinance is enforced.

Christenson noted that Section 2-109c references 2-113 rather than 2-112 as it should. He also asked if 2-109 allowed for fowl within City limits. Staff explained that 2-109 matches the wording of the current Animal Husbandry Code in the Sustainable Land Development Code, which allows for certain types of animals, and fowl, on properties of 2 acres or more, with a special exception from the Planning Commission. Staff also confirmed that Pit Bulls currently in the City are prohibited and will not be grandfathered. Also, fowl in City limits are currently prohibited. If a citizen has a minimum of 2 acres of property they are welcome to request a special exception for fowl and other livestock, and a public hearing will be called for the request. Trummel emphasized the importance of educating the community through the media. Recommended media outlets included the newspaper and City website. Christenson also recommended that a reminder to license animals be placed on the utility bills. Discussion was held on Staff organizing a vet clinic at which rabies shots would be distributed and registration could be purchased. Jungemann made a motion to approve the Ordinance, with the correction of the reference to 2-112 in section 2-109c. Trummel seconded. Roll Call vote: Christenson – yes; Trummel – yes; Jungemann – yes; Goodman – yes; Kern – yes. Motion passed 5-0.

I) Consider Ordinance 1039, amending section 15.8 “Personal Animal Husbandry Special Exceptions” in the Sustainable Land Development Code as recommended by the Greensburg Planning Commission.
Proposed Ordinance 1039 was tabled previously. The Planning Commission recommends approval of the Ordinance, which would amend section 15.8 of the Sustainable Land Development Code and allow the keeping of fowl within city limits (without the current 2 acre minimum), with approval of a Special Exception from the Board of Zoning Appeals. If the Ordinance is adopted, a new section will need to be added to the Animal Control Code, to regulate fowl. Christenson voiced that he prefers the current process, which gives neighbors the ability to comment at a public hearing on the special exception application. Kern stated that she had not received any comments from constituents that supported passage of the Ordinance. The Ordinance died due to lack of a motion. Council advised that citizens who currently own fowl within city limits are in violation of the current code, which prohibits fowl, and would therefore not be grandfathered. Those who own a minimum of 2 acres of property were welcomed to make application for a special exception.
ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 15.8 OF THE SUSTAINABLE ZONING
ORDINANCE OF THE CITY OF GREENSBURG, KANSAS TO PERMIT RAISING FOWL IN
RESIDENCE AREAS

WHEREAS, The Greensburg Planning Commission initiated a public hearing for an amendment to
the Sustainable Zoning Ordinance addressing raising of fowl in residence areas; and

WHEREAS, the Greensburg Planning Commission held a public hearing on February 27, 2013 to
consider this issue, under the authority of K.S.A. 12-741 et seq; and,

WHEREAS, on February 27, 2013 the Greensburg Planning Commission recommended 4-1 that the
City Council of the City of Greensburg, Kansas, adopt this amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GREENSBURG, KANSAS, that:

SECTION 1. That the Sustainable Zoning Ordinance of the City of Greensburg, Kansas, Article 15, Section 8
be amended to read (amended language underlined):

15.8 Personal Animal Husbandry Special Exceptions
Small scale animal husbandry may be permitted as a special exception in residential
zoning districts. Non-commercial animal husbandry may be allowed within the R1-A and
R1-B districts only after review by the Board of Zoning Appeals as a special exception.
The BZA shall take in to consideration (among others): the location of pens, runs, and
other enclosures; the size and number of animals kept; and the potential for
neighborhood nuisance. Two horses per fenced acre shall be the standard, and the
minimum lot size shall be two acres. The BZA shall not have authority to contradict
provisions of the Greensburg Animal Control Ordinance. Exception: fowl for personal
use may be permitted in residence areas in accordance with the adopted Greensburg
Animal Control Ordinance.

SECTION 2. The Sustainable Zoning Ordinance of the Sustainable Land Development Code of the City of
Greensburg, Kansas, as amended, is hereby reincorporated by reference to Chapter 16 of the
Code of the City of Greensburg, Kansas, in accordance with the provisions of K.S.A. 12-3009
and amendments thereto.

SECTION 3. This Ordinance shall be in full force and effect from and after it publication in the official city
newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY of the City of Greensburg, Kansas, this 6th day
of May, 2013.

____________________________________
Robert A. Dixson, Mayor

ATTEST:

___________________________________
Christy Pyatt, City Clerk
TO: Mayor and City Council
SUBJECT: Industrial Park Development
INITIATED BY: City Administrator

Background:
The City owns approximately 60 acres in its industrial park. This land has remained undeveloped and the City is continually looking for opportunities to attract future business development.

Analysis:
Questions have been raised about using the City’s Public Building Commission (PBC) to help finance buildings that would be leased by the City. Kevin Cowan the City’s bond counsel advised staff that development of industrial buildings for lease goes beyond the scope of authority granted to the PBC in Charter Ordinance 11. The PBC is limited to development of city offices, community recreation centers, school district buildings, non-profit health care facilities, county offices, and state/federal government offices. It may be possible to use the PBC to finance the industrial park infrastructure (this was done in Park City, Kansas).

The City can use general obligation bonds pay for development in the industrial park, but these will not have a federal tax-exempt status. Bonds that are not federally tax-exempt have higher interest by about one-third (approximately 4% instead of 3%). The City has a statutory debt limit of 30% of the assessed valuation (including motor vehicles) or approximately 2.5 million dollars (Public utility bonds are excluded from the debt limit). The City uses its debt limit in the issuance of temp-notes, and should save about half of the debt limit for emergencies.

Legal Considerations:
All bonds and financing will be reviewed by the City’s bond counsel and the City Attorney.

Recommendations/Actions: It is recommended the City Council:
Discuss if there is interest in pursuing development of the industrial park through general obligation bonds.

Attachments: Exhibit A: Industrial Park Map, Exhibit B: Charter Ordinance 11
CHARTER ORDINANCE NO. 11


WHEREAS, Article 12, Section 5 of the Constitution of the State of Kansas (the “Act”) provides that cities may exercise certain home rule powers, including passing charter ordinances which exempt such cities from the acts of the Kansas Legislature; and

WHEREAS, the City of Greensburg, Kansas (the “City”) is a city, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

WHEREAS, K.S.A. 12-1758 and K.S.A. 12-1767 are a part of an enactment of the Kansas Legislature (K.S.A. 12-1757 et seq.) relating to public building commissions and the issuance thereby of revenue bonds, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the City desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 12-1758 and K.S.A. 12-1767, and to provide substitute and additional provisions therefor in order to provide (a) additional and alternative methods for financing certain public buildings and other facilities in the City and (b) an exemption from a protest period relating to the authorization of certain revenue bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GREENSBURG, KANSAS AS FOLLOWS:

Section 1. Exemption-K.S.A. 12-1758. The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it, the provisions of K.S.A. 12-1758 and does hereby provide the following substitute and additional provisions in place thereof:

(a) The City, by appropriate ordinance, may create a public building commission for the purposes of acquiring a site or sites for and constructing, reconstructing, equipping and furnishing, or purchasing or otherwise acquiring, a building or buildings or other facilities of a revenue producing character. Such building or buildings or facilities shall be maintained and operated for (i) City offices or such other purposes as are commonly carried on in connection with such facilities and general City buildings, (ii) public, municipal, community or recreational purposes of the City, (iii) educational, recreational or administrative purposes for school districts, (iv) health care and long-term care facilities of the City, another governmental entity or a non-profit organization operating for such purposes in the City, (v) housing and accommodation of county offices or county businesses or such other purposes as are commonly carried on in connection with such facilities and general county buildings and (vi) for housing, accommodations and parking facilities for offices of state and federal agencies.

(b) A public building commission created by the City may acquire land and facilities adjacent to or near any educational institution under the supervision and control of the state board of regents or may acquire by lease, land and facilities constituting a part of the campus of any such institution. Any public building commission may construct, reconstruct, equip and furnish such facilities on such land and lease such land and facilities to the official governing body of such institution. Any such lease entered into shall
pledge the net revenue from such land and facilities. The City also may pledge such funds as may be necessary from those which are provided to be paid over to the board of trustees from the annual tax levy as provided by K.S.A. 76-3a07, and amendments thereto. The governing body of the City is hereby authorized to designate any surplus from such tax levy as may be necessary to guarantee the rentals under any such lease, and the City is hereby exempted from the provisions of K.S.A. 10-1101 to 10-1122, inclusive, and 79-2925, and amendments thereto, to the extent necessary to enable the City to make a covenant to effect such guarantee.

Section 2. Exemption-K.S.A. 12-1767. The City, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1767 and does hereby provide substitute and additional provisions in place thereof as follows:

(a) Any revenue bonds proposed to be issued by a public building commission created by the City shall be issued as provided in K.S.A. 10-1201 et seq. and amendments thereto, except to the extent that such statutes are in conflict with this Charter Ordinance or K.S.A. 12-1757 et seq. Before any revenue bonds are authorized or issued under the provisions of this Charter Ordinance and K.S.A. 12-1757 et seq., the public building commission shall adopt a resolution specifying the amount of such bonds and the purpose of the issuance thereof.

(b) Such resolution shall be published once a week for two consecutive weeks in the official City newspaper or in a newspaper having general circulation in a county if the lease is with such county or a school district in the county. The resolution may provide, and shall provide, if the lease is with a county, school district or other political, that if within 30 days after the last date of publication of the resolution a petition in opposition to the resolution, signed by not less than 5% of the electors of the City or by not less than 5% of the electors of the county, school district or other political subdivision, if the lease is with such entity, is filed with the county election officer; the governing body of the City, the board of county commissioners or the governing body of the school district, as applicable, shall submit the question to the voters at an election called for that purpose or at the next general election.

(c) No construction or acquisition contract shall be let or approved by a public building commission until after the expiration of the protest period provided under this section, provided that, with respect to revenue bonds authorized by a resolution not subject to the protest provisions described in subsection (b) of this Section, the public building commission may let or approve a construction or acquisition contract upon completion of the publications required by such subsection (b).

Section 3. Severability. Any provision or section of this Charter Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this Charter Ordinance. In such instance, this Charter Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

(04-20-2009)