

Greensburg City Council
April 20, 2015
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 April 20, 2015. The Pledge of Allegiance was said. The invocation was given by Tony Factor. Council present: Mark Trummel, Sandy Jungemann, Rick Schaffer, and Haley Kern. Matt Christenson was absent.

Additions/Deletions to the Agenda

City Administrator Ed Truelove requested the addition of a Cereal Malt Beverage license for Quick Pick, Inc. to the Consent Agenda. The company will be reopening the convenience store formerly known as Mikey's in May. Jungemann made a motion to approve the agenda with the requested addition. Schaffer seconded, and the motion passed 4-0.

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 on the following topics:

- Mick Kendall, Utilities Superintendent, has made Truelove aware of a request from the United States Department of the Interior, U.S. Geological Survey, to perform tests of our local groundwater, from our wells. Truelove has provided Council with a copy of the documentation, and a permission document, for performing the water sampling. With no cost to the City, Mick feels this is a positive process for the City to be involved with, and we will receive reports from the water sampling. Unless Council has an objection, Truelove will sign the permission form.
- The new pool slide has been delivered to the construction site. Construction for the water slide has begun and the slide itself should be complete by the week of May 18th.
- Staff has been contacted by Schwab Eaton representative Gary Smith, formerly with USDA, about a CDBG grant opportunity. Up to \$12 million total funds are available for the area. Individual projects can range from \$100,000 - \$350,000 with a 10% local match. Truelove discussed a list of eligible projects, including park equipment. The application deadline is June 1st, with awards being announced July 15th. Applicants have 18 months to complete the project. Smith recommended that, if the City was interested in pursuing the grant, that it pay for the engineering, rather than going through the cumbersome CDBG funded engineering process. After speaking to a department head, Truelove would encourage Council to pursue the grant to finish development of a park around the new pool facility, citing that it could be years before KDOT provides funds for the remaining replacement of Davis Park. If approved, the grant could be used for items such as trees, grass, irrigation, sidewalks, and playground equipment. Unless Council objects, Truelove will be contacting PEC and request a pre-engineering cost. Dixon pointed out that the cost should not be significant, as much of the planning for that block was done when requesting pool funds from KDOT.

Item 2: Public Comment

Dixson opened the meeting to public comment. There were no comments made.

Item 3: Consent Agenda

Trummel made a motion, seconded by Kern, to approve the Consent Agenda. Motion passed 4-0.

Item 4: Items of Business**A. Consider approval of KPP documents by the passage of Resolution No. 2015-03 and Resolution No. 2015-04.**

During the last Council meeting, Kansas Power Pool (KPP) representative Mark Chesney mentioned that he would be sending documents for Council to approve at a later date. Those documents were provided to the Council prior to tonight's meeting. Truelove requested Council approve Resolutions 2015-03 and 2015-04, which would approve amendments to the agreement creating KPP and authorize the City's continued participation in KPP under the amended operating agreement. Jungemann made a motion to approve Resolution No. 2015-03 and Resolution 2015-04. Trummel seconded. Motion passed 4-0.

B. Consider a request from Tod Barlow, The Red Tractor, to possibly utilize a portion of city easement in front of 108 S. Main St. for patio dining.

Staff was recently approached by Tod Barlow, owner of The Red Tractor, about the possibility of utilizing a portion of the city easement in front of 108 S. Main for patio dining. The Sustainable Land Development Code allows for such a development, with an approved plan review by the Planning Commission and permission from the easement owner. A detailed plan of the development has not yet been made; however, Barlow describes a 3 foot, temporary fence around the concrete portion of the sidewalk in front of the store. The fence would not extend onto the brick portion of the sidewalk. The Development Code requires a minimum sidewalk clearance of 5 feet. Truelove and Christy Pyatt, City Clerk, measured the proposed patio area. The brick portion of the sidewalk is 6 feet and, if allowed, the patio would extend into the concrete portion of the easement approximately 1 foot. Staff supports allowing access to the easement for the requested purpose.

Various questions were asked regarding the type of fencing that would be used, the ability to remove snow from the area, and clean up of any cigarette butts or trash that may come from restaurant patrons. Many of these questions can be answered once a plan is presented to the Planning Commission. City Attorney Gordon Stull pointed out that the code states that the property owner cannot hold the easement holder responsible when access to the easement is required. He recommended requiring indemnification and premises liability insurance, on which the City is named as an insured.

Citizen Paul Lewis voiced concern over possible issues with restaurant patrons being able to hand alcoholic beverages over such a temporary, low profile fence to minors.

Kern made a motion, seconded by Trummel, to allow access to the easement on the condition that the Planning Commission require indemnification and insurance as a condition of their plan review, as recommended by Stull. Motion passed 4-0.

- C. Consider Resolution 2015-05, calling for a hearing to be held on June 15, 2015 at 6:00 p.m. during the regular City Council meeting regarding the possible abatement of dangerous and unfit structures, as well as debris, on property commonly known as 320 E. Florida.**

Truelove reminded Council of their request that Staff pursue abatements as needed and of the past court cases regarding property owned by John Colclazier. Property located at 320 E. Florida was part of the previous abatement processes with Colclazier. The primary structure was abated; however, 2 sheds remain that are dangerous and unfit, as well as a pile of debris. Truelove spoke with Colclazier several weeks ago regarding the property. Colclazier assured Truelove that the property would be cleaned by the end of March. No progress has been made on the property. Kern made a motion, seconded by Jungemann, to approve Resolution 2015-05, calling for a hearing to be held on June 15, 2015 at 6:00 p.m. The motion passed 4-0.

- D. Consider Resolution 2015-06, calling for a hearing to be held on June 15, 2015 at 6:00 p.m. during the regular City Council meeting regarding the possible abatement of dangerous and unfit structures, as well as other code violations, on property commonly known as 309 S. Olive.**

Truelove presented information on a structure and shed located at 309 S. Olive that are dangerous and unfit. The property also has other code violations that will need to be handled separately, using the Environmental Code. Trummel made a motion, seconded by Kern, to approve Resolution 2015-06, calling for a hearing to be held on June 15, 2015 at 6:00 p.m. Motion passed 4-0.

- E. Convene as the Land Bank and consider accepting property located at 302 W. Wisconsin into the Land Bank, pending title insurance.**

Dixon recessed the Council at 6:35 p.m. and they convened as the Land Bank. Truelove explained that Ellen Peters would like to donate 302 W. Wisconsin to the Land Bank. The lot is a buildable lot. Kern made a motion to accept the property into the Land Bank, pending title insurance. Jungemann seconded. Motion passed 4-0. Dixon adjourned the Land Bank and reconvened the Council.

- F. Consider the appointment of a Council Member to the LEPC for a term to expire April 30, 2016.**

Currently, Councilman Christenson represents the Council on the Local Emergency Planning Committee (LEPC). That appointment is reviewed yearly. Truelove reported that LEPC normally consists of quarterly meetings. Schaffer made a motion, seconded by Trummel, to reappoint Christenson as the LEPC representative. Motion passed 4-0.

- G. Consider the appointment of Pam Reves to the Planning Commission for a term to expire April 30, 2017.**

Truelove offered Council the name Pam Reves to be considered as an appointment to the Planning Commission. Reves is a fulltime city employee. Pyatt has spoken to Larry Baer at League of Kansas Municipalities, who advised that there is nothing in statute that would prevent such an appointment. Baer cautioned on the possible public perception that Reves would favor Staff's recommendation in cases. Truelove explained that Reves has a goal of retiring by September. Staff supports the appointment. Trummel made a motion to appoint Reves to the Planning Commission for a term ending April 30, 2017. Kern seconded, and the motion passed 4-0.

- H. Consider a proposal from The Austin Peters Group, Inc, for City Administrator Recruitment Services.**

Dixon introduced Marl Flentje, The Austin Peters Group, Inc., to present a proposal for City Administrator Recruitment Services. Flentje briefly went over the proposal provided to Council in the meeting packet. Flentje plans to work with the Interim Administrator throughout the recruitment

process. City Staff is in the process of updating the factual information on the city profile, which Flentje will review. Flentje will prepare an ad for the position and receive resumes on behalf of the Council. The Austin Peters Group will screen resumes based on Council's minimum and preferred qualifications. Flentje confirmed that she will reach out to potential applicants within their network. She will also have city employees submit the ad to their professional networks. It is the policy of The Austin Peters Group to not reach out to people they have previously placed.

Trummel asked for a time frame for the profile and resume deadline. The profile will be completed within a week. Flentje prefers to allow 3.5 – 4 weeks for resumes and expressed confidence that a new Administrator could be in place in July. Kern made a motion, seconded by Trummel, to accept the recruitment services proposal and authorize the Mayor to sign an agreement for the services when it is provided. The motion passed 4-0.

Dixson requested a 30 minute executive session for non-elected personnel, to include the City Council, Mayor, and City Attorney. Trummel made a motion to go into executive session until 7:20 p.m. Kern seconded, and the motion passed 4-0.

Council returned to open session at 7:20 p.m. Trummel made a motion to go back into executive session for non-elected personnel until 7:35 p.m. Jungemann seconded. Motion passed 4-0.

Dixson declared the meeting back in open session at 7:35 p.m. Staff will forward the updated recruitment profile to Flentje and Stull for further review.

I. Consider the appointment of Mr. Jay Newton as Interim City Administrator.

Dixson requested 5 minutes executive session for non-elected personnel. Trummel made a motion to go into executive session until 7:40 p.m. Kern seconded. Motion passed 4-0.

Council returned to open session at 7:40 p.m. Trummel made a motion, seconded by Jungemann, to approve the employment contract for Jay Newton as Interim City Administrator. Motion passed 4-0.

Item 5: City Attorney's Report

There was no report from the City Attorney.

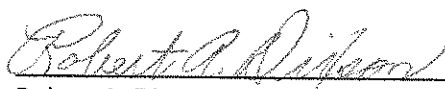
Item 6: Executive Session

There was no need for additional executive session.

Item 7: Adjournment

Kern made a motion to hold a Special Council Meeting on April 28th at 6 p.m. at City Hall to approve a City Administrator Recruitment Profile. Trummel seconded. Motion passed 4-0.

Dixson declared the meeting adjourned at 7:42 p.m.


Robert A. Dixon, Mayor


Christy Pyatt, City Clerk