

Greensburg City Council
June 16, 2017
City Hall

A) CALL TO ORDER

Mayor Robert Dixson called the meeting to order at 6:00 p.m. on June 5, 2017.

B) PLEDGE OF ALLEGIANCE AND INVOCATION

The Pledge of Allegiance was said and the invocation given by Pastor Terry Mayhew.

C) ROLL CALL & APPROVAL OF THE AGENDA

Council present: Mark Trummel, Haley Kern, and Sandra Jungemann. Matt Christenson and Rick Schaffer were absent. Trummel made a motion to approve the agenda as presented. Jungemann seconded. The motion passed 3-0.

D) CITIZEN COMMENTS

Mayor Dixson welcomed those in attendance and opened the floor for citizen comments, of which there were none.

E) CONSENT AGENDA

Trummel questioned if the rodeo programs listed on the appropriation ordinance were paid through Tourism. Jungemann made a motion to approve the Consent Agenda as presented. Kern seconded. Motion passed 3-0.

F) ITEMS OF BUSINESS

1. Power-Up firework Request

City Administrator Kyler Ludwig stated that historically, Council has supported the 4th of July Celebration with a donation of \$1,200 to the Greensburg Power-Up organization. Ludwig introduced Mike McBeath, representing Greensburg Power-Up. McBeath advised Council of the activities planned for the 4th at the Big Well Park. Pig Masters – Eastern North Carolina Barbecue, who served a meal to citizens following the disaster 10 years ago, will be in town again to feed the community. There will be games for the kids, and the group requested a \$1,200 donation for fireworks. Kern stated that she thought the event had been well received in the past. Trummel made a motion, seconded by Jungemann, to donate \$1,200 out of the General Fund/Administration budget. The motion passed 3-0.

2. Vendor Permit Discussion

Staff was asked by Dixson at the May 15th meeting to initiate a discussion about street and sidewalk vendors. Chapter V Article 2 of the City Code regulates these vendors, but the policies have not been regularly enforced. Staff had requested a discussion on this code August 1, 2016. At that time the consensus of the Council was there were no changes in the code or enforcement that needed to be made. During the last Council meeting, citizens expressed concern over out-of-town vendors not being required to obtain a license from the City, not investing in the community as local businesses do, and potentially not reporting appropriate sales tax to the State. The current code regulates door-to-door sales and mobile sales vehicles (i.e. knife sharpening, Schwan's, food wagons, Bolen Office Supply, Dirks,). The code gives exception to sales associated with a non-profit, the sale of homegrown produce, and vendors for special events (such as the Arts and Crafts Fair). Ludwig stated that door-to-door sales have been regulated, but the code has not been enforced on mobile food trucks. Council was provided with a letter from a local business owner, voicing concern. Ludwig explained that Staff cannot deny a vendor license based on whether or not a similar business exists within city limits. Applications are approved or denied based on the background check that is done.

Trummel voiced concern over vendors appropriately reporting sales tax. Staff advised that there is no way for them to enforce the sales tax requirement the way the current code is written. The reporting of sales tax is based on integrity; however, Staff has the capability of looking up who has paid sales tax to the City. Discussion was had on whether or not vendors realized they needed a permit. Jungemann voiced that some cities require a lot more of vendors, in order for them to be permitted.

Georgina Rodriguez voiced her concern in allowing mobile vendors and encouraged Council to increase the fee charged for a permit. Police Chief Paul Alvarez asked Council for direction on how they would like the current code enforced.

Kern voiced interest in making changes to the current code and educating vendors on those regulations. Trummel requested staff look into what local towns do (Coldwater, Kinsley, etc.) Rodriguez advised that most of them do not require permits for vendors, but also have a higher ratio of local businesses to citizens.

3. Unruh – Special Exception Request – Animal Husbandry

City Clerk Christy Pyatt advised that the Planning Commission had held an advertised public hearing on May 17th and unanimously approved property owned by John Unruh, within city limits, for animal husbandry. The property is located in the 900 block of S. Cherry and the 900-1100 blocks of S. Bay. Unruh would like to graze up to 6 cows and 6 calves on the property, using a two-wire, hot-wire fence. The proposed location exceeds the minimum 2 continuous acres requirement and is located in a zoning district that allows animal husbandry with a special exception. Several property neighbors were present at the hearing. All property owners, in city limits, within 200 ft of the proposed exception were notified, and property owners in the county within 1000 feet of the proposed exception were notified. One couple voiced support and another neighbor asked several questions about the use of an electric fence. Ludwig did have one neighbor, who wished to remain anonymous, voice concern over the application. Ludwig clarified that approval by the Council of a Conditional Use Special Exception would only grant the applicant a special exception on the property. Should ownership change, the special exception would no longer be in effect. Staff offered several actions for the Council to take. 1) Approve the Special Exception with the use of a two-wire hot-wire fence. 2) Send the application back to the Planning Commission for further discussion on permitted fencing. 3) Deny the application.

Both Kern and Jungemann voiced some concern over the type of fence being proposed. Dixon asked if the Council would like to wait for a full Council to rule on the request. Jungemann made a motion, seconded by Kern, to table the decision until June 19th. Motion passed 3-0.

4. Airport Modernization Agreement

Council was provided a copy of an agreement between the City and KDOT, for the City to accept the AV-2018-10 airport grant of \$1,080,000. The agreement is similar to what was previously entered into for other KAIP grants, requiring the project meet FAA standards. Grant funds will be available in July 2017. Trummel made a motion, seconded by Kern, to authorize Staff to sign the proposed agreement with KDOT. Motion passed 3-0.

5. Full-Bucket Swing Purchase

Councilmember Kern has requested that Council consider replacing one of the traditional swings at Sunset Acres Park with a bucket swing. The only "toddler swing" available is at Davis Park. Staff offered a commercial/park grade swing for \$108.90. Jungemann made a motion, seconded by Kern, to make the purchase. Motion passed 3-0.

6. Earthquake Monitoring Station – Business Park

Kansas Geological Survey has approached the City with the desire to put an earthquake monitoring station in the industrial park. The apparatus would require a 25 sq. ft area of access to the southern sun. The termination period of the contract was left blank, and Staff recommended 60-90 days to allow the Geological Survey to collect its equipment. Noise testing will be required prior to installation. Trummel asked if the group had a specific location they would like to utilize. Ludwig stated that they had no preference and that Council could give direction on that aspect. Kern made a motion to approve an agreement with the Kansas Geological Survey with a maximum termination period of 60 days and a mutually determined location. Jungemann seconded. The motion passed 3-0.

7. City Attorney Consideration

Clayton Kerbs, Kerbs Law Office in Dodge City, was present to speak to the Council regarding a potential appointment as City Attorney. Kerbs explained that he is part of a 2 member law firm with his father. Attorney Ken Strobel also has an office within their building. He spoke to the firm's extensive history of practicing law in southwest Kansas, listing several clients that they represent (i.e. Dodge City Community College, Spearville and Hodgeman Co. School Districts, Ford County, etc.). Kerbs would be willing to attend every Council meeting or as needed, whichever Council would prefer. He spoke of the importance of relationship and how much of the work will be done outside of Council meetings. Kerbs confirmed that he has appeared as Defense before Judge Philip Moore, Greensburg Municipal Judge, in other jurisdictions, but did not foresee any potential conflicts. When asked about compensation, Kerbs listed their current rate as \$185/hour plus mileage. He explained that they bill on 6 minute increments. If chosen to represent the City, Kerbs anticipates a one year contract with the firm would be offered. Police Chief Paul Alvarez advised that Municipal Court primarily handles traffic cases and asked Kerbs opinion on amending speeding tickets issued to semi drivers to non-moving violations. Kerbs advised that he is not opposed to the possibility.

G) CITY ADMINISTRATOR'S REPORT

Ludwig discussed the following topics:

FEMA Check: Staff has received a second check, \$483.45, from FEMA and the State of Kansas for the electrical portion of the January ice storm. Funds for debris clean-up will be released soon.

City Pool: The pool's opening on May 29th was successful. The new lifeguards were trained last week in Pratt, to get their certifications. The old chlorine system, which was discussed at the last meeting, broke down last week and was replaced with the same type of system that we had in the old city pool. This should help reduce pool chemical costs.

Incubator: Circles of Kiowa County has approached the City about setting up an office to help create some local employment opportunities. They will likely be requesting use of some space within the Incubator.

Stoplight: A stoplight was hit in the westbound lane of US-54. It is unknown who/what hit the light. The cost to replace this light is estimated at \$2,750. Ludwig believes that it would be better to pay the expense out of pocket, rather than file an insurance claim.

Audit: The City's annual audit was conducted this past week. There are no major concerns to report from the audit. A full report will be presented to the council later this year.

KDHE Review: KDHE reviewed the City's water system. Their report reaffirmed the need to have a Class II operator. Staff is working to get a Class II certification.

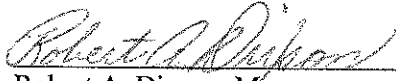
KPP Financial Report: KPP has prepared an annual financial report, which compares and reviews each electric utility participating with KPP. A copy of the report has been posted in the Council Dropbox folder titled "KPP".

H) GOVERNING BODY COMMENTS

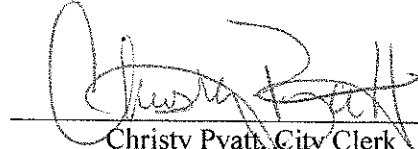
Kern reported that there are 28 garage sales on the County Wide Garage Sale map for this weekend.

D) ADJOURNMENT

Dixson declared the meeting adjourned at 7:11 pm.



Robert A. Dixon, Mayor



Christy Pyatt, City Clerk