CITY OF GREENSBURG
REGULAR CITY COUNCIL MEETING
300 SOUTH MAIN GREENSBURG, KANSAS
TUESDAY, JULY 6, 2021
6:00 PM

The meeting is available online via the City of Greensburg Facebook page.

A) CALL TO ORDER

B) PLEDGE OF ALLEGIANCE AND INVOCATION

C) ROLL CALL & APPROVAL OF THE AGENDA

D) CITIZEN COMMENTS
   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 – June 21, 2021
   2. Appropriation Ordinance
      a. Ordinance #1199

F) ITEMS OF BUSINESS
   1. Animal Control/Code Enforcement Agreement with City of Haviland
   2. City Attorney Contract Renewal
   3. Ordinance #1106 Adding Section 7-112 to Chapter VII, Article 1 of the City Code Regarding Fire Department Vehicle Lighting and Permitting
   4. Policy Waiving Special Assessments for Properties Sold at Sheriff Auction

G) CITY STAFF REPORTS

H) GOVERNING BODY COMMENTS

I) 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 Stacy Barnes at administrator@greensburgks.org or call City Offices at 620-723-2751.
A) CALL TO ORDER
Mayor Matt Christenson called the June 21, 2021 meeting to order at 6:00 p.m.

B) PLEDGE OF ALLEGIANCE & INVOCATION
The Pledge of Allegiance was said. Invocation was given by Pastor Jon Harrison.

C) ROLL CALL & APPROVAL OF THE AGENDA
Council Present: Mark Trummel, Pam Reves, and Haley Kern. Chance Little was absent and there is one open Council seat. Staff present: Administrator Stacy Barnes and City Clerk Christy Pyatt.

Christenson received word from Michael Rainger today that he will not be able to attend tonight’s meeting. Item of Business number 6, as well as the scheduled Executive Session, should be removed from the agenda. Kern made a motion to approve the agenda as presented. Trummel seconded. Motion passed 3-0.

D) CITIZEN COMMENTS
There were no comments submitted in advance.

E) CONSENT AGENDA
Reves made a motion, seconded by Kern, to approve the Consent Agenda as presented. Motion passed 3-0.

F) ITEMS OF BUSINESS
1. Airport Property Lease, Farmer’s Spraying Service Inc.
Farmer’s Spraying Service, Inc., Tony Sturgeon, and his attorney have been working with Barnes and the City Attorney to create an airport property lease agreement that is agreeable to both parties. Sturgeon would like to see a longer term lease due to his lenders; however, both parties have agree to a 50 year lease, with the ability to extend if needed. Barnes has been studying lease pricing for area airports, and had determined that there is no cut and dry structure for lease payments. Barnes feels that $100/acre is a good place to start. The only items pending are the legal description of the property and term dates. Sturgeon prefers a one-acre parcel near the south end of the taxiway. Staff is waiting on the surveyor to provide the legal description.

Trummel verified that Sturgeon intends to build a hanger. Reves questioned if the suggested rate was enough. Reves believes that previously tenants were charged monthly, but chose to pay for a year at a time. She believes Tyree Ag. previously paid $1,000/year additional for chemical storage. Christenson voiced that he is not concerned about charging a lot. Trummel concurred, stating that the fee needed to be a set price per acre and stuck with. Trummel is excited to see someone build on the property.

Trummel made a motion to approve the lease agreement as presented. Reves seconded, and the motion passed 3-0.

2. Housing Incentive Program Proposal
Housing development continues to be a topic of conversation across the state and country, with housing shortages everywhere. Barnes has been contemplating what could be done here, locally. In an effort to incentivize new construction, and help move Land Bank properties, Barnes proposed a housing incentive...
be budgeted for in 2022, to use as a tool to possibly encourage development. Tulsa and Northwest Arkansas have been trying something similar. Barnes suggested $20,000 be budgeted for 2022. Funds would be used on a first come/first serve basis and would only be expended if the City’s program is utilized. There would need to be stipulations established. The program would be for new construction and must comply with all City zoning and building codes. Each proposal would have to be reviewed and approved prior to construction commencing, and an incentive check awarded upon the applicant obtaining an occupancy certificate. Barnes suggested that construction be completed within 18 months of an application being approved. The City Council would serve as the review board. Barnes is in hopes that the initiative would help move property out of the Land Bank (though applicants are not required to utilize Land Bank property) and place it back on the tax rolls.

Christenson asked if a similar program has been tried anywhere in the area. Barnes stated that Hodgeman County and the City of Jetmore started a similar program a few months ago. They do not offer a Neighborhood Revitalization Program (NRP) as Greensburg and Kiowa County do. Reves asked if Barnes had spoken to the County yet, about her proposal. Barnes stated that she preferred to run the idea by Council first. She believes the City should do a trial run on its own for a year, before asking the County if they would like to participate. Barnes has already built the proposed $20,000 into the draft budget being presented this evening. Reves asked Barnes how she would propose advertising such an incentive. Barnes explained that the Economic Development Board would assist with marketing the incentive. Barnes would plan to have it advertised on the Tourism Facebook page, available in the building permit packet, and have information available at the Appraiser’s Office, to be included with the NRP paperwork. Kern asked if the program would be available to a contractor if they wanted to build a spec home. Barnes sees the program more so for family homes, but stated that it could be made available for single and multi-family housing; as well as to a home owner or contractor. Trummel asked if the proposed funds could be used to build a business. Barnes reminded Council of the Economic Development funds already set aside. She feels those funds would be better suited for a commercial construction. Council briefly discussed offering leniency on the required construction time frame on a case-by-case basis.

Noting interest from all Council Members present, Barnes was directed to develop a draft policy for consideration.

3. **Convene as Land Bank: Consider Donation of 211 W. Lincoln**

Council recessed at 6:20 and convened as the Land Bank, to consider a donation application from the owner of 211 W. Lincoln. Tony Hatton purchased the property at the recent Sheriff Tax Auction. The property is not as large as he originally thought. It is 90’ x 150’, which is a buildable lot by City code. The mowing special assessments remaining on the property total $3,031.36. Other back taxes were waved at the tax sale. Trummel and Reves concurred that the buyer should have researched the property more thoroughly before his purchase. Consensus was to decline the donation.

Barnes was asked about the transfer of deed for the Land Bank property on Spruce Street. The deed is signed, but Barnes is awaiting payment before she files it.

Christenson closed the meeting of the Land Bank and reconvened Council to open session at 6:23 p.m.

4. **Reconvene as Council: Consider Waiving Mowing Special Assessments at 516 E. Grant and 211 W. Lincoln**

Barnes has received a request from Tony Hatton that Council consider waiving mowing special assessments to 211 W. Lincoln and 516 E. Grant, which he also purchased at the recent Sheriff Tax Auction. These assessments would normally have been forgiven as part of the tax sale; however, each
year Staff is required to file such assessments before mowing season is complete. Additional assessments received after the cut off date are placed on future tax bills. Since the Tax Auction was organized, 516 E. Grant was assessed $1,500 in mowing fees and 211 W. Lincoln was assessed $3,031.36.

Reves suggested that half the fees be waived on the Grant St. property and that nothing be waived on Lincoln Ave. Barnes noted that prior to the tax sale she had asked Council if they were willing to consider waiving additional assessments for new owners. These fees had gone unpaid by the previous land owner. Since obtaining the properties, Hatton has been keeping the properties mowed. Kern voiced that she was in favor of waiving the fees in full and getting properties into the hands of someone who will care for them. It was mentioned that waiving such fees now may incentivize future tax sales. Reves concurred. Kern made a motion to waive mowing assessments on both properties, in full. Trummel seconded, and the motion passed 3-0.

5. 2022 Draft Budget Review

Barnes provided a draft of the 2022 budget for Council’s review. Going through the document, she noted that revenues and expenditures similar from 2021, with only a slight increase. The greatest changes in revenues and expenses are for court and police, due to increased activity with more officers. Staff has observed a drastic increase already this year in court revenues. Barnes briefly went over the City’s valuation history. The 2022 assessed value is down slightly, but the mil levy is similar, as is the revenue generated. The Administration budget is consistent with 2021. The document showed continuing the $50,000 transfer to Capitol Outlay. The Airport shows an increase in contractual services and commodities due to development beginning. Contractual services for Court are increased and Police shows an increase in personnel costs (2 full-time and 2 part-time employees). Contractual services for Police are also increased, due to contracts with Digiticket, ProVision, Interpool, and the planned Animal Control Contract with City of Haviland. The Fire budget remains unchanged. Each year, funds not expensed by the department are rolled into Fire Equipment Reserve. The Pool budget is unchanged, and Parks is similar. This year Staff was able to fit 2 part-time, seasonal positions in. Under Industrial Park, Council will continue to find a $25,000 transfer for economic development. An expenses line for fuel added last year, allowing Staff to begin showing the cost to maintain/operate the Park. Under Street Department, Council will find a slight increase in personnel costs. The Capital Improvement Fund reflects spending authority for the total estimated income from the long standing ½ cent sales tax. The Electric Fund is similar to 2021, but with an increased revenue to account for the KPP surcharge. Power purchase was also increased to account for the surcharge. Transfers from the fund will continue, but with less supplementation to the General Fund. Water is predicted to generate a similar sales revenue in 2022. Council previously implemented a 5-year water rate increase, to stabilized the fund. The fund is predicted to have a slight increase in expenditures, but the same transfers as previous years. Sewer is predicted to be the same for both revenues and expenditures. There are no employee wages coming from the Sanitation Fund. Trash collection revenues will hold the same, with no contract increase until 2023. Big Well 2021 actuals are much lower than normal due to COVID. Barnes has lowered merchandise for resale by $2,000. The Alcohol and Special Highway Fund reflects budget authority to expend the full amount of estimated revenues. The Incubator budget would remain the same, as would Transient Guest Tax (Tourism). Non-budgeted funds were also represented in the draft. Projected starting balances for 2022 were presented.

Reves asked if Council wanted to continue to make transfers from the Electric Fund. Barnes noted that the transfers have been lessened, but stated that she could increase projected expenditures slightly for additional padding. Barnes stated that the surcharge, that was causing some concern, amounts to approximately a half cent on 3-4 cents per month. Reves stated that she would be more comfortable with increasing expenditures, to avoid any potential of a budget amendment next year.
Barnes will be reaching out to Jim Kennedy to review and complete the state budget documents. She does not anticipate the need for a special public hearing. August 25th is the deadline to have the budget to the County Clerk, unless the budget showed the City exceeding the revenue neutral rate. Council was asked to share any questions or recommendations to Stacy as soon as possible, in preparation for presentation of the final budget.

   This item was removed from the published agenda.

G) **EXECUTIVE SESSION**

   Executive Session in accordance with K.S.A. 75-4319(b), to discuss data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships.

   This item was removed from the published agenda.

H) **CITY STAFF REPORTS**

Barnes reported to Council on the following topics:

- **Airport Infrastructure Update:** Barnes has been in contact with Lochner to move forward with the airport infrastructure project. They are working on the scope of work and construction estimate with their utility department.
- **Incubator Leak Update:** The leak at the Incubator that was mentioned at the last meeting has been addressed. The roof was not the issue, it was 2nd floor window seals that needed replaced.
- **Water Wells #7 and #9:** Layne has completed the well work and both wells are running at full capacity.
- **ARPA Funds Update:** The Kansas Office of Recovery has made live an online portal for cities to request disbursal of ARPA funds. Barnes has completed the City’s request, and we will receive the first half of the $118,027 within the next few weeks. Staff will set up a separate budget line item to track these funds. The City has until the end of 2024 to use these funds for water, sewer and broadband infrastructure projects.
- **National Night Out:** Chief Webb is planning National Night Out, a community event on Tuesday, August 3rd. This is a National Event and Greensburg Police, along with other community organizations and businesses, will be putting on the event for our community. Included will be a night swim, music, inflatables, food and more. A flier Chief Webb sent out to local businesses to ask for their involvement was included in the meeting packet. Council Members interested in helping in some way were asked to reach out to Chief Webb.
- **City Staff Updates and Projects:** A few Staff activities over the last couple weeks include street patching, mowing, meter reading, utility bill/newsletter preparation, and a water leak repair.

I) **GOVERNING BODY COMMENTS**

Trummel has been asked about the flag sales display that temporarily locates at the corner of Bay and Kansas. He asked that the vendor move his display further from the roadway, as it is difficult to see traffic at that intersection.

Kern commented that the pool and park video that showed up on Facebook was nicely done. She has heard good comments about it from the community. Barnes clarified that there was no partnership on the video, that this was something that the Media Center did on their own. Reves commented that the Pool Manager did a great job as well.
Reves asked again about the dilapidated property next to the ball parks. She asked that the owner be contacted and, at the very least, secure the door on trailer house.

**J) ADJOURNMENT**
With nothing further to discuss, Christenson declared the meeting adjourned at 7:00 p.m.

____________________________________         ____________________________________
Matt Christenson, Mayor           Christy Pyatt, City Clerk
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***** REPORT TOTAL *****  $ 62,098.25
To: Mayor and City Council  
From: Stacy Barnes, City Administrator  
Subject: Agenda items F.1-4

**Agenda Item F.1 Animal Control/Code Enforcement Agreement with the City of Haviland**  
For several months I have been in conversation with Mayor Aaron Stokes regarding our cities partnering together for animal control/code enforcement services. Included is an agreement that both Cities and their attorney’s have reviewed.

Upon approval by this body, it will go to the Haviland Council on July 14th for approval.

**Agenda Item F.2 City Attorney Contract Renewal**  
Included is an agreement with Clayton Kerbs for City Attorney services. The only change to the agreement is an increase in the hourly rate for services from $185 to $200 per hour. This increase will not begin until September 1.

**Agenda Item F.3 Ordinance #1106 Adding Section 7-112 to Chapter VII, Article 1 of the City Code Regarding Fire Department Vehicle Lighting and Permitting**  
Chief Webb has been in conversation with Theron McKinney, Greensburg Fire Chief, regarding volunteer firefighters placing lights and sirens on personal vehicles for response to the fire station. Chief McKinney and Chief Webb are in agreement of a permit process and regulations that align with state statute. Ordinance #1106 outlines the use of these devices within the City limits and the permitting process.

**Agenda Item F.4 Policy Waiving Special Assessments for Properties Sold at Sheriff Auction**  
Since the Sheriff’s Tax Auction on April 29th, special assessments by the City have come up in discussion multiple times. Some of these special assessments for mowing are not forgiven at the sale because they had not yet been assessed and/or are not yet past due. Because we mow properties into the fall, it is past the August deadline for submission to the county for assessment and those fees are placed on the next years taxes. New property owners would then be responsible for those fees even though it was not during their ownership of the property.

I would like to propose the attached policy be approved that would waive these special assessments for new owners who purchase property at the tax sale. This will prevent the Council from having to consider these requests on a case-by-case basis and also help to incentivize potential property buyers at the auction. Several properties did not sell at the most recent auction and it is thought to be due to these taxes.
AGREEMENT BETWEEN THE CITY OF HAVILAND AND CITY OF GREENSBURG FOR ANIMAL CONTROL/NUSIANCE CODE ENFORCEMENT SERVICES

This agreement executed on the _6th_ day of _July_, 2021, by and between the City of Haviland (hereinafter referred to as Haviland) and the City of Greensburg (hereinafter referred to as Greensburg) for the purposes of sharing a part-time employee to perform Animal Control and Nuisance Code Enforcement duties within both cities.

It is agreed by and between the parties as follows:

(1) PERFORMANCE: Haviland will be the employer for this position and be responsible for payroll, insurance and human resources services for the position. Greensburg will contract this employee for services. The position is 20 hours per week collectively, 10 hours per week for each city. While in the City of Greensburg the employee shall report to and work with the Chief of Police.

(2) EQUIPMENT/FACILITY USE: Greensburg will provide a marked car, vehicle insurance and uniforms with both cities named on logos. Greensburg will provide use of its dog kennel facility and Haviland will provide use of its dog and cat kennel facility for the keeping of animals. Each city will provide necessary office equipment for job duties.

(3) COMPENSATION: The City of Greensburg shall compensate the City of Haviland an annual fee of $10,000 for employee, use of cat kennel, and for transportation and disposition of animals to a shelter.

(4) TERM: this agreement shall be for a term of one (1) year beginning on the date of execution of this and agreement. After the initial term, this agreement shall continue to automatically renew each year unless either party gives written notice of termination of the agreement to the other party by registered mail at least Sixty (60) days prior to the expiration of this agreement.
(5) GOVERNING LAW/ORDINANCES: The terms of this agreement shall be governed by
the laws of the State of Kansas, and city ordinances according to the city work is being
performed in.

(6) LIABILITY/INSURANCE: Each city shall carry liability insurance for the work
performed by this employee in the city.

IN WITNESS WHEREOF, this Agreement is executed this _6th_ day of__July__, 2021, in
Kiowa County, Kansas, by the following:

_________________________________  ___________________________________
Aaron Stokes, Mayor     Matt Christenson, Mayor
City of Haviland          City of Greensburg
CITY ATTORNEY AGREEMENT

THIS AGREEMENT, made and entered into effective the 6th day of July, 2021, by and between the City of Greensburg, Kansas, hereinafter referred to as "City" and Clayton I. Kerbs of Dodge City, Kansas, hereinafter referred to as "Kerbs."

WHEREAS, the City desires to appoint a City Attorney as is provided for in 1-301 of the Code of the City of Greensburg and K.S.A. 15-209; and

WHEREAS, the City has decided on July 6, 2021, to appoint Kerbs as City Attorney for Greensburg, Kansas.

NOW, THEREFORE, in consideration of the mutual covenants, terms and conditions set forth in this agreement, the parties agree as follows:

1. Kerbs shall serve as City Attorney and perform those duties set out in 1-312 and 1-313 of the Code of the City of Greensburg. Should Kerbs be unavailable, another qualified attorney from Kerbs Law Office, Dodge City, Kansas, shall provide services for City.

2. It is specifically understood and agreed that Kerbs is not an employee of City and shall not be entitled to any rights or privileges associated with City employment, including insurance benefits, retirement benefits and compensation or indemnity for injury or sickness arising out of the performance of legal services for the City. It is further understood and agreed that Kerbs is acting as an independent contractor in rendering services as City Attorney.

3. Kerbs shall receive as compensation for services payment at the rate of $200.00 per hour for all time incurred in providing legal services to City. Further, Kerbs shall be reimbursed actual out-of-pocket expenses, including mileage, incurred in providing legal services for City and will further bill paralegal work at $50.00 per hour. Billings shall be submitted with itemization of time, services performed and out-of-pocket expenses.
4. This agreement shall be effective commencing July 6, 2021, and shall continue until July 6, 2022, at which time the contract shall be reviewed by the parties. This contract may be terminated by either party upon 30 days written notice to the other.

5. The parties agree that Kerbs may destroy files he generates as City Attorney five (5) years after the work is completed unless City provides written directions to the contrary.

IN WITNESS WHEREOF, we have executed this agreement effective this 6th day of July, 2021.

CITY OF GREENSBURG, KANSAS

__________________________
Matthew Christenson, Mayor

__________________________
Clayton I. Kerbs
Kerbs Law Office
1715 Central Avenue
P.O. Box 1473
Dodge City, Kansas 67801
Telephone: (620) 225-0238
Facsimile: (620) 225-0318
Email: ckerbs@kerbslaw.com
AN ORDINANCE ADDING CHAPTER VII, ARTICLE 1, SECTION 7-112 OF THE CITY CODE OF THE CITY OF GREENSBURG REGARDING FIRE DEPARTMENT EMERGENCY LIGHTING, SIRENS AND RESPONSE IN PERSONAL VEHICLES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GREENSBURG, KANSAS:

SECTION 1. Chapter VII, Article 1, Section 7-112 of the Fire Department Code of the City of Greenburg is hereby added to read as follows:

7-112 Volunteer Firefighters may install and use emergency lights and sirens on personal vehicles. Firefighters must have a permit issued by the City of Greensburg Police Department and be authorized by the Chief of Police. An inspection of emergency equipment will be required. Any violations of this city code shall result in the permit be suspended or revoked by the Chief of Police.

Use of the emergency vehicle will be responding to emergency situations including medical emergencies, fires, and fire alarms. Vehicles will follow KSA 08-1506 in regards to Authorized emergency vehicles; rights, duties and liability of drivers thereof.

Firefighters will not be authorized to exceed the speed limit by more than 15 miles per hour.

Lights and sirens must be used together to be considered an emergency vehicle, in accordance with state laws.

Lights must comply with state statute KSA 8-1720. Audible Warning devices must comply with KSA 8-1738.

Lights/Sirens are only authorized for usage within the City Limits of Greensburg. Lights/Sirens can be used to get to the fire station to obtain an apparatus when responding to calls as outlined above.

SECTION 2. That this ordinance shall take effect and be in force from and after its passage and publication in the official city paper, The Kiowa County Signal.
Passed by the Council and approved by the Mayor this 6th day of July, 2021.

________________________________________
Matt Christenson, Mayor

ATTEST:

________________________________________
Christy Pyatt, City Clerk
Policy Waiving City Special Assessments for Properties Sold at Sheriff Auction

The City of Greensburg will waive any current City special assessments on properties sold at Kiowa County Sheriff Auction due to tax delinquency. These special assessments are typically mowing charges that have not yet been assessed to the property and/or are not past due and therefore not forgiven by the County with the sale of the property. This policy only applies to those properties sold at Sheriff Tax Auction and for the new owner of the property.

Approved by the Greensburg City Council July 6, 2021.

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Mayor Matt Christenson

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Attest: Christy Pyatt, City Clerk