

**CITY OF PHILLIPSBURG
CITY COUNCIL MEETING
August 15, 2022**

The Phillipsburg City Council met in regular session on August 15, 2022, 6:00 P.M, at Huck Boyd Community Center, 860 Park Street, Phillipsburg, KS.

CALL TO ORDER

The meeting was called to order by Mayor Bret Miles.

ATTENDANCE

PRESENT: Councilmembers Vickie Gibbs; Mike James; Tracy Sanson; Angie Wells.

ABSENT: Terry McConnell; Pete Rogers.

ALSO PRESENT: Jayson Hueneke; Brad Lare; Tim & Shawn Ellenberger; Denis Miller; Jim Lanier; Doug Vahle; Don Hoffman; Ron Jansonius; Steven Hirsch; Stacy Solida; Jennifer Kenney; Sarah Corman; Robin Patton; Amber Buresh; Abigail Wahl; Kirby Ross, Phillips County Review; S. Scott Sage, City Attorney; Rachel Martin; Tim Driggs, Director of Public Works; Tiffini Gross, City Clerk.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the United States was led by Mayor Miles.

2023 NOTICE OF HEARING TO EXCEED RNR & BUDGET HEARING PUBLICATION APPROVED

Denis Miller, Mapes & Miller, LLP, reviewed the City of Phillipsburg 2023 budget. He reviewed the value of mills, revenue neutral rate, and an overview of each fund. Moved by James, seconded by Sanson to approve the publication of the Notice of Hearing to Exceed Revenue Neutral Rate and Budget Hearing. Voting Aye: ALL. Opposed: NONE.

Ruth Ellenberger arrived at the meeting- time 6:10 p.m.
Kelly Wolters arrived at the meeting- time 6:17 p.m.

PUBLIC COMMENT

There was no public comment

MINUTES APPROVED

Moved by James, seconded by Wells to approve the August 1, 2022 minutes as written. Voting Aye: ALL. Opposed: NONE.

APP ORD 1055-08-22A APPROVED

Moved by James, seconded by Sanson to approve ordinance #1055-08-22A, to pay the bills for the month of August. Voting Aye: ALL. Opposed: NONE.

Jordan Dettmer arrived at the meeting- time 6:19 p.m.

150TH CELEBRATION APPRECIATION

James gave compliments and thanks to the city, chamber, crews, volunteers for the 150th. Sanson concurred and thanked Wells for the work she did. Wells also thanked all that helped and said it was a lot of work and a lot of fun.

STANDARD TRAFFIC ORDINANCE #1445

City Attorney Sage presented a proposed ordinance regulating traffic within the corporate limits of the City of Phillipsburg, KS; incorporating by reference the "Standard Traffic Ordinance for Kansas Cities," 49th Edition, 2022, providing certain penalties and repealing Ordinance #1434, adopted September 7, 2021. Moved by James, seconded by Wells to pass Ordinance #1445. Voting Aye: ALL. Opposed: NONE.

UNIFORM PUBLIC OFFENSE CODE ORDINANCE #1446	City Attorney Sage presented a proposed ordinance regulating public offenses within the corporate limits of the City of Phillipsburg, KS; incorporating by reference the “Uniform Public Offense Code for Kansas Cities,” 38 th Edition, 2022, providing certain penalties and repealing Ordinance #1433, adopted September 7, 2021. Moved by James, seconded by Gibbs to pass Ordinance #1446. Voting Aye: ALL. Opposed: NONE.
CITY TREASURER WAHL SWORE INTO OFFICE	Mayor Miles recommended the Abigail Wahl be appointed as City Treasurer. Moved by Gibbs, seconded by Wells to approve the mayor’s appointment. Voting Aye: ALL. Opposed: NONE. Clerk Gross swore Wahl into office.
UPCOMING CONFERENCES	Driggs said he will be gone Aug 24-26 th to the KAA Conference and Aug 30-31 st to the KPTA Conference.
PUBLIC WORKS ACTIVITIES	Driggs reported public works crews have been working on the 150 th Anniversary Celebration, fixing a water leak on Berglund Dr and one on F Street.
STREET SEALING	Driggs said Circle C Paving began sealing streets last Monday and completed on Thursday from Park Street south to city limits and then over to South 5 th Street.
WATER TOWER DESIGN CONTEST	Driggs reminded the public to submit designs for the Water Tower Design Contest.
OUTDOOR POOL SEASON OVER	Driggs reported the Aquatic Center outdoor pool’s last day of the season was yesterday and they are draining the pool. He said the lifeguards were a great group of kids this year.
AIRPORT EXTENSION PROJECT	Driggs stated the Airport Extension Project grant application with Phillips County Economic Development is still pending. Midwest Right of Way met with the tenant and looked at a few places for possible relocations. The pre-bid meeting is August 16 th at 2:00 p.m. and the bid date is August 23 rd at 2:00 p.m.
QUANZ KDHE LOAN AMENDMENT #5	Driggs presented Quanz Reservoir Project KDHE Loan Amendment #5 that decreases the loan to amount actually spent on the project in the amount of \$583,037.73. Moved by Gibbs, seconded by Wells to authorize the mayor to sign Amendment #5. Voting Aye: ALL. Opposed: NONE
PLANNING COMMISSION	Driggs said the Planning Commission meeting will be August 17 th at 5:30 p.m. to consider a zoning change and discussion if chickens should be allowed in the city.
FINANCIAL REPORTS	Clerk Gross presented July’s financial reports.
EXECUTIVE SESSION	Moved by James, seconded by Gibbs that the city council recess into executive session for consultation with the attorney for the city council or city for information deemed privileged in the attorney-client relationship exception, K.S.A. 75-4319 (b)(2) with the Council, Mayor, Driggs, Sage, Don Hoffman, and Gross in attendance and the open meeting to resume in the city council chamber at 6:50 p.m. Voting Aye: ALL. Opposed: NONE.

Hueneke; Lare; Ellenbergers; Miller; Lanier; Vahle; Jansonius; Hirsch; Solida; Kenney; Corman; Patton; Buresh; Wahl; Ross; Martin left the meeting- time 6:31 p.m.

Mayor Miles called the regular session back to order and recessed until the Phillips County Commissioner's arrived.

Hueneke; Lare; Ellenbergers; Miller; Lanier; Vahle; Jansonius; Hirsch; Solida; Kenney; Corman; Patton; Buresh; Wahl; Ross; Martin; Mike & Pam Spicer; Ken & Debbie Stormont; Daryl Clark; County Commissioner Max Dibble; Jordan Dettmer; Caleb Breon; Steve Dietz; Jodi Wilkison; Dale Hanchett II; Sharon Vogel; Will Jansonius; Clev J. Jansonius; County Commissioner Larry Meili; Ann Bushnell; Sue Kipp; Stan & Kim Munyon; Kelly Wolters; Jim & Criquet Cole; Jeff Solida; Rick & Janice Solida; Billie Knowles; Douglas Isernhagen; Teena Dierking; Sue Miller; Tom Sullivan; County Commissioner Jerod Roth; Ron & Lee Lower; Janice Patterson; Jerry & Lynette Voorhees arrived at the meeting.

Mayor Miles called the meeting to order. County commissioners called the meeting to order.

AIRPORT RUNWAY
EXTENSION PROJECT/
PCED GRANT
CONSIDERATION
DISCUSSION WITH
COUNTY
COMMISSIONERS AND
PUBLIC

Discussion was held with the county commissioners, council and public regarding the airport extension project. The public may get details from the video recording. Some of the highlighted points are as follows:

Max Dibble stated he and the commissioners are not against economic development, they just have questions. Dibble read aloud several emails from 2019-2021 regarding Jim Bob Morris and the Airport Runway Extension Project.

Linda Martin & Kelly Berthoff arrived at the meeting- time 7:07 p.m.
Glen Jansonius arrived at the meeting- time 7:09 p.m.

Dibble read aloud a 2021 email from Driggs to KDOT. Dibble said he has 10,000 pages of the open records request and has only gone through half of it. He read aloud a letter from Morris Packaging from 2021 and indicated the project started on the predication of the company bringing in jobs and economic development. He said he understands things change, but wants to be honest with the state, city, and tax payers. He read more email communications regarding the project from 2021 including one from Driggs asking Ron Jansonius to meet to discuss the project. Dibble informed the public that there is a lawsuit pending regarding the annexation.

Dibble stated all three of the commissioners stated they would consider doing something with the road but are against eminent domain. Dibble suggested Driggs should not be the one to do negotiations. Driggs replied that the city hired an independent people to do the negotiations. Dibble said the county hired PENCO Engineering to do an estimate to build up the asphalt road from South on 183 to Union Road, one mile west, and two miles back to the landfill in the amount of \$3.5 million and \$1 million to replace the bridge, so \$4.5 million in damages. He said PENCO estimated \$1.2 million to build up the same road

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with shale plus costs to replace the bridge. Kirby Ross asked how much a shoe fly would cost to go from 7th Street to Santa Fe Rd at an angle. Dibble said he didn't know. Tim Ellenberger gave Dibble a document for an alternative road from 2008. Kelly Berthoff said the bridge will need to be replaced anyway because heavy farm trucks are travel the bridge. Dibble concurred. Dibble said they discussed with PCED about whether they can give money to another taxing entity and said he thinks every sales tax should have a sunset.

Ashley Comeau arrived at the meeting- time 7:16 p.m.

Ross asked about a paved road in from the West to Santa Fe. Dibble said he has not looked into that, but it could be more than the other estimate. Criquet Cole asked about Armory Lane. Dibble said Armory Lane could be extended through Ellenberger and Jansonius' land and that a bridge would need to be built to the West to connect to the existing paved road and does not know the cost. Dibble said he is trying to get as much information out as possible so the commissioners paid the city \$9,000 for about 10,000 pages to validate the project. He said if anyone has questions, they can look at the documents. Denis Miller pointed out that two of the largest tax payers in the county, TAMKO and Amber Wave, need to use the airport and we should keep existing companies happy. He said it seems most logical to put in a short $\frac{3}{4}$ mile road that is a cheaper option. Ross said the shorter road was originally talked about in the public meetings. Mayor Miles stated Driggs and he came to the commissioners about moving the road and the county said they would not vacate the road unless property owners on both sides agree. Miles told the commissioners that they wanted to move it, not vacate it. Dibble said they cannot move the road because they do not own the property. Discussion was held about the frequency of large jets using the runway and the necessity of the extended runway. Mike James said he talked with the CEO and COO of Amber Wave, who stated the runway extension and widening is essential to their business. Criquet Cole reviewed the revenue and expenses for land acquisition and asked how it would impact taxes in the future. Dibble read aloud a letter from March of 2021 stating Morris Packaging's intent to invest \$150,000. Dibble said the sheets he has lists all the expenses and funds including \$1.5 million for construction and \$349,000 for design from KDOT, \$125,000 from Hansen, \$100,000 from Morgan, \$50,000 from Cole and \$75,000 from PCED. Dibble asked again about Morris Packaging's financial commitment to the project. Miller stated that the issue whether Morris Packaging will be investing or not is a small potato compared to the scope of the project and the letter of intent was signed before the city had secured other funding for the project. Jerod Roth said the city should pay Jansonius what the land is worth and move on with the project. Miller indicated the city's offer was too low. Gibbs replied that the city is responsible for being good stewards of the tax-payer's money. Miller pointed out that the city has been given non-taxpayer money for the specific purpose of land acquisition for this project. Discussion was held about the costs and acquisition process of the Wintersteen property and the process of relocating the tenant. Max read aloud a letter from Hirsch Law Office accepting the offer of \$101,000 for 1.56 acres of the Jansonius family land and extending the counter offer of the same per acre price for the remaining 31 acres, at \$65,000 an acre. Driggs stated that the offer from the city was actually \$101,000 for the entire 33.56 acres. Mayor Miles stated that that the city has to purchase or have an easement on the entire 33.56 for the runway protection zone. He said the city

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did offer to buy an easement and it was rejected with no counter offer. Ross said it looks like without any counter offers, the city has no choice but eminent domain.

Kelly Wolters left the meeting- time 8:21 p.m.

Stacy Solida said she does not believe the extension is needed and voiced interest in the airport extension being voted on. She asked why the land acquisition was not done first. Driggs explained that the procedure put in place by the feds was followed in that the environmental studies were done first, then the process of studies and surveys to identify things that had to be considered for the project, and finally the land acquisition can begin. Stacy Solida expressed concern with how the changes affect the community and said the airport does not need to expand. Stacy Solida asked if there had been any studies done concerning the road's daily use. Driggs said he will get information on the study of the traffic on Santa Fe Rd for Solida. Driggs outlined what an alternate road would look like stating the term "shoe fly" is not the correct term, since it will not be temporary. Dibble asked Comeau and Hoffman what the commissioners could do to help this process along. Hoffman stated that they were not hired to discuss policy. Ashley Comeau stated, "the statute requires the county commissioners create a three-person board. It has several steps they have to follow and then they can make a determination of whether they should vacate it or not. And then at the end of the day, like Don said, it is a policy decision of whether or not they feel the road should be vacated." Max asked if it were the same if the city were to annex it in. Comeau replied, "the city had to petition with the county to vacate a county road. The city would have to follow a different set of rules for the city vacating a city street." Stacy Solida asked to review and consider the Jansonius' contributions to the community. Dibble gave an overview. Gibbs asked the commissioners move forward with the PCED grant decision. Dibble said he moved at the last commissioner meeting to approve the \$75,000 funds from PCED with the stipulation that the money not be used for eminent domain and city write an email to Bob Brock, Ashley, and himself stating exactly where we stand on Morris Packaging. Berthoff asked why so much is hinging on Jim Bob. Dibble said it is because the whole project started with that information. Dibble said he did not think the KDOT funding was tied to it, but they need to know. Billie Knowles indicated that Dibble's motion needs to be reconsidered instead of leaving it in a rock and a hard place. Mayor Miles reminded the public that the council gains nothing from the expansion and they believe it is best for the city. Berthoff asked what it would cost the city if the project was stopped. Driggs said that the amount spent so far is \$130,000. Driggs said the project has been going on for 28 months, contracts are signed, and it is pretty late to make sweeping changes. He indicated that if you walk away from the project, there will be burned bridges with legislators that fought for the project.

ADJOURN

Moved by Gibbs, seconded by Wells to adjourn- time 8:42 p.m. Voting Aye: ALL. Opposed: NONE.

Tiffini Gross, City Clerk

Please visit www.cityofphillipsburg.com to view a full video recording of the meeting afterwards.