

AGENDA
CITY COMMISSION MEETING
Tuesday, September 4, 2012
1:00 P.M.
Amended 09-04-12

- I. Note: There is no pre-meeting.**
- II. REGULAR MEETING CALLED TO ORDER AND CITY CLERK ANNOUNCING QUORUM PRESENT.**
- III. PLEDGE OF ALLEGIANCE TO THE FLAG AND INVOCATION.**
- IV. APPROVAL OF THE MINUTES OF THE LAST REGULAR MEETING, WHICH IF NO CORRECTIONS ARE OFFERED, SHALL STAND APPROVED.**
- V. PUBLIC COMMENT Agenda Schedule Allowance: 30 minutes (5 minutes per spokesperson)**
- VI. CONSIDERATION OF PETITIONS, MEMORIALS AND REMONSTRANCES.**
 - A. Fire Chief Allen Shelton has provided the enclosed memorandum detailing the success of the firefighters during the annual Muscular Dystrophy Association Boot Block on Sunday, August 26, 2012. The community responded with donations totaling \$5,484.83.
 - B. Governing Body consideration of authorizing the Mayor to proclaim the month of September 15 – October 15, 2012 as Hispanic Heritage Month. The request comes from Angelica Castillo-Chappel on behalf of the Community Mexican Fiesta Association.
- VII. REPORT OF THE CITY MANAGER.**
 - A. City Engineer Cottrell will be assisting USD 457 staff with an application for a Sunflower Foundation Trails grant for a trail at Garden City High School. The current grant cycle is for schools only, so the City is not eligible at this time.
 - B. The City has placed a For Sale sign on the City's lot next to the fire station at Mary and Fleming. We anticipate receiving an offer or two in the next few weeks.
 - C. The Revolving Tree Loan program has a current maximum loan amount of \$500.00. Staff is increasing the maximum loan amount to \$1,000.00. No action required by Governing Body.
 - D. KDOT has awarded the City a total of \$3,250,000, in Corridor Management and Economic Development funding, for road improvements for the Schulman Crossing project. The funds are for work on the Bypass and Schulman Avenue. We had applied for \$4,000,000.
 - E. Public Works Director Curran will be present to review with the Governing Body the plans for the 2012 Fall Clean-up program to be held October 1 – 12.
 - F. The City has received correspondence from Cox Communication regarding a line-up change.

- G. The City has received a franchise payment from Cox Communications for the 2nd Quarter of 2012 in the amount of \$54,728.72.
- H. The City has received a franchise payment from AT&T for the month of July in the amount of \$6,564.61.
- I. Our application for a FY2015 Geometric Improvement project to widen Kansas Avenue to 5 - lanes from east of Third Street to Belmont Place was not among the 18 projects announced by KDOT this week. As you recall, our FY 2014 KLINK project for reconstruction on Kansas Avenue east and west of Center Street was funded earlier this summer.
- J. The Garden City Police Department is now taking applications for students to enroll in our Student Police Academy.
- K. Staff has provided information for Governing Body review including the following: from Assistant City Engineer Mestdagh the Street Projects update.
- L. Meetings of note:
 - ✓ September 6, 2012 – Southwest Kansas Coalition meeting in Dodge City for Governing Body and staff members – 3:30 p.m. to 7:30 p.m.
 - ✓ September 8, 2012 – The Garden City Community Mexican Fiesta
 - ✓ September 8, 2012 – A Wild Affair, Jungle Boogie at Lee Richardson Zoo at 6:00 p.m.
 - ✓ September 10, 2012 arriving at noon – September 17, 2012 departing at noon - The Commemorative Air Force B-25 Maid in the Shade at Garden City Regional Airport.
 - ✓ September 15, 2012 – FallFest 2012 featuring Art in the Park & Knights of Columbus Oktoberfest, 8:30 a.m. to 3 p.m.
 - ✓ September 19, 2012 – Chamber Breakfast – State of the City address at Wheat Lands Convention Center.
 - ✓ September 19, 2012 - Annual Park tour starting at the Train Depot at 5:30 p.m.
 - ✓ September 20, 2012 – Third Thursday Downtown, 5:00 p.m. – 8:00 p.m.
 - ✓ September 21, 2012 – Hot Air Balloon Festival
 - ✓ October 11, 2012 – Cultural Relations 2012 Diversity Breakfast at Fiesta Courtyard – theme is Africa.
 - ✓ October 11, 2012 – Third Thursday Downtown, 5:00 p.m. – 8:00 p.m.
 - ✓ October 16, 2012 – Black Hills Energy Public Officials luncheon at the City Administrative Center at 11:00 a.m.
 - ✓ October 20, 2012 – Boo at the Zoo
 - ✓ November 3, 2012 – Hanging of the lights at Stevens Park at 9:00 a.m.
 - ✓ November 3, 2012 – Banner Art Auction at Clarion Inn Ballroom at 7:00 p.m.

VIII. CONSIDERATION OF APPROPRIATION ORDINANCE.

- A. Appropriation Ordinance No. 2323-2012A.

IX. CONSIDERATION OF ORDINANCES AND RESOLUTIONS.

- A. Mr. and Mrs. Dean Biggs, requests Governing Body consideration and approval of rezoning from “C-1” Neighborhood Shopping to “R-1” Single Family Residential District. (2602 Schulman Avenue)
 - 1. Ordinance No. _____ -2012, an ordinance approving the rezoning of land from “C-1” Neighborhood Shopping District to “R-1” Single Family Residential District; amending the zoning ordinance and the district zoning map of the city; and repealing the current zoning ordinance and district zoning map; all to the Code of Ordinances of the City of Garden City, Kansas.

- B. USD 457 and GC Residential Builders, LLC requests Governing Body consideration and approval of Comprehensive Plan and rezoning from “P-F” Public Facilities District to “R-1” Single Family Residential & “R-3” Multiple Family Residential Districts at Approximately 3002 Campus Drive
 - 1. Ordinance No. _____ - 2012, an ordinance approving the rezoning of land from “P-F” Public Facilities District to “R-1” Single Family Residential District and “R-3” Multiple Family Residential District, respectively; amending the comprehensive plan of the City, and the district zoning map of the City; and repealing the current comprehensive plan, and district zoning map; all to the Code of Ordinances of the City of Garden City, Kansas.

- C. Resolution No. _____-2012, a resolution authorizing the removal of motor vehicle nuisances from certain properties in the City of Garden City, Kansas, pursuant to Section 38-63 of the Code of Ordinances of the City of Garden City, Kansas. (914 Inge Avenue – Maroon Dodge pickup)

- D. Resolution No. _____-2012 a resolution authorizing the removal of nuisance conditions from the property listed below in the City of Garden City, Kansas, pursuant to Section 38-139 of the Code of Ordinances of the City of Garden City, Kansas. (412 Magnolia Street and 408 Florence Avenue)

- E. Resolution No. _____-2012, a resolution making certain findings and determinations giving authority to the City of Garden City, Kansas to partner with Overland Property Group and Prairie Trails Partners II, LLC and apply for and participate in the Kansas Moderate Income Housing Program.

X. OLD BUSINESS.

- A. None at this writing.

XI. NEW BUSINESS.

- A. At August 21st meeting, members of the Governing Body asked about using an RFP process for the State Theatre. Pursuant to that discussion, City Engineer Cottrell has prepared a Request for Proposals for use of the State Theatre building for Governing Body consideration.

B. **Consent Agenda for approval consideration:** (The items listed under this “consent agenda” are normally considered in a single motion and represent items of routine or prior authorization. Any member of the Governing Body may remove an item prior to the vote on the consent agenda for individual consideration.)

1. Governing Body consideration and approval of Preliminary Plat for the property located on the east side of Campus Drive at Pioneer Road - Pioneer Road Estates.
2. Governing Body consideration and approval of the Supplemental Agreement Number 1 to Task Order Number 8 between City of Garden City and HNTB Corporation for the Wildlife Fence Phase II and Apron Lighting Project at Garden City Regional Airport.
3. Permission for Juan Andrade to reserve Space 4, Lot 38, Zone J, of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
4. Permission for Jacinta Sanchez and/or Linda M. Hernandez to reserve Space 2, Lot 97, Zone J, of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
5. Advisory Board Recommendations:

a) Local Housing Authority – 1 appointment

6. Licenses:

(2012 New)

- a) El Zarape Cereal Malt Beverage
- b) Hillcrest Development Inc..... Class A General
- c) A to Z Dirt Construction. Class D-Co Concrete
- d) A.B. May Company..... Class D-M Mechanical
- e) G & G Mechanical Inc..... Class D-Plumbing with Gas

XII. CITY COMMISSION REPORTS.

A. Commissioner Cessna

B. Mayor Crase

C. Commissioner Doll

D. Commissioner Fankhauser

E. Commissioner Law

XIII. ADJOURN.

THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City

August 21, 2012

The regular meeting of the Board of Commissioners of the City of Garden City was held at 1:00 p.m. at the City Administrative Center on Tuesday, August 21, 2012 with all members present. Commissioner Law opened the meeting with the Pledge of Allegiance to the Flag and Invocation. The minutes of the last meeting were approved.

Mr. Roy Dixon, 1st Vice Commander with the American Legion was present to update the Governing Body on the American Legion and their new location at 405 S. Main Street.

Commissioner Doll moved to approve the request from Mr. Steven K. Stucky for an extension to the 9 month duration period for building a residential dwelling under the Garden City Residential Incentive Program. (1610 Bluff Street) Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Fankhauser moved to approve the request from Mrs. Alin Rodriguez, owner of El Zarape Restaurant for a waiver from the Sign and Outdoor Advertising, Off-site Advertisement regulations at 2501 E. Business Hwy 50, Garden City, Kansas. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Doll moved to approve the request from Mr. Elliot Ebert for a waiver from Article 22.100 – Temporary and Accessory Uses to install a prefabricated 10’ x 15’ storage shed on the side yard with less than the required setback at 613 Long Blvd. Mayor Cruse seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Public Works Director Curran provided the 2012-2013 CIP work plan calendar for Governing Body review.

The City’s Safe Routes to School sidewalk project is awaiting approval of the construction storm water permit from the State. When the project is cleared, KDOT will grant the project final approval and the City can advertise the project for construction bids. Staff intends to solicit additional feedback from Center Street residents prior to the bid date, and will provide the Governing Body with another opportunity to affect the project locations.

The City received correspondence from Cox Communication regarding a channel line-up change.

Staff provided several items of information for Governing Body review including the following: from Finance Director Hitz the monthly financial report, from Public Works Director Curran the monthly City Link ridership and CIP short schedule, from Police Chief Hawkins the monthly activity report, from Fire Chief Shelton the monthly activity report, from Zoo Director Sexson the monthly report, from Community Development Director Kentner the building report and Code Enforcement report and from Assistant City Engineer Mestdagh the street projects update.

Meetings of note:

- ✓ August 22, 2012 – Finney County Economic Development Corporation meeting at 7:30 a.m. at the City Administrative Center with a special presentation at 9:00 a.m. on the updated Housing Study.
- ✓ August 25 - 26, 2012 - Tumbleweed Festival
- ✓ August 26, 2012 – MDA Boot Block
- ✓ August 27 & 28, 2012 – Battle of the Badges Blood Drive at Church of the Nazarene from 2:00 p.m. – 7:00 p.m.
- ✓ September 8, 2012 – The Garden City Community Mexican Fiesta
- ✓ September 8, 2012 – A Wild Affair, Jungle Boogie at Lee Richardson Zoo at 6:00 p.m.
- ✓ September 10, 2012 arriving at noon – September 17, 2012 departing at noon - The Commemorative Air Force B-25 Maid in the Shade at Garden City Regional Airport.
- ✓ September 19, 2012 – Chamber Breakfast – State of the City address at Wheat Lands Convention Center.
- ✓ October 11, 2012 – Cultural Relations 2012 Diversity Breakfast at Fiesta Courtyard – theme is Africa.
- ✓ October 16, 2012 – Black Hills Energy Public Officials luncheon at the City Administrative Center at 11:00 a.m.

Appropriation Ordinance No. 2322-2012A. “AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$3,423,970.20,” was read and considered section by section. Commissioner Law moved to approve and pass Appropriation Ordinance No. 2322-2012A. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Ordinance No. 2557-2012, “AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF GARDEN CITY, KANSAS; INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 2012, WITH CERTAIN OMISSIONS, ADDITIONS OR CHANGES; AMENDING CODE SECTION 62-2; REPEALING EXISTING CODE SECTION 62-2; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS,” was read and considered section by section. Commissioner Fankhauser moved to approve Ordinance No. 2557-2012. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Ordinance No. 2558-2012, “AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF GARDEN CITY, KANSAS; INCORPORATING BY REFERENCE THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2012, WITH CERTAIN OMISSIONS, ADDITIONS, OR CHANGES; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES; AMENDING CODE SECTION 86-2; REPEALING EXISTING CODE SECTION 86-2; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS,” was read and considered section by section. Commissioner Fankhauser moved to approve Ordinance No. 2588-2012. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Resolution No. 2491-2012, “A RESOLUTION AUTHORIZING THE REMOVAL OF MOTOR VEHICLE NUISANCES FROM CERTAIN PROPERTIES IN THE CITY OF GARDEN CITY, KANSAS, PURSUANT TO SECTION 38-63 OF THE CODE OF

ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS. (1415 W. Campbell Street – Maroon Ford Explorer),” was read and considered section by section. Mayor Crase moved to approve Resolution No. 2491-2012. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Resolution No. 2492-2012, “A RESOLUTION AUTHORIZING THE REMOVAL OF NUISANCE CONDITIONS FROM THE PROPERTY LISTED BELOW IN THE CITY OF GARDEN CITY, KANSAS, PURSUANT TO SECTION 38-139 OF THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS. (914 Inge Avenue and 1305 E. Chestnut Street),” was read and considered section by section. Commissioner Doll moved to approve Resolution No. 2492-2012. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Resolution No. 2493-2012, “A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS GIVING AUTHORITY TO THE CITY OF GARDEN CITY, KANSAS TO PARTNER WITH GC RESIDENTIAL BUILDERS, L.L.C., AND APPLY FOR AND PARTICIPATE IN THE KANSAS MODERATE INCOME HOUSING PROGRAM,” was read and considered section by section. Commission Cessna moved to approve Resolution No. 2493-2012. Mayor Crase seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Governing Body consideration and acceptance of an annexation request from Cecil O’Brate, for a 1.043 acre tract of land located at 2815 N. Jennie Barker Road - north of Tractor Supply. As the property is not contiguous to the City Limits, the County Commission approved a concurring Resolution at their August 20, 2012 meeting.

Ordinance No. 2559 - 2012, “AN ORDINANCE ANNEXING LAND TO THE CITY OF GARDEN CITY, FINNEY COUNTY, KANSAS, PURSUANT TO K.S.A. 12-520(C),” was read and considered section by section. Commissioner Law moved to approve Ordinance No. 2559-2012. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

City Engineer Cottrell provided a memorandum and discussed issues regarding some projects funded by the 2011 GO bond. The Governing Body gave direction on holding unencumbered funds in reserve and rebidding a unisex restroom in A. Harold Long Park.

1:30 p.m. - Mr. Bob Charlesworth, Charlesworth Benefits, LC, was present and discussed Third Party Administrator proposals received for the 2013 City of Garden City Group Health, Dental and Life Insurance program.

Commissioner Cessna moved to approve the following recommendations:

- Effective January 1, 2013, renew the group health and dental program with Blue Cross Blue Shield of Kansas at the \$100,000 Specific Stop Loss level on the Non-Grandfathered Benefit plan (Option “A”).
- Continue the prescription program offered by Kroger.
- Move Claims Administrative expense to a fixed Per Employee/Family Per Month fee.
- Renew the current Life Insurance program offered through Advance Life (via BCBSKS).
- Maintain the current dental program with BCBSKS.

Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

2:30 p.m. – Ms. Tracy Fry, President, Wellness Innovations & Nursing Services, LLC presented a six month status update on the Grow Well Clinic.

Commissioner Fankhauser moved to appoint Mel Travers, Matt Lee, & Sam McMillan to the Building Safety Board of Appeals for three-year terms starting in August 2012 and ending in December 2015. Mayor Cruse seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Doll moved to appoint Darin Germann to the Airport Advisory Board to fill a vacated position with a term from December 2010 - December 2013. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Law moved to approve the following:

1. Governing Body approved an agreement between the City of Garden City, Kansas and Jorge Romero, d/b/a Jet Air Cleaners for custodial services at the Garden City Regional Airport.
2. Governing Body approved an agreement between the City of Garden City, Kansas and the Garden City Housing Authority for management services.
3. Governing Body approved adding additional mowers to the list as back-up for 2012 Vegetation Mowing applications for Code Violations.

4. Licenses:

(2012 New)

- a) Travis Brungardt..... Class C Residential
- b) P&C Construction, Inc..... Class A General
- c) Harbin Construction..... Class A General
- d) The Law Company, Inc..... Class A General
- e) Ray Omo, Inc. Class D-M Mechanical
- f) Diamond Limousine Service..... Taxicab/Limo Service

(2012 Renewal)

- g) Dillons Stores, Div of Dillon Companies, Inc. Cereal Malt Beverage

Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Mayor Cruse adjourned the meeting since there was no further business before the Governing Body.

David D. Crase, Vice Mayor

ATTEST:

Celyn N. Hurtado, City Clerk

City Commission Reports

Commissioner Law appreciates the Advisory Board volunteers and stated it helps the Commissioners when the Board members have already worked through issues before they are brought to the Governing Body. Commissioner Law stated Governor Brownback will be at the new high school to speak about water issues in Southwest Kansas and will be a discussion based event. Commissioner Law expressed his appreciation for the Chamber Banquet and stated the new high school was a very intimate space for the 800+ attendees.

Commissioner Cessna reminded everyone that schools starts on August 22, 2012 with half a day and the first full day of school will be August 23, 2012 and asked for citizens to slow down and watch for children.

Mayor Crase thanked Vice Mayor Fankhauser for covering the last City Commission meeting and the October 11th Diversity Breakfast. Mayor Crase congratulated Commissioner Doll on his recent Republican Primary win for the 123rd State House of Representatives District. Mayor Crase asked other Commissioners to start to think about who can fill Commissioner Doll's place on the Governing Body. Mayor Crase asked if an RFP could be put out on the State Theater.

Commissioner Doll asked if the street next to the Animal Shelter has been renamed as it was discussed before to change the name from Terminal Avenue. Commissioner Doll asked if an RFP could be done for the State Theater. Commissioner Doll reminded everyone of the Housing Study update that would be at 9:00 a.m. on Wednesday, August 22, 2012 at the FCEDC meeting. Commissioner Doll congratulated USD 457 and the City staff on the new high school and other changes at the schools. Commissioner Doll stated there will be a dedication of the new high school on August 31, 2012 at 5:30 p.m. Commissioner Doll asked the question, "Why are troops still in Afghanistan?"

Commissioner Fankhauser stated the 47 acres of land on Taylor has changed hands and hopes to have development in that area soon.

Petitions



Garden City Fire Department

P.O. Box 998
302 N. 9th
Garden City, KS 67846
E-mail: fire@garden-city.org

Allen Shelton
Fire Chief
(620) 276-1140
Fax: (620) 276-1142

MEMO

To: Matt Allen, City Manager
From: Allen Shelton, Fire Chief
Date: August 26, 2012
Re: GCFD 2012 Annual MDA Boot Block Drive

On Sunday, August 26, 2012, twenty-one Garden City Firefighters and support personnel participated in our annual Boot Block for the Muscular Dystrophy Association.

This year's event was held from 10:00AM to 3:00PM with Firefighters positioned at the intersections of Main & Fulton, Kansas & Fleming and in front of both entrances of Wal-Mart Super Store.

Firefighters' collected \$5,484.83 in donations this year. Donations were up \$59.86 from the 2011 amount of \$5424.97.

I am very proud of these Firefighters and sincerely appreciate their selfless donation of time and efforts by continuing their tradition of fundraising for the Muscular Dystrophy Association.

I also want to commend Battalion Chief James Morris for his organization skills used to plan and direct this year's MDA Boot Block Drive. These skills continue to make him a valuable asset to the Garden City Fire Department.

Department Firefighters and Personnel taking part in this year's MDA Boot Block Fund raising event were: James Benson, Kelly Burgardt, Richard Collins, Andy Crittenden, Charla Douglass, James Falke, Luke Freeman, Jon Irsik, Matt Kasriel, Jeremy Kemp, Chris Law, Sean McEntee, Brett McQuitty, Jeremy Moore, James Morris, Adam Patterson, Ron Peek, Ryan Powers, Jared Seba, Allen Shelton and Dan Wimmer.

PROCLAMATION

- WHEREAS,** On the night of September 15, 1810, Father Miguel Hidalgo y Costilla of Dolores in Guanajuato, Mexico, gave the signal for his people to rise up in arms and free themselves from Spain; and
- WHEREAS,** After a long and weary revolutionary struggle, Mexico was established as a free and independent nation in 1821; and
- WHEREAS,** The United States of Mexico has since grown in stature and importance to be one of the leading independent nations of the Western Hemisphere, adding the richness of its culture and heritage to Kansas through the state's many citizens of Mexican ancestry; and
- WHEREAS,** The celebration of freedom and independence is a tribute to the achievements which have made possible a way of life for the people as individuals in a free society; and
- WHEREAS,** We are proud to celebrate 86 years of the Community Mexican Fiesta celebration in Garden City which is a tradition that has provided cultural richness to our community; and
- WHEREAS,** Garden City residents who are of Hispanic heritage have had an opportunity to rejoice in celebrating and utilizing Hispanic American cultural traditions; and
- WHEREAS,** Hispanics have contributed their interests, dedication, and accomplishments in promoting the economic and social growth to Garden City.

NOW, THEREFORE, BE IT RESOLVED, that I, David D. Crase, Mayor of the City of Garden City, Kansas, do hereby proclaim the Month of September 15th to October 15th 2012 as:

HISPANIC HERITAGE MONTH

In Garden City, and urge all residents of the city to join in this observance.

SIGNED AND SEALED this 4th day of September, 2012.

David D. Crase, Mayor
ATTEST:

Celyn N. Hurtado, City Clerk

Report of the City Manager

MEMORANDUM

TO: Governing Body
FROM: Alan Geier
DATE: 29 August 2012
SUBJECT: Rate Change for Revolving Tree Loan Program

ISSUE

Current maximum loan for the program is set at \$500.00 dollars. Recent estimates are trending higher with larger trees stressed from the drought.

BACKGROUND

The Revolving Tree Loan program was approved in the 2001 budget. The Administration decided to fund the program from the Special Recreation and Parks Alcohol Tax Fund. The Governing Body has annually approved the funding in subsequent budgets. The first loan processed was in May of 2001. Monies collected from this program are put back into the budget for future applicants. We have served 204 citizens with this program. Many trees are dying in the second year of the drought. The removal estimates are often more than \$500.00 since there may be more than one tree dead on the property or the dead tree is massive. The issue was discussed by the Park and Tree Board at the August 21st meeting. Their recommendation is to increase the loan amount to \$1000.00 dollars. Based on this recommendation, Staff is increasing the maximum loan to \$1000.00 dollars.

ALTERNATIVES

- 1) No action is necessary; however, the Governing Body may choose to set a different maximum loan amount.

RECOMMENDATION

None

FISCAL NOTE

The monies collected are put back into the budget to be lent to future loan applicants.



901 S. George Washington Blvd.
Wichita, Kansas 67211
316.260.7000 tel
www.cox.com

Wednesday, Aug. 22, 2012

Mr. Matt Allen
City Manager
301 N. 8th Street
Garden City, KS 67846

Dear Mr. Allen,

On or after Saturday, Sept. 29, 2012, the following channels will launch on the Cox cable lineup. A special preview will be available for both channels on or after Wednesday, Aug. 29, 2012.

- PAC-12 HD will launch on channel 2247
- Kansas 22 HD (Cox statewide) will launch on channel 2022

A subscription to Cox Plus Package with the Sports & Information Pak and HD service is required for PAC-12 HD. A subscription to Cox TV Started and HD service is required for Kansas 22 HD (Cox, statewide).

If you have any questions about these additions, please feel free to contact me at (785) 215-6720 or coleen.jennison@cox.com.

Best Regards,

Coleen Jennison
Government Affairs Director
Cox Communications



In harmony with the Cox Conserves eco-friendly program, we are proud to print on Forest Stewardship Council-certified paper.

COX COMMUNICATIONS, INC.
1400 LAKE HEARN DRIVE, NE
ATLANTA, GA 30319



Return Service Requested



001071 R3K5T1A
CITY OF GARDEN CITY - FRANCHISE
301 N 8TH
GARDEN CITY KS 67846-5340



Check Date: 08/10/2012
Vendor Number: 13037



Invoice Number	Invoice Date	Voucher Number	P.O. Number	Reference	Gross Amount	Adjustment		Net Amount
						Amount	R	
FF10JUL1223656	06/30/12	COX		2Q 2012 FRANCHISE FEES	\$54,728.72			\$54,728.72
					\$54,728.72	\$0.00		\$54,728.72

R3K5T1A 001071 2235174751 NNNNN NNNNN NNNNN NNNNN 000001

KS

Kansas, Garden City Municipal Fee (AT&T)

Reporting Period: July 1, 2012 to July 31, 2012

FEIN: 430529710
Southwestern Bell Telephone Company
AT&T

3100 Cumberland Boulevard, Suite 700
Atlanta, GA 30339
877-829-4141 - Phone
770-956-0700 - Fax

Tax Identification Number

43-0529710

Return Due: 08/15/2012

Total Fee Due:	\$6,564.61
Adjustments:	\$0.00
Uncollectibles:	\$0.00
Admin Fees:	\$0.00

Net Fee Amount to be Remitted: \$6,564.61

Remit To:

City of Garden City
P.O. Box 998
Garden City, KS 67846

Tax Payer:



Steven Shashack, Assistant Vice President - Tax

8/12/2012

Date

I hereby declare that all information provided herein is true, complete and accurate to the best of my knowledge.

Tax Preparer:



Jade Wade, Manager

8/12/2012

Date

I hereby declare that all information provided herein is true, complete and accurate to the best of my knowledge.

CITY OF GARDEN CITY
POLICE DEPARTMENT

304 N. 9TH STREET
GARDEN CITY, KANSAS 67846

JAMES R. HAWKINS
CHIEF OF POLICE

620-276-1300
FAX: 620-276-1313
OR 620-276-1314

MEDIA RELEASE

By Sgt. Michael Reagle
August 27, 2012

Release #1:

The Garden City Police Department is now taking applications for students to enroll in our Student Police Academy. Applications will be available from any school resource officer, online at gcpolice.org, or at the Garden City Police Department.

The academy is designed to acquaint students with the Police Department and the criminal justice system. The academy provides students with an opportunity to positively interact with police officers so that they will better understand the role of the police in keeping their community safe as well as their own role in the community. The academy can also be an excellent resource for students considering a career in law enforcement.

The class will meet every Saturday morning for seven weeks from 9:00 a.m. until noon. It will conclude with a small graduation for the students that complete the course. Each session will feature different topics presented by officers of the Garden City Police Department. Some of the topics include: vehicle stops, DUI, crime scene investigation, underage drinking, S.W.A.T., police motorcycle operations, police K-9, and the department structure.

The academy is open to high school and middle school students in grades 7-12 who reside in Finney County or attend schools in Garden City and Holcomb.

The academy will be held at the Garden City Police Department starting September, 22, 2012. Class size is limited to 50 students. The deadline to apply is September 14, 2012.

Questions regarding the Academy may be directed to any school resource officer or MPO Robert Scrivner at 620-276-1300.

###

Staff Reports



Engineering Department

Steven F. Cottrell, P.E.,
City Engineer

Alex L. Mestdagh, P.E.
Assistant City Engineer

CITY ADMINISTRATIVE
CENTER
301 N. 8TH
P.O. BOX 998
GARDEN CITY, KS
67846-0998
620.276.1130
FAX 620.276.1137
www.garden-city.org

MEMORANDUM

DATE: August 31, 2012
TO: Governing Body
FROM: Alex Mestdagh
RE: Street Projects Update

The following is a status update of ongoing roadway projects throughout the City:

Schulman Crossing

The site preparation work is substantially completed and has been turned over to Menards; and work is currently focusing on completion of the detention pond area.

Dreiling Construction has begun work on the sewer and water portion of the utility improvements for the development. Smoky Hill Construction (Salina) is scheduled to begin work on the Lareu Road on September 4th, beginning with the underground storm sewer on Lareu. Traffic on Schulman Avenue will be affected during roadway construction later this fall, but local access will be maintained at all times.

Joe McGraw Street

Construction is underway on this new concrete roadway west of Taylor Avenue (just north of the Talley Trail). The project provides access to the Preferred Cartage property. Curb and gutter and road base has been constructed on the south side and installation of the storm sewer is currently ongoing. Taylor Avenue traffic will not be affected by this construction. Construction of the water line will begin the week of September 4th.

Main Street Reconstruction (Maple Street to Fulton Street)

The City's 2012 KLINK project is a reconstruction of this section of Main Street in 9" of concrete pavement. Two-way traffic will be maintained during the project, and construction will be phased to keep traffic in lanes served by the existing BNSF warning arms at all times. Work will begin in late September or early October.

**CONSIDERATION OF
APPROPRIATION ORDINANCE**

Ordinances & Resolutions

STAFF REPORT

**GC2012-043: Rezoning from "C-1" Neighborhood Shopping to "R-1" Single Family Residential District
2602 Schulman Ave., Garden City, KS (Dean & Susan Biggs)**

GENERAL INFORMATION

Staff Report Date:	July 16, 2012	Jurisdiction:	Garden City
Owner:	Dean L. & Susan M. Biggs		
Applicant:	Dean L. & Susan M. Biggs		
Requested Action:	Rezone the property from "C-1" Neighborhood Shopping to "R-1" Single Family Residential District		
Purpose:	n/a		
Location address:	2602 Schulman Ave.		
Comprehensive Plan:	Proposed land use is consistent with the Comprehensive Plan		
Sites Existing Zoning:	"C-1" Neighborhood Shopping District		
Surrounding Zoning:	North	"R-1" Single Family Residential District	
	South	"P-F" Public Facilities District	
	East	"P-F" Public Facilities District	
	West	"C-1" Neighborhood Shopping District	
Land Area:	Contains 0.72 acres +/-		
Notice Date:	This project was published and noticed by mail as required by code.		

COMMENTS & REQUIRED IMPROVEMENTS

1. The applicant is requesting to rezone the property to "R-1" Single Family Residential District.
2. There currently is a single family dwelling unit on the property, and on the east portion of the property there is an accessory building.
3. If the rezoning is approved, staff recommends that the applicant comply with all zoning regulations for "R-1" Single Family Residential Districts.

RECOMMENDATION

Staff recommends approval.

PLANNING COMMISSION RECOMMENDATION: Approval

Members Present- 7

Vote:

REZONING

Yea – 7

Nay – 0



Case Number: GC2012-043
 Applicant: Dean L. & Susan M. Biggs
 Address: 2602 Schulman Ave
 Request: Rezone, from "C-1" to "R-1" District





Property Site Picture – Looking at the north side of the property from Schulman Rd.



Property Site Picture – Looking at the west side of the property from Schulman Rd.



Property Site Picture – Looking at the east side of the property from Schulman Rd.



Property Site Picture – Looking at the north side of the property from Schulman Rd.

(Published in the Garden City Telegram on the _____ day of September, 2012)

ORDINANCE NO.

AN ORDINANCE APPROVING THE REZONING OF LAND FROM "C-1" NEIGHBORHOOD SHOPPING DISTRICT TO "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT; AMENDING THE ZONING ORDINANCE AND THE DISTRICT ZONING MAP OF THE CITY; AND REPEALING THE CURRENT ZONING ORDINANCE AND DISTRICT ZONING MAP; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Garden City, Kansas:

SECTION 1. The Zoning Ordinance of the City of Garden City, Kansas, adopted by Ordinance No. 2528-2011 with all amendments thereto, is hereby amended and shall read as follows:

The boundary of the "R-1" Single Family Residential District is hereby amended to include the following described real property:

A tract of land located in the NW ¼ of Section 16, T24S, R32W of the 6th P.M., in Finney County.

Being further described as follows:

Commencing at the NW corner of Section 16, T24S, R32W of the 6th P.M., thence N 90° 00' 00" E (an assumed bearing) on the north line of the NW ¼ of section 16 for a distance of 1,697.80 feet (recorded as 1,698.90 feet) to the P.O.B.; thence continuing N 90° 00' 00" E for a distance of 285.78 feet (recorded as 286.00 feet), thence S 00° 51' 01" E for a distance of 242.30 feet (recorded as 242.64 feet), thence S 49° 49' 10" W for a distance of 369.41 feet (recorded as 369.54 feet), thence N 00° 51' 01" W for a distance of 480.67 feet (recorded as 481.10 feet) to the point of beginning.

SECTION 2. The District Zoning Map referred to in the Zoning Regulations Article 3, Section 3, of the Garden City, Kansas, adopted by Ordinance No. 2528-2011, as previously existing and amended, be and the same is hereby amended, to be consistent with the amendments set forth herein.

SECTION 3. The current Zoning Ordinance and District Zoning Map of the City of Garden City, Kansas, as previously existing and amended, be and the same hereby are repealed, to be replaced as specified in this ordinance.

SECTION 4. That this ordinance shall be in full force and effect from and after its publication in the Garden City Telegram, the official city newspaper.

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, this 4th day of September, 2012.

DAVID D. CRASE, Mayor

ATTEST:

Celyn N. Hurtado,
City Clerk

APPROVED AS TO FORM:

RANDALL D. GRISELL,
City Counselor

STAFF REPORT

GC2012-044: Comprehensive Plan Amendment and Rezoning from “P-F” Public Facilities District to “R-1” Single Family Residential & “R-3” Multiple Family Residential Districts at Approximately 3002 Campus Dr., Garden City, KS

(USD 457 & GC Residential Builders, LLC)

GENERAL INFORMATION

Staff Report Date:	July 16, 2012	Jurisdiction:	Garden City
Owner:	USD 457		
Applicant:	GC Residential Builders, LLC		
Requested Action:	Rezone the property from “P-F” Public Facilities District to “R-1” Single Family Residential & “R-3” Multiple Family Residential District		
Purpose:	Residential Development		
Location address:	Approx. 3002 Campus Dr.		
Comprehensive Plan:	The Future Land Use Plan shows this area as Public Facilities		
Sites Existing Zoning:	“P-F” Public Facilities District		
Surrounding Zoning:	North	“A” Agricultural & “R-2” Single Family Residential District	
	South	“P-F” Public Facilities District	
	East	“P-F” Public Facilities District	
	West	“A” Agricultural & “R-1” Single Family Residential District	
Land Area:	Contains 11.0 acres +/-		
Notice Date:	This project was published and noticed by mail as required by code.		

COMMENTS & REQUIRED IMPROVEMENTS

1. The applicant is requesting to rezone approximately 11.0 acres for a residential subdivision project.
2. The Comprehensive Plan will be required to be amended to allow the use for up to two (2) family residential units.
3. The applicant is proposing to rezone approximately 6.6 acres, the north portion of the property, to “R-1” Single Family Residential, and the remainder 4.4 acres, the southern portion of the property, to “R-3” Multiple Family Residential District.
4. The applicant is proposing to plat 17 lots for Single Family Residential units on the northern portion of the property. There will be 13 lots for Multiple Family (Duplex) Residential units on the southern portion of the property.
5. The applicant is proposing a 60’ ROW to extend Pioneer Rd, eastward into the new development, and connect into the new high school drive. The applicant is also proposing to allow for two access points to the property to the south by providing two 50’ ROW. One ROW will be located between lots 3 and 4, and the second between lots 11 and 12 of the multiple family residential block.
6. The applicant understands that the northeastern corner of the proposed site is within the floodplain as shown on the 2009 FIRM Maps, and will have to meet or exceed the FEMA building regulation standards for the properties within the floodplain.

RECOMMENDATION

Staff recommends approval of amending the comprehensive plan and of the rezoning.

PLANNING COMMISSION RECOMMENDATION: Approval contingent upon approval of a development agreement and from school board.

Members Present- 7

Vote: COMP PLAN AMENDMENT

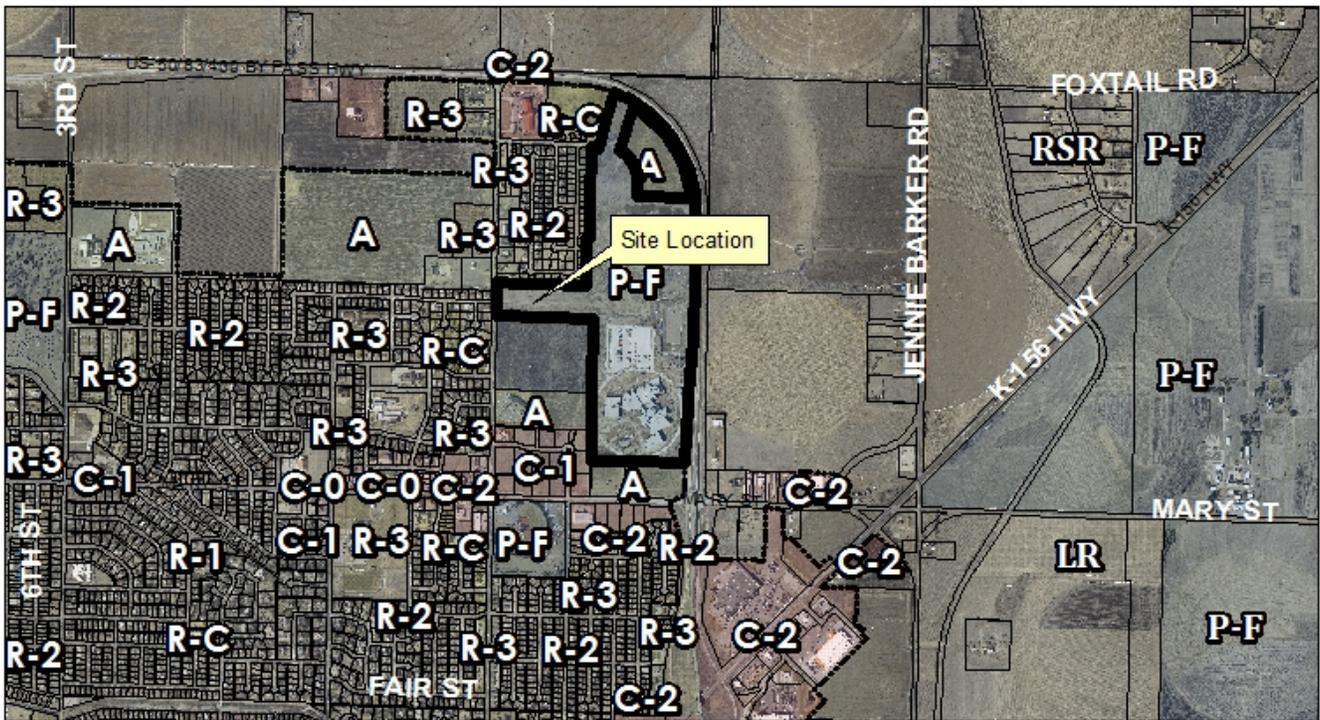
Yea – 6

Nay – 1

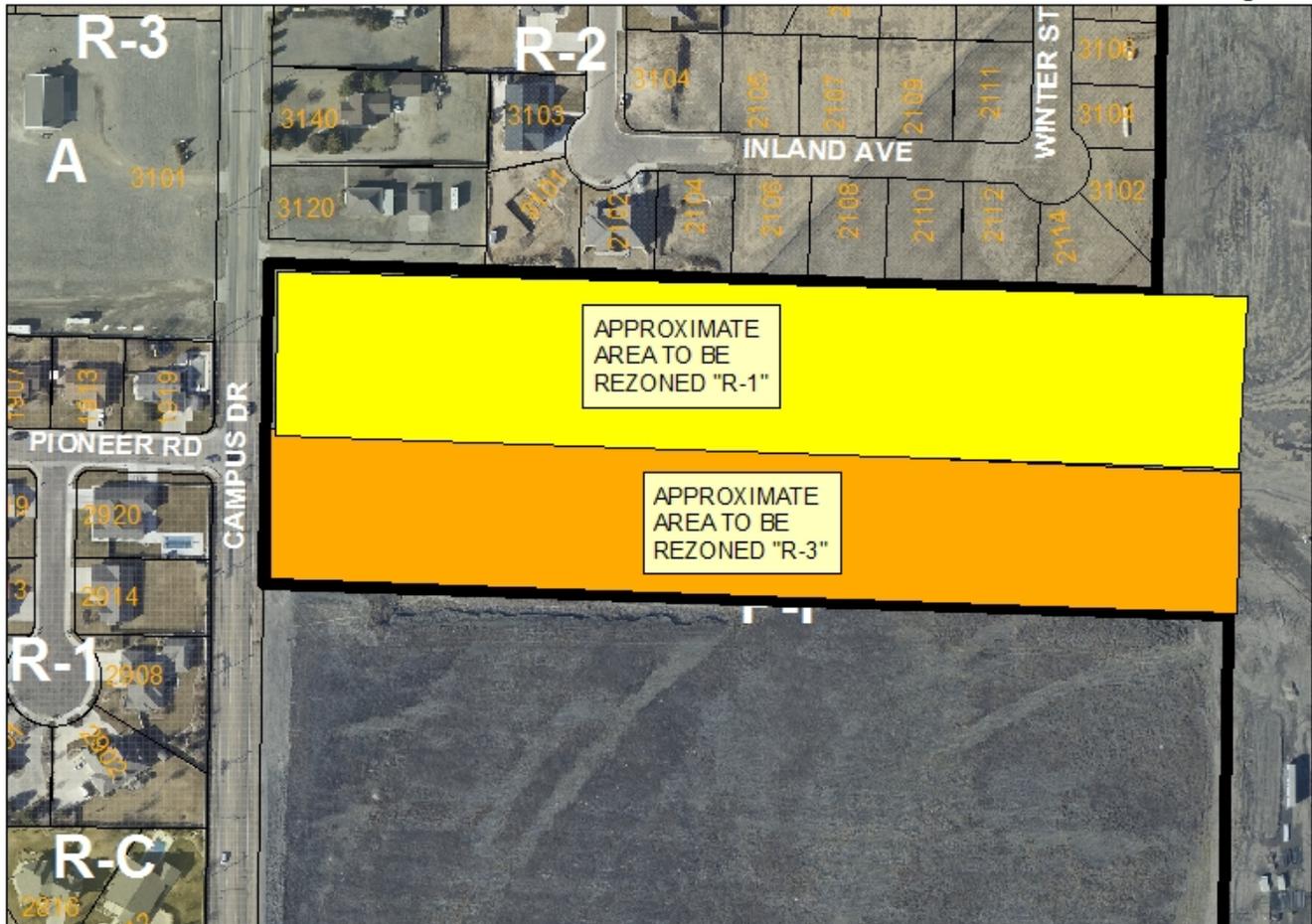
REZONING

Yea - 7

Nay - 0



Case Number: GC2012-044
 Applicant: USD 457 / GCResidential Builders, LLC
 Address: Approx. 3002 N. Campus Dr.
 Request: Rezone, from "P-F" to "R-1" & "R-3" Districts





Property Site Picture – Looking at the west side of the property along Campus Dr.



Property Site Picture – Looking at the houses north of the site.



Property Site Picture – Looking east into the property from across Campus Dr. GCHS on the background.



Property Site Picture – Looking at the properties south of the site. GCHS on the background



Property Site Picture – Looking south, along Campus Dr.



Property Site Picture – Looking east from within the property.

(Published in the Garden City Telegram on the _____ day of September, 2012)

ORDINANCE NO.

AN ORDINANCE APPROVING THE REZONING OF LAND FROM "P-F" PUBLIC FACILITIES DISTRICT TO "R-1" Single Family Residential District and "R-3" Multiple Family Residential DISTRICT, respectively; AMENDING THE COMPREHENSIVE PLAN OF THE CITY, AND THE DISTRICT ZONING MAP OF THE CITY; AND REPEALING THE CURRENT COMPREHENSIVE PLAN, AND DISTRICT ZONING MAP; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Garden City, Kansas:

SECTION 1. The "Future Land Use Map" of the City of Garden City, Kansas, adopted by Ordinance No. 2469-2010 with all amendments thereto, is hereby amended as follows:

The boundary of the Future Land Use Map is hereby amended as shown on the attached map – Exhibit A, dated 31/Aug/2012.

SECTION 2. The Zoning Ordinance of the City of Garden City, Kansas, adopted by Ordinance No. 2528-2011 with all amendments thereto, is hereby amended and shall read as follows:

The boundary of the rezone is hereby amended as shown on the attached map – Exhibit A, dated 31/Aug/2012.

SECTION 3. The "Future Land Use Map" adopted by Ordinance No. 2469-2010, as previously existing and amended, be and the same is hereby amended, to be replaced and continue hereafter as amended in this ordinance.

SECTION 4. The District Zoning Map referred to in the Zoning Regulations Article 3, Section 3, of the Garden City, Kansas, adopted by Ordinance No. 2528-2011, as previously existing and amended, be and the same is hereby amended, to be consistent with the amendments set forth herein.

SECTION 5. The current Zoning Ordinance and District Zoning Map of the City of Garden City, Kansas, as previously existing and amended, be and the same hereby are repealed, to be replaced as specified in this ordinance.

SECTION 6. That this ordinance shall be in full force and effect from and after its publication in the Garden City Telegram, the official city newspaper.

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, this 4th day of September, 2012.

DAVID D. CREASE, Mayor

ATTEST:

Celyn N. Hurtado,
City Clerk

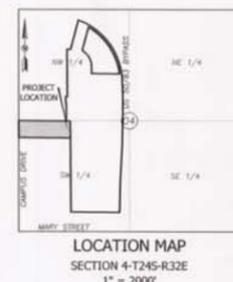
APPROVED AS TO FORM:

RANDALL D. GRISELL,
City Counselor

PRELIMINARY PLAT OF
PIONEER ROAD ESTATES
 A REPLAT OF PART OF LOT 1 BLOCK 1 AND PART OF LOT 2, BLOCK 1, GARDEN CITY HIGH SCHOOL SECOND ADDITION

LEGEND

- Set Monument (1/2" Reinforcing Rod w/cap; KS CLS 175) unless otherwise noted
- Found Monument
- ◆ Benchmark
- Overhead Utility Lines
- Utility Pole
- Water Line
- Water Valve
- Fire Hydrant
- Water Meter
- Underground Telephone Line
- Telephone Pedestal
- Telephone Access Vault
- Telephone Access Box (Mounted)
- Sanitary Sewer Line
- Sanitary Sewer Manhole
- Polyvinyl Chloride Pipe
- Storm Sewer Line
- Storm Sewer Manhole
- Curb Inlet
- Chain Link Fence
- Wood Fence
- Gate Post
- Single Pole Sign
- Mailbox
- Center Line
- Utility Easement
- SQ. FT. Square Feet
- Not To Scale



Rev.	Date	Description	Drawn	Checked

PROPOSED PLAT DESCRIPTION

A tract of land in the Southwest Quarter of Section 04, Township 24 South, Range 32 East of the 6th Principal Meridian in Garden City, Finney County, Kansas being more particularly described as follows:

Commencing at the West Quarter corner of Section 04 being monumented by a found half inch reinforcing rod with a broken cap;

Thence South 89° 48' 14" East 35.00 feet on the North line of the Southwest Quarter of said Section 04 to a point on the East right of way of Campus Drive, as now established, said point being monumented by a found half inch reinforcing rod with LS 1114 cap, and also being the Point of Beginning of the herein described tract;

Thence continuing South 89° 48' 14" East 1196.79 feet on the North line of the Southwest Quarter of said Section 04 to a point being the intersection of the Northern prolongation of the Westerly line of Lot 1, Block 1 of Garden City High School Second Addition, filed for record May 21, 2009 in Finney County, Kansas and recorded in envelope number 467 A and B, said point being monumented by a set half inch reinforcing rod with KS CLS 175 cap;

Thence South 00° 41' 32" East 400.04 feet on said prolongation to a point at the intersection of the Southerly line of said Lot 1, Block 1, as shown on said Garden City High School Second Addition, said point being monumented by a set "4" in concrete;

Thence North 89° 48' 07" West 1196.76 feet on the Southerly line of said Lot 1, Block 1 to a point on the East right of way of said Campus Drive said point being monumented by a found half inch reinforcing rod with LS 1114 cap;

Thence North 00° 41' 51" West 30.00 feet on the West line of Lot 1 and the East right of way of said Campus Drive to a point at the most Northeast corner of said Lot 1, Block 1, said point being monumented by a reset half inch reinforcing rod with KS CLS 175 cap;

Thence continuing North 00° 41' 51" West 370.00 feet on the West line of Lot 2 and the East right of way of said Campus Drive to the Point of Beginning.

Containing 478,672.81 square feet or 10.9888 acres.

SURVEYOR'S NOTES

- No Title Report was provided by client for this survey. Any easements shown are due to the fact that this surveyor had prior knowledge of them. This surveyor has made no search at the county Register of Deeds office or searched court documents for easements, encumbrances, condemnations or court decrees that may affect this property. If any other easements affect this property they are not shown and their existence is unknown to this surveyor.
- The platted easements and setback shown on the final plat of Garden City High School Second Addition have been shown hereon.

UTILITY NOTES

- No "dry" underground utilities were located for this survey. Underground utilities may exist at this site that are not shown hereon. It is the excavator's responsibility to have any utilities located before digging.
- The storm and sanitary lines shown hereon were derived by inspection of the structures that occur at the intersection points of the lines and compared with the controlling jurisdiction's maps (if available). If other pipes connect to these lines between the structures, their locations and flowlines are unknown.

GENERAL NOTES

- Basis of Bearings: South 89° 48' 14" East along the North line of the Southwest Quarter Section 04 T24S-R32W as shown on the recorded plat of Garden City High School Second Addition recorded May 21, 2009, and filed in envelope number 467 A and B.
- This Tract contains 478,672.81 square feet or 10.9888 acres.
- Contours are shown at one foot intervals.
- Zoning:**
 R1 Zoning for Block 1, Lots 1-17.
 R3 Zoning for Block 2, Lots 1-13

FLOOD STATEMENT

The subject property lies within Other Areas Flood Zone X (Areas determined to be outside 500-year flood-plain), as shown on the City of Garden City, Kansas Flood Insurance Rate Map (F.I.R.M.).
 Map Number: 205186 0005 D
 Panel No: 1 of 1
 Map Revised Date: September 09, 1997

NOTE: This statement is provided for informational purposes only and shall in no way constitute a basis for a flood certificate. No field work was performed to establish the boundaries of this zone. The information was derived by scaling the subject property on the above referenced map.

STATEMENT OF POSSIBLE ENCROACHMENTS

- Apparent southerly encroachment of 15.00' of chainlink fence over the North line of Block 1, Lots 6 and 7.
- Apparent encroachment of chainlink fence along the Easterly portion of subject boundary.

OWNER/DEVELOPER
 GC Residential Builders, LLC
 Contact: Ross Vogel
 4740 Roanoke, Suite 302
 Kansas City, Missouri 64112

SURVEYOR
 BHC Rhodes
 901 N. 8th Street, Suite 100
 Kansas City, Kansas 66101
 (913) 371-5300

EXHIBIT A
 31/AUG/2012

Client: GC RESIDENTIAL BUILDERS, LLC
 4740 ROANOKE, SUITE 302
 KANSAS CITY, MO 64112

Project: REPLAT OF PART OF LOT 1 BLOCK 1 AND PART OF LOT 2 BLOCK 1 GARDEN CITY HIGH SCHOOL 2ND ADDITION GARDEN CITY, KANSAS SW QUARTER SEC 4 T24S - R32W 6TH PM

Drawn By:	MSF
Project No:	017150
Field Date:	07/28/2012
Issue Date:	08/08/2012
Sheet:	1 OF 1

Aug 07, 2012 - 1:27pm Plotted By: msr:brin s:\017150\DWG\Survey\017150 Prelim Plat.dwg

BENCHMARKS (NAVD 88 Datum)
 BM CHISLED SQUARE AT SOUTHEAST CORNER OF CONCRETE INLET +175 FEET SOUTH OF THE INTERSECTION OF PIONEER ROAD AND CAMPUS DRIVE.
 Elevation: 2862.98

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE REMOVAL OF MOTOR VEHICLE NUISANCES FROM CERTAIN PROPERTIES IN THE CITY OF GARDEN CITY, KANSAS, PURSUANT TO SECTION 38-63 OF THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.

WHEREAS, the Governing Body of the City of Garden City has declared it unlawful for any person to maintain a motor vehicle nuisance on private property within the City of Garden City, and

WHEREAS, the resident and/or owners of the private property at the addresses listed herein have been notified pursuant to Section 38-63 of the Code of Ordinances and have neither abated the nuisance conditions nor requested a hearing before the Governing Body.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Garden City, Kansas:

SECTION 1. Ten (10) days after passage of this Resolution the Public Officer is hereby authorized to abate the following motor vehicle nuisance conditions:

914 Inge-inoperable and unregistered vehicle on property. Maroon Dodge pick up.

SECTION 2. The abatement costs incurred by the City shall be charged against the lots or parcels of ground on which the motor vehicle nuisance is located.

PASSED AND APPROVED by the Governing Body of the City of Garden City, Kansas, on this 4th day of September 2012.

David D. Crase, MAYOR

ATTEST:

Celyn N. Hurtado, CITY CLERK

914 INGE



(Published in The Garden City Telegram on the _____ day of _____, 2012)

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE REMOVAL OF NUISANCE CONDITIONS FROM THE PROPERTY LISTED BELOW IN THE CITY OF GARDEN CITY, KANSAS, PURSUANT TO SECTION 38-139 OF THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.

WHEREAS, the Governing Body of the City of Garden City has declared it unlawful for any person to maintain nuisance conditions on private property within the City of Garden City, and

WHEREAS, the resident and/or owners of the private property at the address listed herein have been notified pursuant to Section 38-137 of the Environmental Code of Ordinances and have neither abated the nuisance conditions nor requested a hearing before the Governing Body.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Garden City, Kansas:

SECTION 1. Ten (10) days after passage of this Resolution, and after notification of person in violation by one of the methods prescribed in Section 38-139, the Public Officer is hereby authorized to abate the following nuisance conditions:

412 Magnolia-scrap lumber, tires, trash, litter, & debris on property

408 Florence-tree branches, fence section, scrap lumber, car bumper, trash, litter, & debris on property

SECTION 2. The abatement costs incurred by the City shall be charged against the lot or parcel of ground on which the nuisance is located.

PASSED AND APPROVED by the Governing Body of the City of Garden City, Kansas, on this 4th day of September, 2012.

David D. Crase, MAYOR

ATTEST:

Celyn N. Hurtado, CITY CLERK

408 FLORENCE





412 MAGNOLIA





Memo

To: City Commission
From: Kaleb Kentner
CC: File
Date: August 31, 2012
Re: Moderate Income Housing RFP Resolution for Pioneer Road Estates

Issue: A requirement of the Kansas Moderate Income Housing Program for a resolution from the Governing Body to participate.

Background: Overland Property Group and Prairie Trails Partners II, LLC (the Developer) has approached the City about partnering to participate in the Kansas Moderate Income Housing Program (the Program). The Program allows cities incorporated in Kansas with a population of fewer than 60,000 to request grants or loans for infrastructure or housing development in rural areas.

Grants or loans under the Program will be limited to no more than \$400,000.00 per awardee. The Developer will be pursuing a grant of the maximum allowed amount.

The program requires a resolution by the Applicant City's Governing Body giving authority to apply for and participate. There are other requirements for participation in the program that the developer is working to complete. The deadline to submit proposals under the Program RFP is August 31, 2012.

Alternatives:

1. Approve the resolution.
2. Do not approve the resolution.

Recommendation: Staff recommends approval of the Resolution.

Fiscal Note: Overland Property Group and Prairie Trails Partners II, LLC will be pursuing a grant, not a loan, there is no fiscal note.

COMMUNITY
DEVELOPMENT
DEPARTMENT
SERVING
GARDEN CITY
HOLCOMB
AND
FINNEY COUNTY
620-276-1170

INSPECTIONS
620-276-1120
inspection@garden-city.org

CODE COMPLIANCE
620-276-1120
code@garden-city.org

PLANNING AND
ZONING
620-276-1170
planning@garden-city.org

CITY ADMINISTRATIVE
CENTER
301 N. 8TH
P.O. Box 998
GARDEN CITY, KS
67846-0998
PH 620.276.1170
FAX 620.276.1173
www.garden-city.org

A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS GIVING AUTHORITY TO THE CITY OF GARDEN CITY, KANSAS TO PARTNER WITH OVERLAND PROPERTY GROUP AND PRAIRIE TRAILS PARTNERS II, LLC AND APPLY FOR AND PARTICIPATE IN THE KANSAS MODERATE INCOME HOUSING PROGRAM.

WHEREAS, the Kansas Moderate Income Housing (MIH) Request for Proposal (RFP) authorizes any city incorporated in accordance with the laws of the State of Kansas (the "State") with a population of less than 60,000 to apply for loans or grants to cities for infrastructure or housing development in rural areas; and

WHEREAS, the Governing Body of such city may adopt a resolution making certain findings giving the city authority to apply for and participate in said RFP; and

WHEREAS, the City of Garden City, Kansas (the "City") has an estimated population of 29,836 and therefore constitutes an eligible city as said term is defined in this RFP; and

WHEREAS, based on the Housing Needs Analysis performed by the City, the Governing Body of the City proposes to partner with Overland Property Group and Prairie Trails Partners II, LLC to develop moderate income housing in accordance with the MIH RFP.

THEREFORE, BE IT RESOLVED by the Governing Body of the City of Garden City, Kansas, as follows:

Section 1. The Governing Body hereby finds and determines that there is a shortage of quality housing of various price ranges in the City despite the best efforts of public and private housing developers.

Section 2. The Governing Body hereby finds and determines that the shortage of quality housing can be expected to persist and that additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in the City.

Section 3. The Governing Body hereby finds and determines that the shortage of quality housing is a substantial deterrent to future economic growth and development in the City.

Section 4. The Governing Body hereby finds and determines that the future economic wellbeing of the City depends on the Governing Body providing additional incentives for the construction or renovation of quality housing in the City.

Section 5. Based on the findings and determinations contained in Sections 1 through 4 of this Resolution, the Governing Body authorizes the City to partner with Overland Property Group and Prairie Trails Partners II, LLC to apply for and participate in the RFP, upon a property known as "The Reserves at Prairie Ridge" in Garden City Kansas.

Section 6. This Resolution shall take effect after its adoption and publication once in the official City newspaper.
APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, this ____ day of August, 2012.

DAVID D. CRASE, Mayor

ATTEST:

CELYN N. HURTADO, City Clerk

APPROVED AS TO FORM

RANDALL D. GRISSELL, City Counselor

Old Business

New Business



GARDEN CITY

— KANSAS —

**REQUEST FOR PROPOSALS
FOR USE OF THE
STATE THEATRE BUILDING**

2012

STATE THEATRE USE REQUEST FOR PROPOSALS

The City of Garden City is requesting formal proposals for the use of the State Theatre building, 418 N. Main Street. Proposals will be received at the City Engineer's Office, 301 N. 8th Street, Garden City, Kansas, until 2:00 p.m., September 27, 2012. Presentations to the City Commission will then be scheduled in October.

The proposal documents may be obtained from the City Engineer's Office. The proposals will be evaluated by the City Commission. The City reserves the right to reject any or all proposals and to accept the proposal deemed to be in the best interest of the City. The documents are also available electronically. Email steve.cottrell@gardencityks.us for further information.

The public may also offer suggestions to the City Commission for use of the State Theatre Building. Suggestions may be submitted to the City Engineer until 2:00 p.m., October 11, 2012.

A handwritten signature in blue ink that reads "Steve Cottrell". The signature is written in a cursive style with a vertical line extending downwards from the end of the name.

Steven F. Cottrell, P.E.
City Engineer

STATE THEATRE USE PROPOSAL GENERAL

The City of Garden City is requesting formal proposals for the use of the State Theatre building, 418 N. Main Street. Proposals will be received at the City Engineer's Office, 301 N. 8th Street, Garden City, Kansas, until 2:00 p.m., October 11, 2012. Presentations to the City Commission will then be scheduled in October.

A calendar for Selection is contained herein. Minor variations may occur due to conflicts.

Specific information on the property follows. Additional requirements also follow.

Evaluation criteria may include, but are not limited to, the following factors:

- Character and type of use
- Financial capability to complete and operate the proposed use
- Timeline to complete the project
- Private financing vs. public financing
- Incentives requested
- Qualifications of the user and experience with the type of use proposed.

Contact the City Engineer's office, 620-276-1130, with questions about this process or to access to the building.

The City reserves the right to reject any or all proposals and to accept the proposal deemed to be in the best interest of the City.

**CITY OF GARDEN CITY
STATE THEATRE USE PROPOSAL
SELECTION PROCEDURE**

A. INITIAL SUBMITTALS *(8 hard copies & PDF or other electronic files)*

1. *Submittals* for ranking proposals
 - A. Written description of the proposed use with sufficient detail to convey the intent for building and property use
 - B. Identification of the major parties involved
 - C. Preliminary drawings Floor plan sketches with sufficient detail to convey the respondent's intent for building and property use
 - D. Waivers, if any, requested from City development policies and regulations
 - E. Method of financing the project
 - i. Proof of commitment of funding to complete and operate the proposed use
 - ii. Private v. Public funding
 - iii. Incentives requested such as –
 - a. Acquisition of the property
 - b. Waiver of permit fees
 - F. Projected schedule to complete the project *(specific dates are not required, use number of weeks or months)*

B. INITIAL RANKING

Depending on the number and quality of the Submittals received, the City Commission may rank the submittals and invite the top 3 to 5 to make presentations.

C. PRESENTATIONS *(8 hard copies & PDF or other electronic files of any new material or if different from initial submittal)*

D. FINAL RANKING

1. City Commission will re-rank submittals after presentations.
2. The City reserves the right to reject any or all proposals and to accept the proposal deemed to be in the best interest of the City.

E. LEASE/SALE

If the selected proposal is not from within the City of Garden City government, the entity will be required to execute a long term lease. If the entity requires fee simple ownership of the property, a sales contract will be prepared, which will include a revision clause should the project not be started and/or completed within a specified timeline.

STATE THEATRE BUILDING



Building History: the building was constructed in 1929 as a theatre, and remained open for that function until December 1999, when the City acquired the property. The property includes the small storefront at 422 N. Main Street. Original building plans are not available, however we have some drawings, see attached, based upon building measurement.

Building Size: 10,000 ± Sq. Ft. total floor area

Handicap Access: The building is not currently ADA accessible. Restrooms are on the balcony level of the theatre and in the basement of 422, which are accessible only by stairways.

Environmental: The City had the building evaluated for indoor environmental quality, asbestos and lead materials in 2009, copies attached.

Types of use:

- For profit use as a theatre or playhouse.
- For profit use consistent with existing Zoning.

Utilities:

Water – two 3/4” services on Main Street
Sewer – service at rear of building from alley
Electric – 3 phase service on east side of building.
Solid Waste – dumpster at rear of building
Gas – service at rear of building
Phone – service at rear of building
Cable TV – no service in building

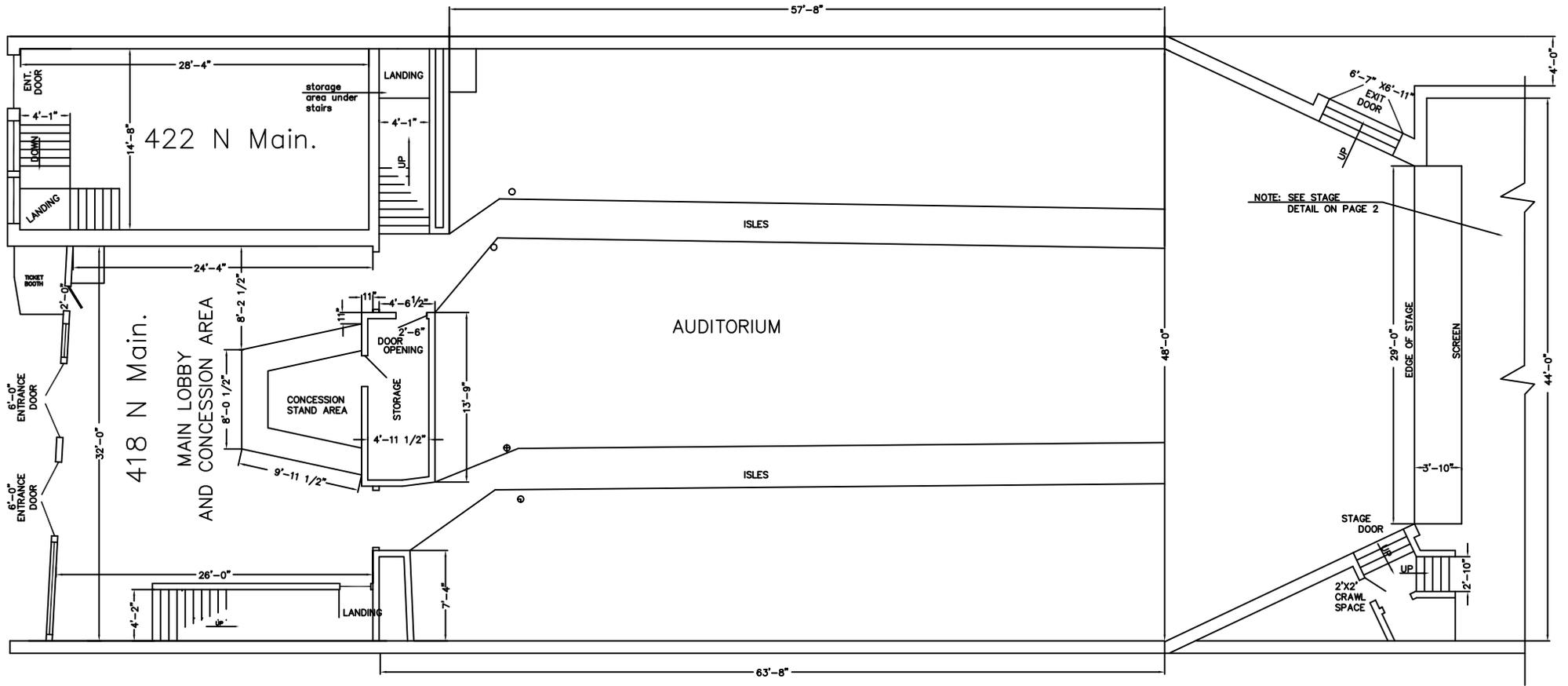
Current Zoning: C-3, Central Business, see attached.

Parking: The property does not have any reserved off street parking. Parking is available on street and at any City parking lot.

Floodplain: The site is not in the existing or proposed floodplain.

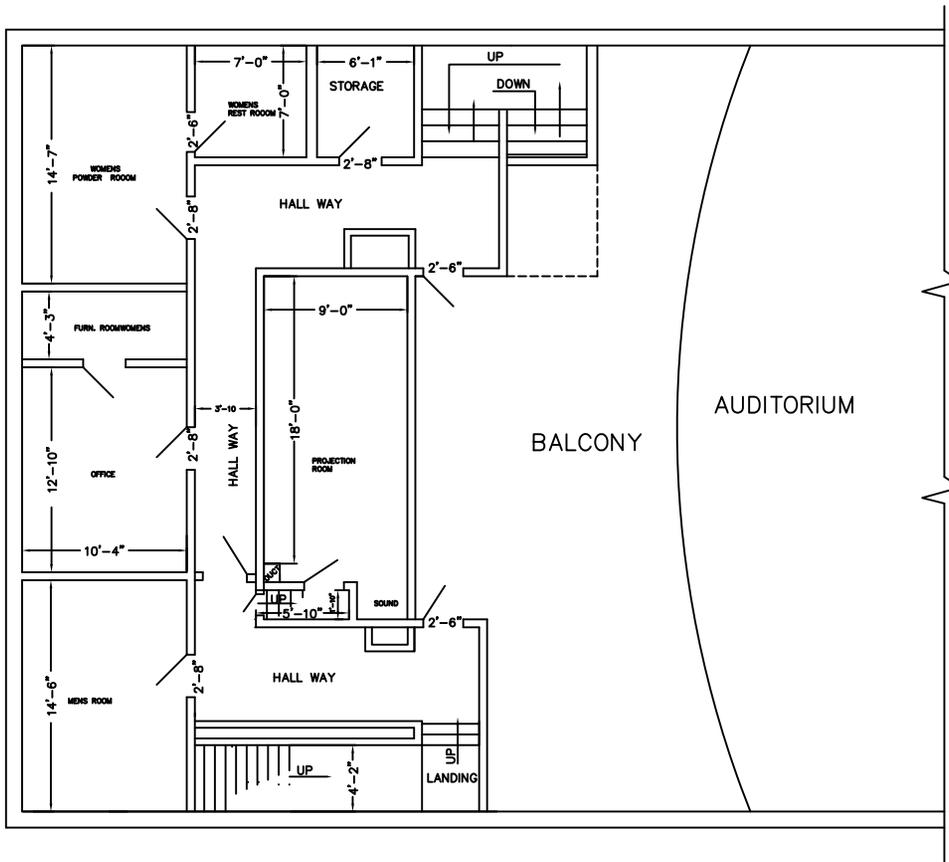
**STATE THEATRE BUILDING USE PROPOSAL
SCHEDULE FOR SELECTION**

Advertise & distribute RFP	September 7, 2012
Submit Proposals, City Engineer's Office	October 11, 2012, 2:00 pm
Review and rank Initial Submittals – completed by	October 19, 2012
Schedule presentations to City Commission	October 22, 2012
Presentations to City Commission	November 6 <i>or</i> 20, 2012
City Commission decision	Nov. 20 <i>or</i> Dec. 4, 2012
Negotiate Lease	December, 2012
City Commission Approval of Lease	Dec. 18, 2012 <i>or</i> Jan. 2, 2013

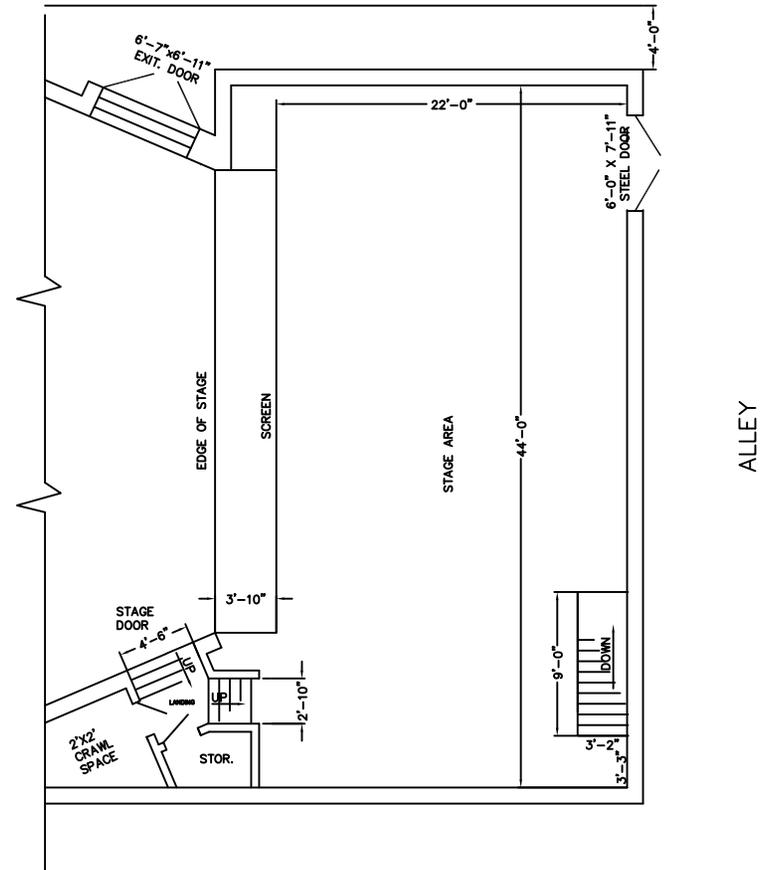


FIRST FLOOR PLAN

CITY OF GARDEN CITY		
STATE THEATER		
CITY ENGINEER	REVISIONS	DRAWN BY
STEVEN P. COFFMAN		J. J. M.
DATE		FILE NO.
SCALE	INCHES	SHEET NO.



SECOND FLOOR PLAN



STAGE DETAIL

CITY OF GARDEN CITY		
STATE THEATER		
REVISIONS		
CITY ENGINEER		DRAWN BY
STEVEN P. COTTRELL		R. S. S.
DATE		CK. BH
SCALE	NOTED	DR. NO. 1

7 Dec 00
SE

**LIMITED PRE-REMEDATION INVESTIGATION
FOR INDOOR ENVIRONMENTAL QUALITY**

OF

**THE STATE THEATRE
418 NORTH MAIN STREET
GARDEN CITY, KS 67846**

PREPARED FOR

**MR. KALEB KENTNER, PLANNING & COMMUNITY DIRECTOR
P.O. BOX 499
GARDEN CITY, KS 67846**

PERFORMED BY

**AMERICAN METROPOLITAN ENVIRONMENTAL, INC.
P.O. BOX 13196/2713 W. ESTHNER
WICHITA, KANSAS 67213**

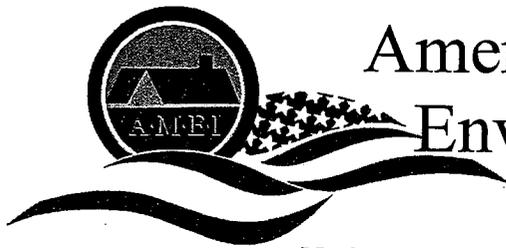
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APPENDIX A: PHOTOGRAPHS

Liability of Consultant

During the course of this evaluation, American Metropolitan Environmental Inc. relied upon certain information provided by the Client along with information gathered as a result of the inspections, surveys, the results of the study of the site, information gathered during the investigation by instrumentation, conversations with knowledgeable individuals associated with the subject site, the reports of analyses of samples obtained during the investigations, and the experiences of the investigator. AMEI shall not be held liable for the failure to discover any environmental condition which could not reasonably have been discovered through the use of the investigation means and processes employed by them and contracted for by the Client. In no event shall AMEI be held liable for the performance or nonperformance of its duties to the Client for an amount of damages in excess of AMEI fees. Our liability, if any, shall be actual damages only and shall not include any incidental or consequential damages. AMEI does not make any representations, expressed or implied, other than those contained in this report. AMEI does not agree to warrant that the subject property is free of all environmental problems, conditions or hazards.



American Metropolitan Environmental, Inc.

www.kansasmold.com

Nationwide Environmental Consulting Services Since 1995

November 24, 2009

Mr. Kaleb Kentner, Planning & Community Director
P.O. Box 499
Garden City, KS 67846

RE: Pre-remediation Indoor Environmental Quality (IEQ) Survey of The State Theatre, 418 North Main Street, Garden City, KS 67846.

Dear Mr. Kentner,

Per your request, a pre-remediation investigation was conducted on November 23, 2009 to focus on suspect fungal growth and the source(s) of the moisture accumulation at the above referenced property. No samples were collected at the property for the purpose of microbial identification; but samples were collected for the purpose for asbestos fiber identification and lead paint (the sample results are provided in a separate report). The investigation was conducted during daily activity and all observations and findings pertain to the day(s) on which the site's conditions were observed.

1.0 - INVESTIGATION

1.1 - Background Information

Concerns have been raised by the client regarding suspect fungal growth and the source(s) of the moisture accumulation at the above referenced property. A background investigation consisting of discussions with the client was conducted prior to and during the survey to obtain a comprehensive building history.

At the time of the inspection, it was disclosed by the client that the building was built in the 1920's and was a Dickenson Theatre prior to its closing in 1999. There is a proposal for renovating the building which has raised concerns about the proper removal and cleaning of the building materials due to the age of the property, water accumulation and the building being vacant with no environmental controls for several years.

1.2 - Visual Findings

Upon our limited inspection of the property, there was evidence of water accumulation in areas which did appear to have allowed some fungal growth to occur on building materials. Each area of the property that was examined during this limited inspection is detailed in the following sections:

Building 422-Main Level

- There was 12"x12" floor tile, textured wallpaper, and a drop ceiling with 2'x4' tiles and 2'x2' tiles installed.
- It appears that a water loss from plumbing above has affected the ceiling tiles, north wall and the floor tiles. The subfloor was visible due to the prior removal of some of the ceiling tiles and there was visible water damage and some fungal growth around a drain line that appears to be the source of the water loss. It is suspect that the plumbing leak may still require repair or replacement.
- There were ceiling tiles and floor tiles with visible water damage. Areas of the floor tile were loose and pulling away from the floor.

- There was visible water damage and fungal growth, including large fruiting bodies that correlate with the drain line above. With the use of the Protimeter® MMS Moisture Meter, there was 0.15_{a_w} to 0.17_{a_w} (*) measured in the accessible surfaces of building materials on the north wall up from the floor four (4) feet indicating that surfaces were damp at the time of this inspection. There was 0.93_{a_w} to 1.00_{a_w} (*) measured in the accessible surfaces of building materials on the north wall up from the floor six (6) inches that indicates the surfaces were saturated at the time of this inspection.
- There was visible water damage and fungal growth on the carpet tack strips along the north wall. In addition, there was 0.64_{a_w} to 0.65_{a_w} (*) measured in the accessible surfaces of the carpet tack strips on the north wall indicating the surfaces were wet at the time of this inspection.
- The carpet tack strips along the west wall between the door and stairway had visible water damage and fungal growth that appears to be the result of water accumulation through normal use of the door during rainfall.
- There was wall paneling on installed on the east, south and west walls in a back office area that appeared to be in overall good condition with no visible water damage or fungal growth.

(*) Water activity or a_w is the measurement of available moisture on a material (a wood moisture equivalent of) that an organism can use to support growth; pure water is measured at 1.00_{a_w}. Fungi will not usually continue to proliferate on wood building materials or cellulose surfaces at levels below 0.62_{a_w}. Water activity levels present in building materials that are determined to be "dry" is approximately 0.07_{a_w} to 0.15_{a_w} which can roughly be translated to 7% to 15%. Please note: Moisture Content or MC is measured as a ratio between the weight of the water in a material compared to the weight of the material itself in a dry state; this ratio is stated as a percentage. The national average moisture content (MC) for many building materials is currently 8% (+/- 4%).

Building 422-Basement

- It was observed that there was carpet, a four (4) foot paneled wainscot with wallpaper from the wainscot to the ceiling.
- The staircase wood railing had visible white fungal growth that appears to be the result of high relative humidity due to no environmental controls operating.
- There was significant water damage and fungal growth on the building materials that appears to be from the plumbing leak observed on the main level.
- There was considerable (†) spalling observed on the walls that would be due to ground water intrusion.
- The wood surfaces, i.e. the doors, door casing, had visible fungal growth that appears to be the result of high relative humidity.

(†) Spalling is the deterioration of concrete or a brick's surface brought on by moisture. Spalling occurs when moisture gets into the concrete or brick and freezes which creates expansion. This expansion causes the surface of the concrete or brick to fall off and is visible by the appearance of chipping or flaking on the surface. The porosity and quality of the concrete or brick, and the climate have a significant impact on spalling.

Theatre-Foyer

- There was wallpaper installed over paneling with carpet flooring. There was a drop ceiling with 2'x2' ceiling tiles.
- Some of the ceiling tiles had visible water damage.
- Some sections of the wallpaper were pulling back but there was no visible fungal growth.

Theatre-Concession Stand

- It was observed that there was visible water damage and fungal growth on several areas of the cabinetry. It appears that the damage is from a drain line in the cabinets.

Theatre-Wash Room

- The room had sheetrock/drywall walls and concrete slab flooring.
- There was visible fungal growth on the ceiling above the sink.
- The sheetrock/drywall had visible fungal growth above and below the sink. There was a hole cut out for plumbing that allowed access to view the wall cavity. It was observed that the backside of the sheetrock/drywall common to the concession stand had visible fungal growth.

Theatre

- There was a concrete floor with carpet runners. The walls were concrete with a plaster finish. Along the west section there was a drop ceiling installed.
- There were some ceiling tiles with visible water damage and fungal growth.
- There were some visible water streaks that appear to be from water intrusion. Some water damage was observed along the top sections of the concrete walls with plaster coating.
- There was carpet wainscot on the walls that was water damaged in several areas.
- Along the east side of the room there was black painted plywood that appeared to be in good condition with no visible water damage or fungal growth.

Theatre-Back Stage

- It was observed that there were brick and mortar walls with a painted wood floor.
- There was a wood shelving cabinet that had visible fungal growth that appears to be from high relative humidity due to no environmental controls operating.

Theatre-Basement

- At the bottom of the stairs on the east wall there was visible light through a metal door hatch with water streaks visible on the concrete walls that is suspect water intrusion.
- There were four basement windows on the east wall that were in very poor condition that could be a source for water intrusion.
- The concrete walls throughout the basement had significant spalling.
- The bottom plate boards at grade with the concrete floor had water damage and visible fungal growth.
- There were several areas where the plumbing was missing that could be a source of water loss in the basement.
- There was heavy water damage to the ceiling.
- The wood shelves throughout the basement had considerable water damage and visible fungal growth.
- The fiberboard paneling throughout the basement had significant water damage.

Theatre-Balcony

- There was a concrete floor with a drop ceiling that had 2'x2' ceiling tiles installed.
- Some of the ceiling tiles had visible water damage.

Theatre-Men's Restroom: 2nd Level

- There was ceramic tile installed on the floor and on the walls from floor to ceiling.
- There was visible damage to some of the ceiling tiles.
- There was standing water in the collection tub for the hot water tank. Standing water is a particular concern for bacteria growth.

Theatre-Projection Room: 2nd Level

- It was observed that there were painted concrete walls with a plaster coating. The wall had significant spalling.
- The ceiling appeared to be in overall good condition with no visible water damage or fungal growth.

Theatre-Hallway: 2nd Level

- It was observed that there were painted concrete walls with a plaster coating that had significant spalling.

Theatre-West Office: 2nd Level

- The room had wall paneling installed with carpet flooring.
- The paneling appeared to be in overall good condition with no visible signs of water damage or fungal growth.
- Most of the ceiling tiles had been removed.

Theatre-Ladies Restroom: 2nd Level

- It was observed that there was water damage to the ceiling along the west wall and in the northeast corner.
- The window glass is broken and could be allowing water intrusion.

Theatre-Storage Closet: 2nd Level

- It was observed that there was painted concrete with a plaster coating except for the west wall had fiberboard installed. The flooring was painted wood floors.
- There was significant spalling on the north and east walls. The fiberboard on the west wall had heavy water damage.
- The paneled ceiling had considerable water damage.

It is highly recommended by American Metropolitan Environmental, Inc. that if any fungi contaminated and/or water damaged building materials are identified, the affected building materials should be cleaned and/or removed by trained, professional remediators as soon as possible incorporating recognized "state of the art" removal and/or cleaning methods according to the S520 Standards. All procedures should be conducted while incorporating appropriate personal protection equipment (PPE) and containment protocols.

2.0 - MOULD AND FUNGI

A damp environment in a building promotes the proliferation of mould. There are three key elements that constitute favorable conditions for the colonization of mould and fungus (microbial organisms): nutrients, moisture, and temperature. Uniquely enough, when it comes to temperature, some mould (fungi) species can even grow on ice. Moulds are most commonly found outdoors on decaying plants however, when mould spores are introduced into an indoor environment, it can grow rapidly under the proper conditions if the three key elements are present.

Indoor nutrient sources for mould growth can be any organic material provided by a flood or sewer backup, cellulose based materials present in the building such as carpet backing, linoleum backing, drywall paper, drop ceiling tiles, or the buildup of plant and/or animal debris on inorganic surfaces. Skin cell fragments are a significant food and colonizing source in the office buildings and private homes where high occupancy exists or adequate housekeeping is not performed.

Moisture sources in buildings occur most commonly as water leaks, sewer leaks, moisture intrusion through walls and foundation or as condensation in HVAC systems (EPA, Biological Pollutants in Your Home, 1997). Conditions under which indoor mould growth can occur include:

- Historical flooding without proper cleanup
- Moisture intrusion occurring through sub-flooring or walls
- Rainfall entering through leaky roofs
- Plumbing or water line leaks
- Toilet overflow or sewer backups
- Moisture condensation within HVAC systems and,
- Persistent elevated relative humidity above 62% and inadequate housekeeping.

Moulds colonize most readily when air disturbance is minimal. For this reason, mould colonization occurs most frequently in closed or concealed spaces such as closets, storerooms, basements, and refrigeration units, or on the back or underside surface of furniture. Fungi can cause the discoloration of materials, odor problems, deteriorate building materials, and lead to allergic reactions in susceptible individuals as well as other health problems.

Due to the abundant diversity of microorganisms found in the environment and the influence of normal humidity and temperature conditions, the concentrations of bioaerosols vary significantly from region to region. Generally speaking, the indoor air flora should be quantitatively lower than, but qualitatively similar (genus or species) to that of outdoor air.

"Exceptions are enclosed agricultural and other specialized environments (where indoor fungal concentrations may be much higher). Outdoor concentrations may exceed those measured indoors even where indoor fungal growth is obvious. If outdoor fungal concentrations are very high, indoor/outdoor concentrations ratios for total fungi may be low, even in the presence of significant indoor growth. On the other hand, outdoor fungal concentrations may be reduced during times of snow cover or other conditions that suppress the release of fungal spores from outdoor sources, at which times, indoor measurements may be higher than those outdoors even in the absence of significant indoor sources.

Finally, if the variability of the data is high (which is common), extensive sampling may be required to establish that two locations differ. The species of fungi found in indoor and outdoor air typically are similar if outdoor air is the primary source

for fungi in indoor air. Comparisons of the species compositions of indoor and outdoor populations requires accurate identification of fungal species not simply identification to the genus level" (Bioaerosols Assessment and Control, 1999, Section: 7.4.2.1).

While fungi are in their growth phase, they (moulds/fungi) emit a number of microbial volatile organic compounds (mVOCs) (musty odors) that can produce irritant reactions. Fungi particles (spore and fragments) primarily cause health problems when they enter the air stream and are inhaled in large numbers. Health effects attributed to mould exposure can range from runny nose, sneezing, and skin rashes to central nervous system problems including headache, inability to concentrate, and mood changes.

Many reasons account for a specific response, including general well being and health, sensitization, exposure concentrations, and pre-existing conditions, which are some factors to consider. For example an individual may be sensitized to one more genera of fungi. This means that a particular individual may respond more acutely to relatively small concentrations of fungi spores or microbe-induced gases (musty odors), than would someone who is not sensitized.

3.0 - PERMISSIBLE EXPOSURE LIMITS FOR BIOLOGICAL AGENTS

In the U.S., no federal agency has clear authority to regulate exposure to biological agents associated with Building Related Illnesses (BRI). Countable bioaerosols have no Permissible Exposure Limits (PEL) or Threshold Limit Values (TLV) for the following reasons: the culturable/countable bioaerosols have no single entry; the human response range varies greatly from one individual to the next; it is not possible to collect and evaluate all bioaerosols components using a single sampling method; and the information relating bioaerosols concentrations to health effects is generally insufficient to describe exposure response.

It is important to remember that everyone is exposed to bioaerosols throughout their lives because bioaerosols of one kind or another are ever-present in the indoor and outdoor environment. Above all, exposures to bioaerosols are virtually unavoidable in everyday life, so complete freedom from exposure is an unachievable goal. Nevertheless, health effects to humans from mould or fungi exposure in an indoor environment are documented, and it is a clear consensus, that damp/mould contaminated buildings are not healthy buildings.

4.0 - CONCLUSIONS & RECOMMENDATIONS

4.1 - Summary of Findings

In conclusion, a pre-remediation IEQ inspection was conducted the theater building at the request of the client(s) at the above referenced location, for the purpose of identifying suspect fungal growth and the source(s) of the moisture accumulation. However, it is important to note that a thorough inspection of the entire property was requested by the client(s) and therefore was performed by American Metropolitan Environmental, Inc. (AMEI) at this time. Therefore, the information provided in this report pertains only to the area(s) that were examined and the recommendations submitted for those area(s).

The inspection of the property did reveal areas of moisture accumulation that did allow fungal growth on the building materials. Several water source(s) were revealed during the inspection that included issues with the plumbing, water intrusion through the roof and window, ground water infiltration and evidence of high relative humidity.

Therefore, it is recommended that a licensed basement and foundation contractor should examine the exposed concrete foundation walls for any cracks, damage, etc. which could promote water intrusion and conduct all necessary repairs according to currently recognized standards so as to aid in the prevention of water intrusion from occurring.

A general contractor should examine the windows throughout the building and replace as needed to prevent water intrusion into the interior of the building. In addition, the metal hatch in the basement area should be examined and all necessary repairs or replacements be made to prevent water intrusion.

A licensed plumber should examine the plumbing throughout the building (i.e. supply, drain, water heater) and make all necessary repairs or replacements to prevent water loss or water accumulation.

The mechanical systems should be evaluated by a licensed mechanical contractor due to the age of the systems and current conditions of the systems to determine any repairs, replacements or cleaning procedures should be conducted. The boiler system, if functional, in the basement should be examined by a licensed mechanical contractor and any repairs, replacements, cleaning procedures or removal should be conducted as necessary.

In addition, all water damaged ceiling tiles throughout the buildings should be removed and discarded.

Starting in building 422 on the main level it is recommended that all water damaged ceiling tiles and carpet tack strips. All of the floor tile should be removed and discarded due to the amount of water damage. All of the layers of wall paper should be removed and discarded. The built out column on the north wall should be removed from the floor to the ceiling. The north wall should then be cleaned by wet wiping with a soap & water, TSP, or other approved detergent solution to remove fungal growth, residual debris, and mould spores. The subfloor, above the ceiling tile grid, near the drain line should be cleaned by wet wiping with a soap & water, TSP, or other approved detergent solution and lightly sand as needed to remove fungal growth, residual debris, and mould spores.

In the basement of building 422 it is recommended that the carpet, carpet tack strips, and carpet padding be removed and discarded due to water damage. Remove and discard all wainscot, wallpaper and ceiling due to water damage and fungal growth. The doors, frame and casing can be salvaged but should be cleaned by HEPA vacuuming and/or wet wiping with a soap & water, TSP, or other approved detergent solution to remove fungal growth, residual debris, and mould spores. Then all the surfaces should be cleaned by wet wiping with a soap & water, TSP, or other approved detergent solution to remove fungal growth, residual debris, and mould spores.

In the theater foyer it is recommended that the paneling be removed due to the difficulty of removing wallpaper from wood surfaces.

In the concession stand area it is recommended that the cabinets be removed and discarded due to water damage. The sheetrock/drywall on the east wall common to the sink in the wash room should be cut at the floor and going up four (4) feet starting at the door frame and continuing south approximately three (3) feet to remove fungal growth.

In the wash room it is recommended that the wash sink be pulled, cleaned and stored for later reinstallation. The sheetrock/drywall on the west wall should be removed from the floor up 4 (four) feet starting from the door and continue south approximately three (3) feet. The fungal growth on the ceiling near the exhaust fan should be cut and removed in a 2'x2' section.

In the theater the plaster coated walls should be wiped with a soap & water, TSP, or other approved detergent solution to remove residual debris, and mould spores.

In the theater basement it is recommended that the contents be evaluated for discarding. The wood shelving should be removed and discarded due to water damage and fungal growth. The fiber board panels should be removed and discarded that surround the evaporator coil room. The wood bottom plates that are at grade with the floor should be removed and discarded. The walls and floor can be cleaned with a vinegar and water solution to remove the efflorescence and any residual debris. The wood supports should be cleaned by HEPA vacuuming and/or wet wiping with a soap & water, TSP, or other approved detergent solution and lightly sanded to remove fungal growth, residual debris, and mould spores.

In the projector room the walls should be cleaned by wet wiping with a soap & water, TSP, or other approved detergent solution to remove residual debris due to the spalling on the walls.

In the ladies restroom it is recommended that the ceiling along the west wall and in the northeast corner be cut out and removed. The wallpaper should be removed that is installed above the ceramic tiles and the wall cleaned by HEPA vacuuming and/or wet wiping with a soap & water, TSP, or other approved detergent solution to remove fungal growth, residual debris, and mould spores.

In the storage closet it is recommended that the ceiling be removed and discarded.

At the completion of all remediation, cleaning, and restoration procedures, the HVAC unit(s) and the entire ductwork system at the property should be professionally cleaned in accordance with procedures described in published National Air Duct Cleaning Association (NADCA) document NADCA ACR 2006. New pleated HEPA filters or minimum MERV 8 rated filters should be installed in the HVAC unit(s) or return air registers to aid in the filtration of the indoor air.

Since health effects related to mould exposure are the same even if mould is dead, dormant, or living, the removal of contaminations is critical, as opposed to "treating" or "killing" and leaving in place. The action of the removal of the microbial growth and spores limits the health risks related to exposure because a dead spore can be just as allergenic as a live spore so "treating, fogging, encapsulating, or killing" and leaving the contamination in place is neither an acceptable practice nor a currently recognized procedure for competent remediation.

Remediation strategies are based on "how much" not "what color or type", so mould sampling is usually not necessary or even beneficial during a pre-remediation investigation; it is important to state that anytime fungi are visible, the contaminated areas should be remediated by removal and proper cleaning according to currently recognized guidelines and standards.

4.2 - General Recommendations

It is the opinion of AMEI that in all situations, the underlying cause of water accumulation and/or intrusion must be rectified or fungal growth will occur/reoccur. It is highly recommended to follow all of the recommendations provided in this report and general recommendations below that are applicable for each situation:

- Air filtration devices (i.e. air scrubber, negative air machines, etc.) should be operated during all removal and/or cleaning procedures to obtain a minimum of four (4) air changes per hour within the containment; the exhaust of the air filtration devices shall be discharged outdoors. However, if exhausting the unit(s) to the outdoors is not feasible, the air filtration devices can be discharged into a second unit and discharged into a room from the containment or work area.
- Mould contaminated building materials should be removed under proper containment to prevent cross-contamination and to maintain good indoor air quality throughout the rest of the building. Non-porous surfaces (i.e. concrete, vinyl, plastic, metal) can be cleaned using a mild soap solution or with a Trisodiumphosphate (TSP) solution (mild cleanser) or equivalent.
- The application of any necessary chemicals should be conducted according to FIFRA and IICRC S520-2008; Pages 47-48, Section 12.2.9 *Clean-up* and any other applicable standards.
- If additional mould growth or water damaged building materials are identified, removal of two (2') feet beyond the edge of the visibly damaged building material(s) should be performed.
- Sanding of fungi contaminated wood based building materials can be conducted as a remediation technique, but has the potential to release mould spores and wood dust and must be conducted in containment; additionally, the integrity of the wood can be compromised when the depth of the mould containment is significant.
- Should sanding occur, it should be done sparingly and only after other options have been proven impractical or impossible - do not sand on CCA (Chromated Copper Arsenate) treated lumber without proper PPE. See www.epa.gov/oppad001/reregistration/cca/cca_qa.htm for more information.
- At the completion of all remediation procedures, all surfaces within the containment should be thoroughly cleaned by HEPA vacuuming and/or wet wiping with a soap and water, TSP solution or other approved detergent solution to remove any residual dust or latent mould spores.
- At the completion of all remediation and cleaning activities, the HVAC unit(s) and the ductwork systems at the location should be professionally cleaned in accordance with procedures in published National Air Duct Cleaning Association (NADCA) document NADCA ACR 2006. New pleated HEPA filters or minimum MERV 8 rated filters should be installed in the HVAC unit(s) or return air registers after cleaning procedures to aid in the filtration of the indoor air.
- The goal of a remediation agenda should be removal of all microbial growth. The remediation process generally can be accomplished by physical removal of fungi contaminated materials and thorough cleaning techniques. The application of encapsulates generally serves no purpose that could not be accomplished using appropriate cleaning methods, based on material composition; therefore, the use of encapsulants shall not be conducted. (IICRC S520, Page 83, Paragraph 2).

5.0 - CONTAINMENT LEVELS DEFINED BY THE EPA

“Please note that [the following remediation recommendations] contain general guidelines. Their purpose is to provide basic information for remediation managers to first assess the extent of the damage and then to determine whether the remediation should be managed by in-house personnel or outside professionals.” (*Mold Remediation in Schools and Commercial Buildings*, EPA 402-K01-001, March 2001).

- **LARGE** = Total surface area affected is greater than 100 ft² or potential for increased occupant or remediator exposure during remediation is estimated to be significant. Full containment and full PPE is recommended.
- **MEDIUM** = Total surface area affected between 10 ft² & 100 ft² where a limited containment and limited to full PPE is recommended.
- **SMALL** = Total surface area affected is less than 10 ft² where minimum PPE is recommended but no containment is required.

NOTE: To achieve a Condition I status in the work area, after demolition has been completed, it is important to clean it adequately by thoroughly removing dust, debris, fungal growth, and residual mould spores. It is highly recommended that cleaning of the surfaces within the work area should be conducted by cleaning from top to bottom, then the farthest point in containment or farthest away from the make-up air eventually ending near the air filtration device(s).

Area:	Level:	Recommendations:
General	N/A	<p>A licensed basement and foundation contractor should examine the exposed concrete foundation walls for any cracks, damage, etc. which could promote water intrusion and conduct all necessary repairs according to currently recognized standards so as to aid in the prevention of water intrusion from occurring.</p> <p>A general contractor should examine the windows throughout the building and replace as needed to prevent water intrusion into the interior of the building. In addition, the metal hatch in the basement area should be examined and all necessary repairs or replacements be made to prevent water intrusion.</p> <p>A licensed plumber should examine the plumbing throughout the building (i.e. supply, drain, water heater) and make all necessary repairs or replacements to prevent any water loss or water accumulation.</p> <p>All the mechanical systems (i.e. HVAC units) should be evaluated by a licensed mechanical contractor due to the age of the systems and current conditions of the systems to determine any repairs, replacements or cleaning procedures should be conducted. The boiler system, if functional, in the basement should be examined by a licensed mechanical contractor and any repairs, replacements, cleaning procedures or removal should be conducted as necessary.</p> <p>In addition, all water damaged ceiling tiles throughout the buildings should be removed and discarded.</p>

Area:	Level:	Recommendations:
Building 422	Large	<p>Personnel Protection Equipment (PPE) shall include HEPA filtered equipped respirators, protective clothing (Tyvek suits), eye protection, gloves, and any other equipment that may be necessary for this project; at the very minimum N-95 masks can be donned.</p> <p>Air filtration devices must be operated during all removal and/or cleaning procedures as detailed above in section <i>General Recommendations</i>.</p> <p>Main Level:</p>

	<p>All water damaged carpet tack strips should be removed and discarded.</p> <p>All of the floor tile should be removed and discarded due to the amount of water damage.</p> <p>All of the layers of wall paper should be removed and discarded.</p> <p>The built out column on the north wall should be removed from the floor to the ceiling.</p> <p>The north wall should then be cleaned by wet wiping with a soap & water, TSP, or other approved detergent solution to remove fungal growth, residual debris, and mould spores.</p> <p>The subfloor, above the ceiling tile grid, near the drain line should be cleaned by wet wiping with a soap & water, TSP, or other approved detergent solution and lightly sand as needed to remove fungal growth, residual debris, and mould spores.</p> <p>Basement: The carpet, carpet tack strips, and carpet padding should be removed and discarded due to water damage.</p> <p>Remove and discard all non structural building materials (i.e. wainscot, wallpaper ceiling) due to water damage and fungal growth.</p> <p>The doors, frame and casing can be salvaged but should be cleaned by HEPA vacuuming and/or wet wiping with a soap & water, TSP, or other approved detergent solution to remove fungal growth, residual debris, and mould spores.</p> <p>All the surfaces should be cleaned by wet wiping with a soap & water, TSP, or other approved detergent solution to remove fungal growth, residual debris, and mould spores.</p> <p>At the completion of all remediation procedures, all exposed surfaces in the entire containment should be "final" cleaned by a second HEPA vacuuming and/or wet wiping with a soap & water, TSP, or other approved detergent solution to remove fungal growth, residual debris, and mould spores.</p>
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Area:	Level:	Recommendations:
<p>Building 418</p>	<p>Large</p>	<p>Personnel Protection Equipment (PPE) shall include HEPA filtered equipped respirators, protective clothing (Tyvek suits), eye protection, gloves, and any other equipment that may be necessary for this project; at the very minimum N-95 masks can be donned.</p> <p>Air filtration devices must be operated during all removal and/or cleaning procedures as detailed above in section <i>General Recommendations</i>.</p> <p>Foyer: The paneling should be removed due to the difficulty of removing wallpaper from wood surfaces.</p> <p>Concession Stand: The cabinets should be removed and discarded due to water damage.</p>

		<p>The sheetrock/drywall on the east wall common to the sink in the wash room should be cut at the floor and going up four (4) feet starting at the door frame and continuing south approximately three (3) feet to remove fungal growth.</p> <p><u>Wash Room:</u> The wash sink should be pulled, cleaned and stored for later reinstallation.</p> <p>The sheetrock/drywall on the west wall should be removed from the floor up 4 (four) feet starting from the door and continue south approximately three (3) feet.</p> <p>The fungal growth on the ceiling near the exhaust fan should be cut and removed in a 2'x2' section.</p> <p><u>Theater:</u> The walls should be wiped with a soap & water, TSP, or other approved detergent solution to remove residual debris, and mould spores.</p> <p><u>Basement:</u> The contents should be evaluated for discarding.</p> <p>The wood shelving should be removed and discarded due to water damage and fungal growth.</p> <p>The fiber board panels should be removed and discarded that surround the evaporator coil room.</p> <p>The wood bottom plates that are at grade with the floor should be removed and discarded.</p> <p>The walls and floor can be cleaned with a vinegar and water solution to remove the efflorescence and any residual debris.</p> <p>The wood supports should be cleaned by HEPA vacuuming and/or wet wiping with a soap & water, TSP, or other approved detergent solution and lightly sanded to remove fungal growth, residual debris, and mould spores.</p> <p><u>Projector Room:</u> The walls should be cleaned by wet wiping with a soap & water, TSP, or other approved detergent solution to remove residual debris.</p> <p><u>Ladies Restroom:</u> The ceiling along the west wall should be removed the entire length of the west wall and out three (3) feet. The ceiling in the northeast corner should be cut out and removed.</p> <p>The wallpaper should be removed that is installed above the ceramic tiles and the wall cleaned by HEPA vacuuming and/or wet wiping with a soap & water, TSP, or other approved detergent solution to remove fungal growth, residual debris, and mould spores.</p> <p><u>Storage Closet:</u> The ceiling should be removed and discarded.</p> <p>At the completion of all remediation procedures, all exposed surfaces in the entire</p>
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		containment should be "final" cleaned by a second HEPA vacuuming and/or wet wiping with a soap & water, TSP, or other approved detergent solution to remove fungal growth, residual debris, and mould spores.
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Area:	Level:	Recommendations:
HVAC Unit(s) & Ductwork	NA	<p>At the completion of all remediation, cleaning, and restoration procedures, the HVAC unit(s) and the entire ductwork system should be professionally cleaned in accordance with procedures described in published National Air Duct Cleaning Association (NADCA) document NADCA ACR 2006.</p> <p>New pleated HEPA filters or minimum MERV 8 rated filters should be installed in the HVAC unit(s) or return air registers to aid in the filtration of the indoor air.</p>

6.0 - REMOVAL REQUIREMENTS FOR CONTAMINATED BUILDING MATERIALS

1. Trained personnel should remove the contaminated building materials. Such persons should receive training on proper clean up methods, personal protection, and potential health hazards. This training can be performed as part of program to comply with the requirements of the OSHA Hazard Communication Standard (29 CFR 1910.1200).
2. Respiratory protection using HEPA equipped respirator is mandatory in all applicable situations; in some situations, a minimum N-95 rated mask can be utilized. PPE which includes gloves, protective disposal clothing, and eye protection shall be worn as well during all cleaning procedures.
3. In areas of remediation and/or cleaning procedures, seal ventilation supply and return air ducts/grills in the work area and areas directly adjacent with plastic or tape to aid in the prevention of particulates from becoming entrained throughout the indoor environment and outside of containment.
4. The work area should be unoccupied and areas directly adjacent should be unoccupied if possible. Further vacating of people from spaces near the work area is recommended in the presence of infants (less than 12 months old), persons having undergone recent surgery, immune suppressed people, or people with chronic inflammatory lung diseases (e.g. asthma, hypersensitivity pneumonitis, and severe allergies).
5. Dust suppression methods by utilizing air scrubbers, negative air machines, or air filtration devices, shall be implemented and the discharge from the scrubbers shall be exhausted outdoors. Operate air scrubbers continuously while cleaning or any removal activity is in progress and a minimum of 24 to 36 hours after all remediation activities are completed.
6. All contaminated building materials that cannot be properly cleaned should be removed from the location in sealed plastic bags or covered with sheet plastic and properly disposed of; currently there are no special, Federal, or Local requirements for the disposal of mould contaminated building materials.
7. All movable hard items in the areas of remediation, such as hard wood furniture, lamps, tables, etc, should be HEPA vacuumed and/or cleaned with a disinfectant, soap and water solution or Trisodiumphosphate (TSP) solution. Once cleaned, they should be dried and stored if necessary in a clean, dry environment until the completion of remediation activities. All clothing items and other porous items with visible mould growth, in the areas of containment(s) should be discarded or professionally cleaned as required for each item if possible.
8. The work area and all surrounding areas should be thoroughly "final" cleaned by HEPA vacuuming and/or wet wiping with a soap and water, Trisodiumphosphate (TSP), or other approved detergent solution to remove any residual fungal growth, debris, and/or mould spores.
9. At the completion of mould remediation activities, a comprehensive visual assessment of each work area should be conducted by the individual/contractor prior to the dismantling or moving of any containment(s) for verification of cleanliness. However, a final clearance (i.e. visual investigation, samples collected if requested,

etc.) should be conducted by a certified third party after air filtration devices have operated for a minimum of 24 to 36 hours after the completion of all remediation activities.

10. "The remediation manager's highest priority must be to protect the health and safety of the building occupants and remediators" (EPA-Mould Remediation in Schools and Commercial Buildings, 2001).

NOTE: American Metropolitan Environmental, Inc. strongly recommends that remediation contractors review the following documents: "Bioaerosols Assessment and Control" (1999) by the ACGIH, the IICRC S500 "Standard and Reference for Professional Water Damage Restoration" (2006), IICRC S520 "Standard and Reference Guide for Professional Mould Remediation" (2008), and the EPA document "Mould Remediation in Schools and Commercial Building."

7.0 - LIMITATIONS

American Metropolitan Environmental, Inc. has performed the tasks set forth above in a thorough and professional manner consistent with current recognized industry standards. American Metropolitan Environmental, Inc. cannot guarantee and does not warrant that this limited assessment has revealed all possible adverse environmental conditions affecting the site.

During the performance of this project, American Metropolitan Environmental, Inc. performed activities and prepared this report for the exclusive use of the client in evaluating certain environmental issues. American Metropolitan Environmental, Inc. assumes no obligation to advise you of any changes that may later be brought to American Metropolitan Environmental, Inc. attention.

The findings provided in this report are limited to the observed conditions, as stated herein, and found to exist at the time and date of the inspection. If no intrusive or destructive activities (i.e. removing fixtures, moving furniture, cutting into wall cavities, etc.) were requested or approved by the client during the investigation, or requested in the client's scope of services, conditions hidden from observation may be different than represented in the report.

American Metropolitan Environmental, Inc. agrees the report is confidential, and its contents will not be disclosed to third parties without the express written permission from the client(s).

This report shall not be duplicated, copied, edited or redistributed with out the expressed written or verbal consent of American Metropolitan Environmental Inc.

If you have any questions please feel free to call at (316) 942-6323.

Respectfully,

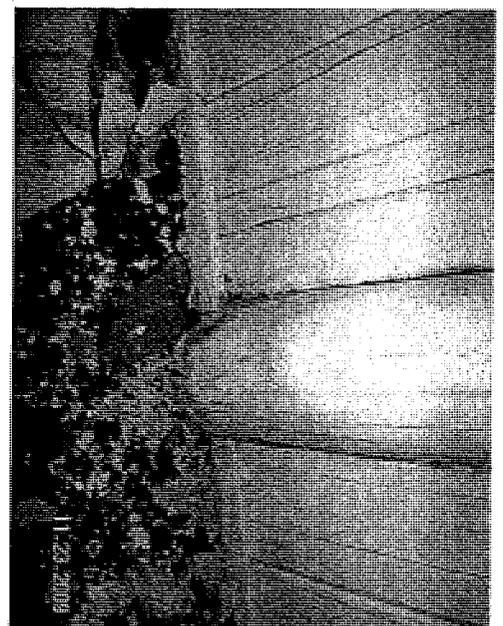
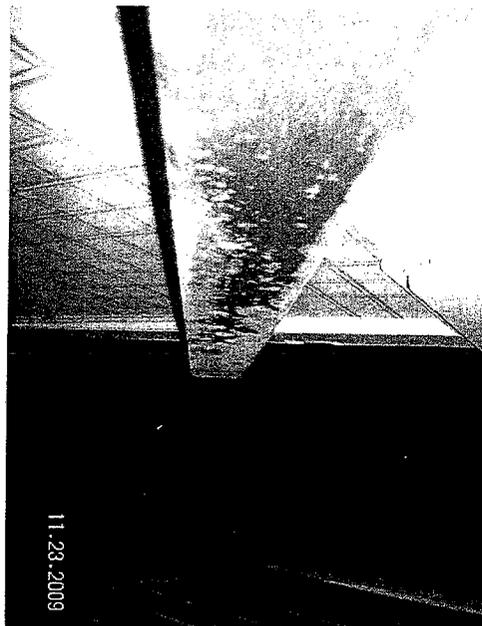
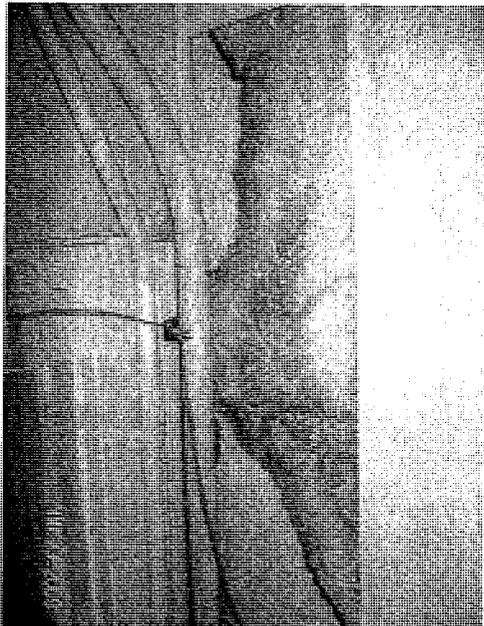
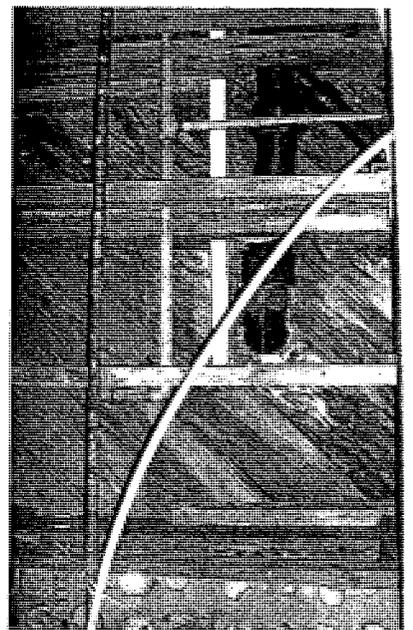
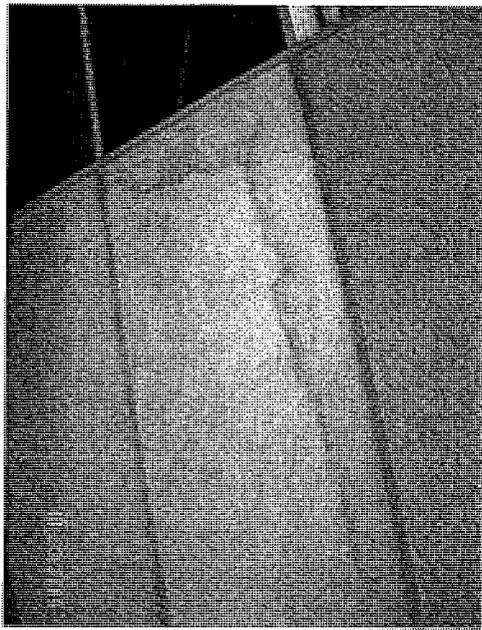
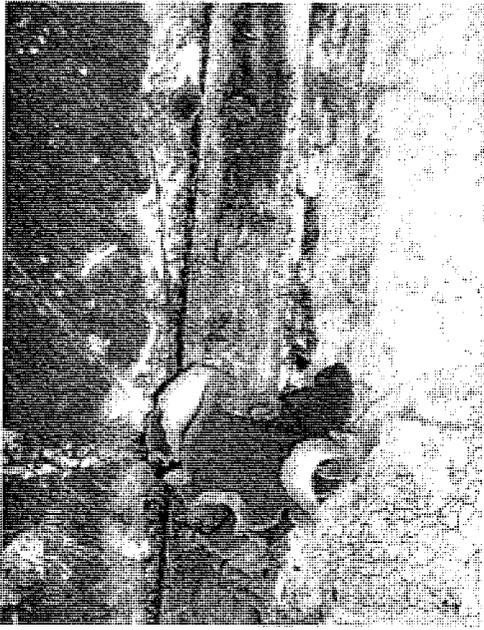
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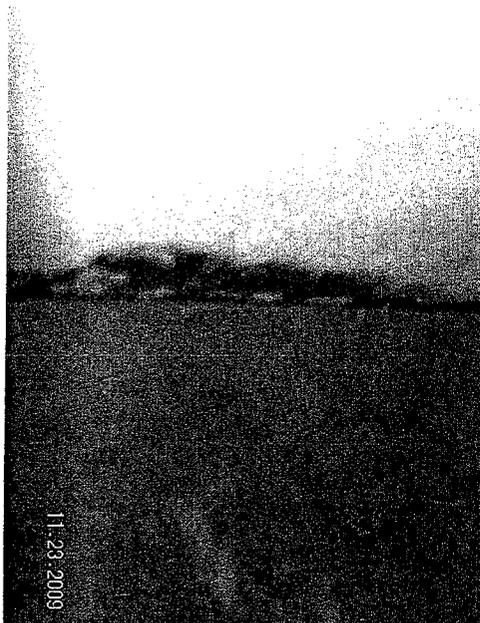
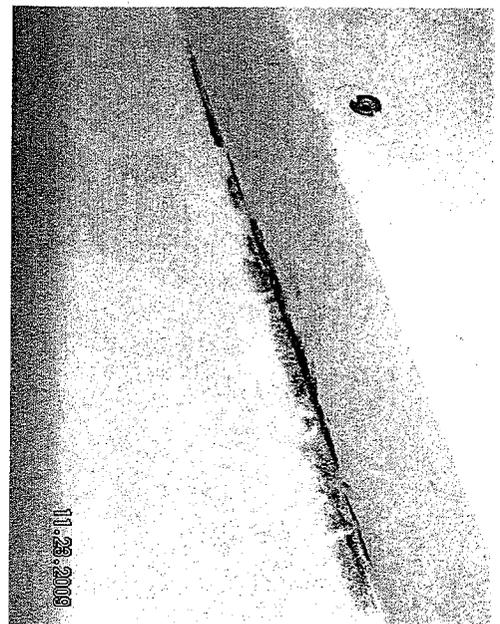
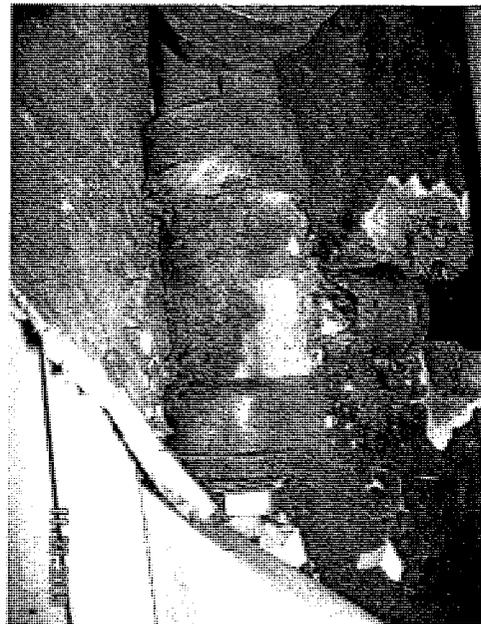
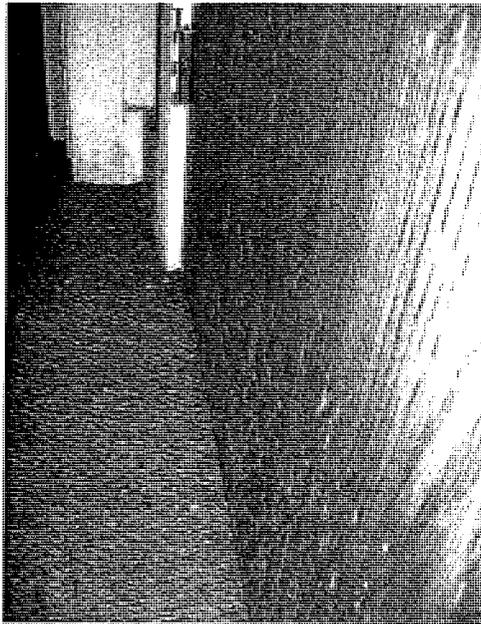
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Environmental Technician

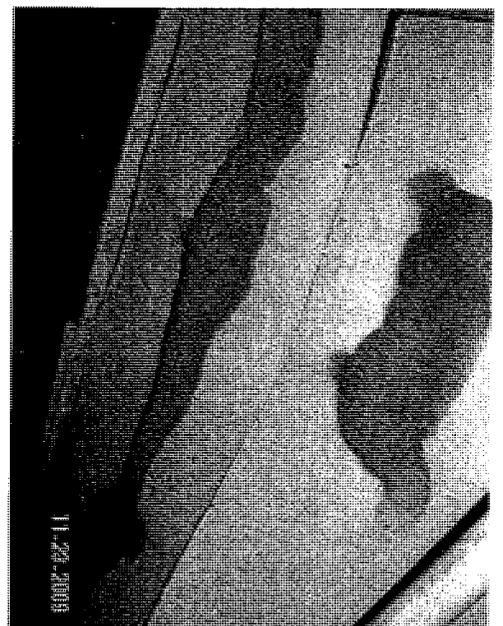
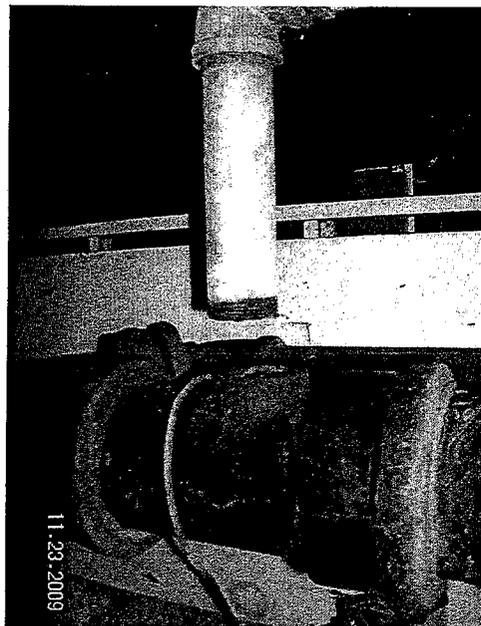
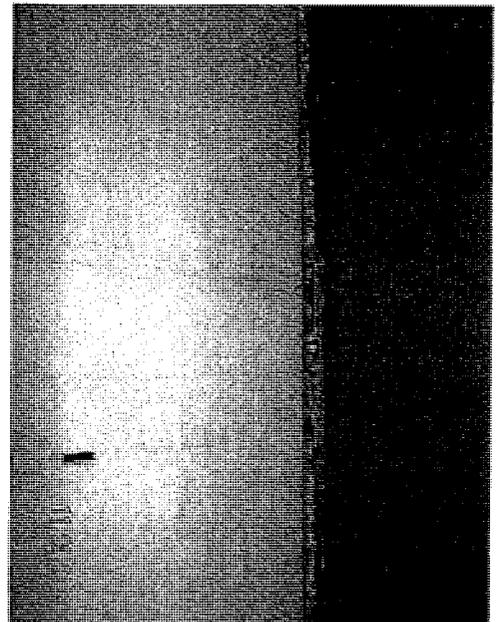
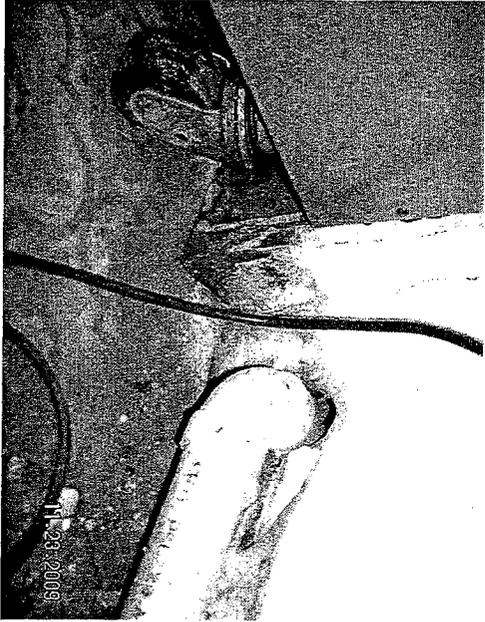
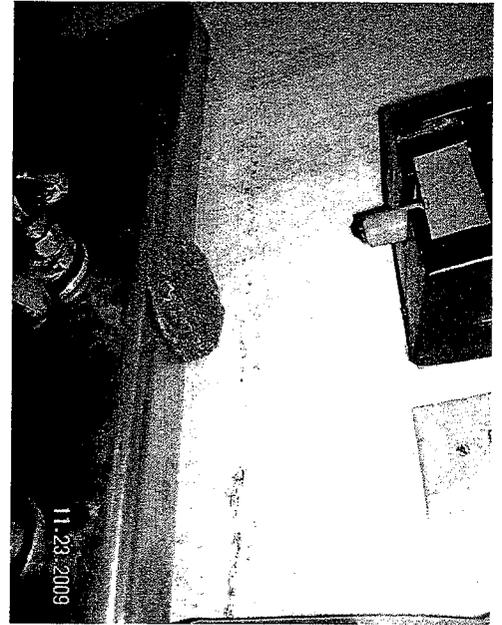
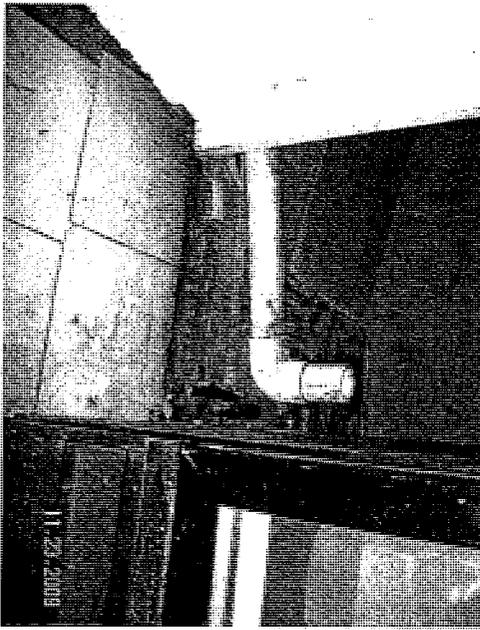
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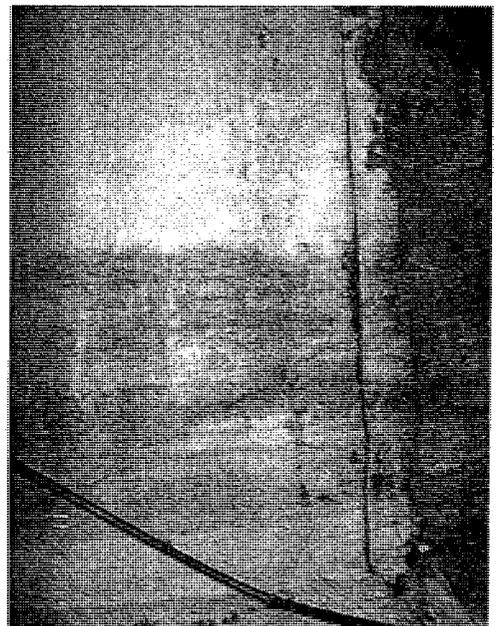
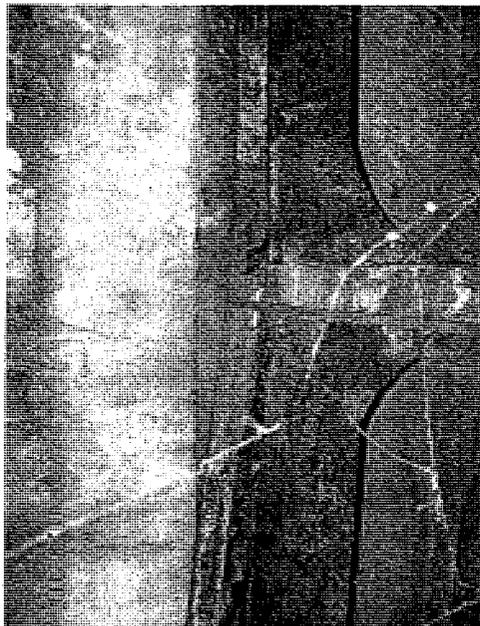
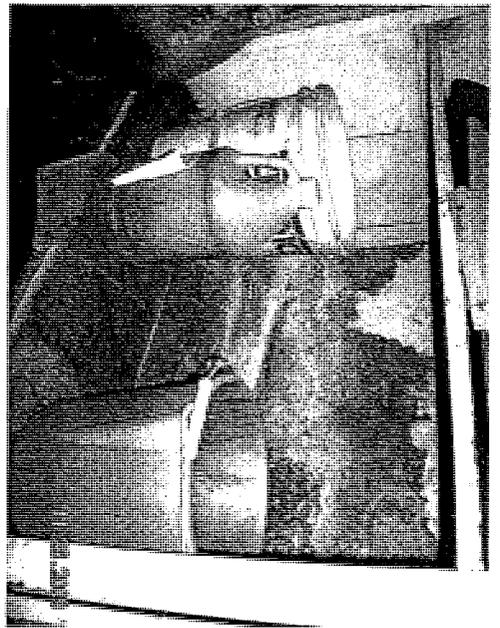
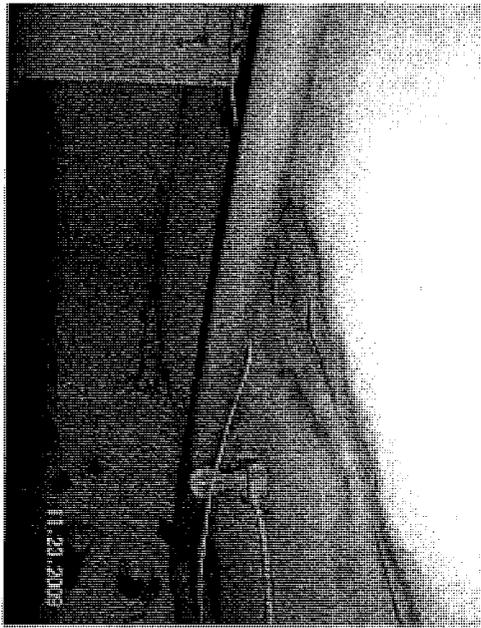
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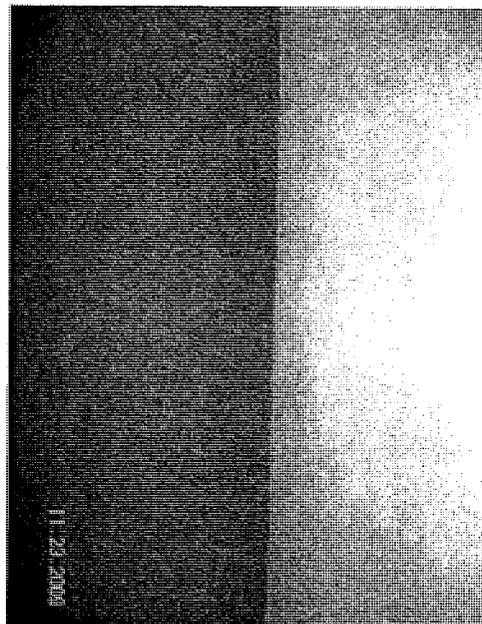
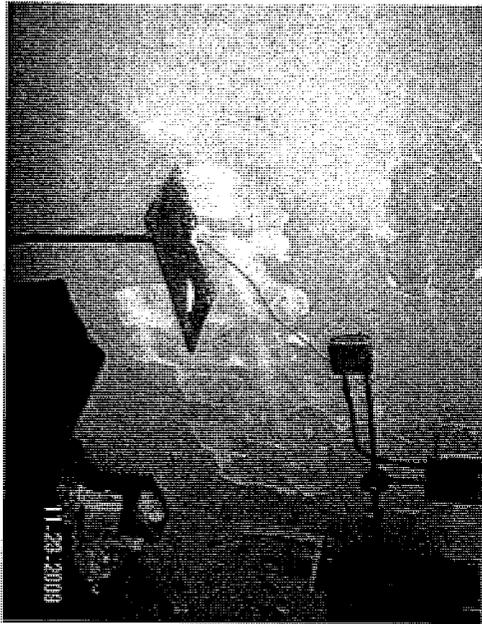
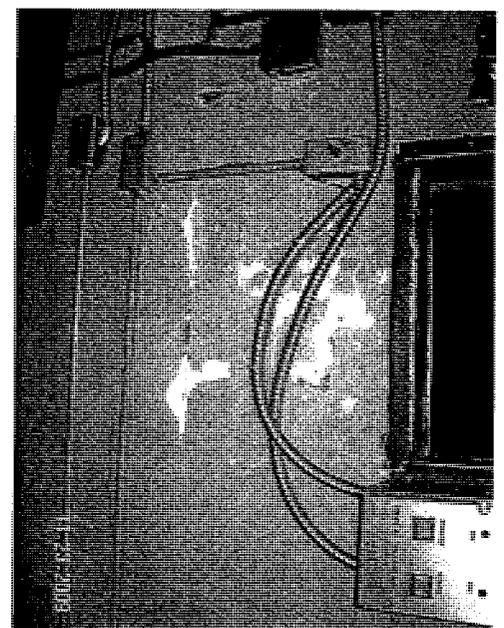
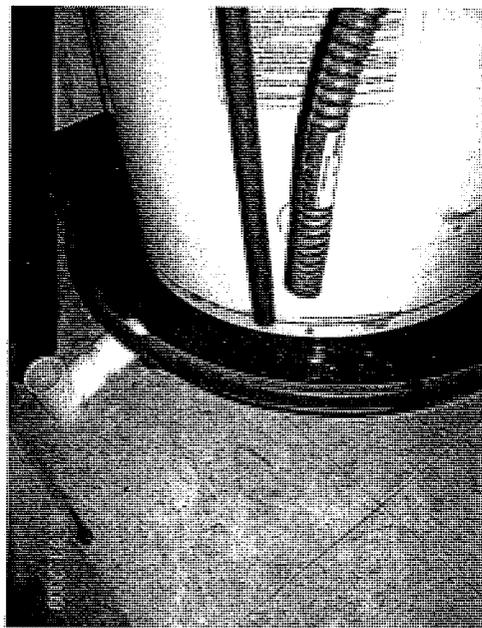
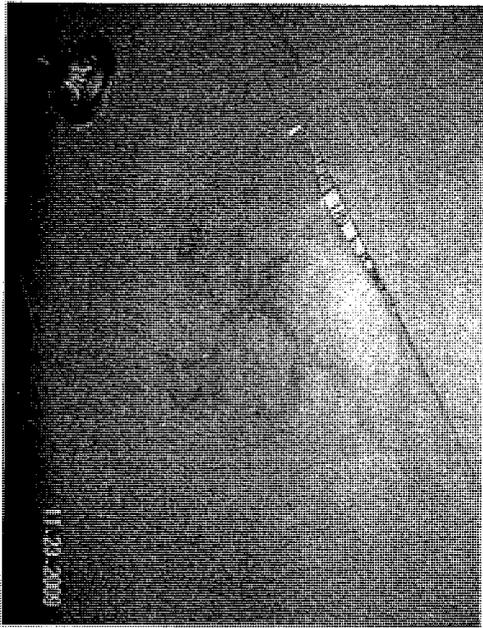
APPENDIX A
PHOTOGRAPHS











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**LIMITED PRE-REMEDICATION INVESTIGATION
FOR ASBESTOS & LEAD CONTAINING MATERIALS
OF**

**THE STATE THEATRE
418 N. MAIN STREET
GARDEN CITY, KS 67846**

**PREPARED FOR
MR. KALEB KENTNER
PLANNING & COMMUNITY DIRECTOR
P.O. BOX 499
GARDEN CITY, KS 67846**

**PERFORMED BY
AMERICAN METROPOLITAN ENVIRONMENTAL, INC.
P.O. BOX 13196/2713 W. ESTHNER
WICHITA, KANSAS 67213**

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APPENDIX A: PHOTOGRAPHS

APPENDIX B: SAMPLE RESULTS

Liability of Consultant

During the course of this evaluation, American Metropolitan Environmental Inc. relied upon certain information provided by the Client along with information gathered as a result of the inspections, surveys, the results of the study of the site, information gathered during the investigation by instrumentation, conversations with knowledgeable individuals associated with the subject site, the reports of analyses of samples obtained during the investigations, and the experiences of the investigator. AMEI shall not be held liable for the failure to discover any environmental condition which could not reasonably have been discovered through the use of the investigation means and processes employed by them and contracted for by the Client. In no event shall AMEI be held liable for the performance or nonperformance of its duties to the Client for an amount of damages in excess of AMEI fees. Our liability, if any, shall be actual damages only and shall not include any incidental or consequential damages. AMEI does not make any representations, expressed or implied, other than those contained in this report. AMEI does not agree to warrant that the subject property is free of all environmental problems, conditions or hazards.



American Metropolitan Environmental, Inc.

www.kansasmold.com

Nationwide Environmental Consulting Services Since 1995

December 3, 2009

Mr. Kaleb Kentner
Planning & Community Director
P.O. Box 499
Garden City, KS 67846

RE: Limited Pre-Remediation for Asbestos & Lead Containing Building Materials of The State Theatre, 418 N. Main Street, Garden City, KS 67846.

Dear Mr. Kentner,

Per your request, a limited pre-remediation investigation was conducted on November 23, 2009 to focus on identifying asbestos containing building materials (ACBM) and lead containing paint at the above referenced property. Several samples were collected at the property for the purpose of asbestos fiber and lead identification. The investigation was conducted during daily activity and all observations and findings pertain to the day(s) on which the site's conditions were observed.

1.0 - INVESTIGATION

1.1 - Background Information

Concerns have been raised by the client regarding the suspect presence of lead and asbestos fibers within building materials at the above referenced property. A background investigation consisting of discussions with the client was conducted prior to and during the survey to obtain a comprehensive building history.

Upon our limited inspection of the property, there were several building materials that were suspect to have the potential to contain asbestos fibers (*) which included floor tile, wallboard, ceiling tiles, sheetrock/drywall, vinyl sheet flooring, etc. and all accessible layers of paint were also evaluated for the potential presence of lead (#).

1.2 - ACBM Information

(*) A building material is classified as an asbestos containing building material when it contains than one (1) percent or more asbestos as determined using the analysis method specified in appendix A, subpart F, 40 CFR part 763, section 1, Polarized Light Microscopy; EPA 600/M4-82-020.

There were twenty-one (21) samples collected for the purpose of asbestos fiber identification of which nine (9) were identified to contain greater than 1% asbestos fibers thus there are labeled as ACBM.

An EPA accredited inspector performed this survey, and sample analysis was performed by a NVLAP and AIHA accredited laboratory. All samples were analyzed using the Polarized Light Microscopy (PLM); EPA Method 600/R-93/116; Determination of Asbestos in Bulk Building Materials.

PLM is used for the analysis of bulk samples using 10X to 400X power magnification. Samples are first viewed with a stereo binocular microscope and sub-sample mounts are prepared and mounted on slides in a known refractive index oil. These mounts are analyzed using a Polarized Light Microscope (PLM). If no asbestos is found in a sample, a value of <1.0 (None Detected) is reported. If asbestos is found, the types of asbestos present and their relative percentages are recorded. Additional information about non-asbestos fibers and non-fibrous materials is also reported if present. If a sample consists of distinct layers, the results from each layer or distinct material are reported individually.

What is friable asbestos-containing material?

Friable ACM is any material containing more than one percent asbestos (as determined by Polarized Light Microscopy) that, when dry, may be crumbled, pulverized, or reduced to powder by hand pressure.

What is non-friable ACM?

Non-friable ACM is any material containing more than one percent asbestos (as determined by Polarized Light Microscopy) that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure. Under the Asbestos NESHAP, non-friable ACM is divided into two categories. Category I non-friable ACM are asbestos-containing resilient floor coverings (commonly known as vinyl asbestos tile (VAT)), asphalt roofing products, packings and gaskets. These materials rarely become friable. All other non-friable ACM are considered category II non-friable ACM.

Must I remove category I non-friable material prior to demolition or renovation?

Under normal circumstances, category I non-friable materials need not be removed prior to demolition or renovation, because generally these materials do not release significant amounts of asbestos fibers, even when damaged. This is not, however, a hard and fast rule. If category I materials have become friable or are in poor condition, they must be removed. Also, if you sand, grind, abrade, drill, cut or chip any non-friable materials, including category I materials, you must treat the material as friable, if more than the jurisdictional amount is involved.

1.3 - Lead Information

(#) Lead-Based Paint (LBP) is a term used by Housing and Urban Development (HUD) and the EPA's Toxic Substances Control Act (TSCA) program. It defines paint with lead levels equal to or exceeding 1.0 milligram per square centimeter (1mg/cm²) or 0.5 percent by weight. The sample analysis method (EPA SW-846 Method 7420) determined the paint to be less than 0.5 percent by weight.

There were fourteen (14) paint samples collected for the purpose of lead identification of which eight (8) were identified to be lead containing greater than 0.5% per weight according to HUD & EPA criteria.

In the following sections, the results of the collected samples are detailed:

2.0 - HOMOGENOUS AREA SUMMARY

2.1 - Asbestos Containing Building Material (ACBM)

SAMPLE NUMBERS	LOCATION	MATERIAL DESCRIPTION	FRIABLE ACBM	NON-FRIABLE ACBM	NOT ACBM	AMOUNTS APPROX.
FT-001	Suite 422: Main Level	12" X 12" Red Floor Tile w/ mastic		X		450 sq ft
FT-002	Suite 422: Main Level	9" X 9" Beige Floor Tile w/ mastic (under red tile)		X		450 sq ft
WB-003	Suite 422: Main Level & Basement	Sheetrock/Drywall			X	N/A
WB-004	Suite 422: Main Level	Interlocking Ceiling Tile Above Grid			X	N/A
CT-005	Suite 422: Main Level	2' x 4' Ceiling Tile (Smooth Surface)			X	N/A
CT-006	Suite 422: Main Level	2' x 4' Ceiling Tile (Round Fissures)			X	N/A
CT-007	Suite 422: Main Level	2' x 4' Ceiling Tile (Straight Fissures)			X	N/A
VSF-008	Suite 422: Main Level	Vinyl Sheet Flooring in Entry w/ Mastic		X		16 sq ft

SAMPLE NUMBERS	GENERAL LOCATIONS	MATERIAL DESCRIPTION	FRIABLE ACBM	NON-FRIABLE ACBM	NOT ACBM	AMOUNTS APPROX.
CTx-009	Suite 422: Basement	Spray-On Acoustic Ceiling Texture			X	N/A
FT-010	Suite 418: Concessions	12" X 12" Black Floor Tile w/ Mastic		X		100 sq ft
FT-011	Suite 418: Concessions	9" X 9" Beige & Blue Floor Tile w/ Mastic		X		200 sq ft
VSF-012	Suite 418: Concessions Wash Room	Green Vinyl Sheet Flooring		X		16 sq ft
WB-013	Suite 418: Concessions Wash Room	Laminated Wallboard near Sink	X			2 - 4' X 8' Sheets
CT-014	Suite 418: Concessions	2' X 2' Ceiling Tile w/ Fissures			X	N/A
FT-015	Suite 418: Projector Room	9" X 9" Red Floor Tile w/ Mastic		X		150 sq ft
CTx-016	Suite 418: 2 nd Level Room	Acoustic Applied Ceiling Texture			X	N/A
CT-017	Suite 418: Main Theatre	2' X 4' Painted Ceiling Tiles			X	N/A
CT-018	Suite 418: Basement Mechanical Room	2' X 4' Ceiling Tile			X	N/A
WB-019	Suite 418: Basement Mechanical Room	Wallboard			X	N/A
MM-020	Suite 418: Basement Mechanical Room	Dampener Material on Boiler to Fan			X	N/A
MM-021	Suite 418: Basement Mechanical Room	Wrap Material on Brick Behind Boiler near Fan	X			1 - 2 sq ft

NOTE: IT IS RECOMMENDED THAT THE LICENSED ABATEMENT CONTRACTOR SHOULD VERIFY DIMENSIONS, TOTAL SURFACE AREAS, AND/OR QUANTITIES.

2.2 - Friable & Non-Friable ACBM Summary

FRIABLE ASBESTOS CONTAINING BUILDING MATERIAL (ACBM)

Laminated Wallboard near Sink in Concessions.....Approximate Identified Total: Two (2) 4' x 8' Sheets

Miscellaneous Piece(s) of Remaining Pipe wrap (near boiler).....Approximate Identified Total: 1 - 2 sq ft

NON-FRIABLE CATEGORY I ASBESTOS CONTAINING BUILDING MATERIALS

9"x9" Floor Tile: All Colors Located throughout Both Suites.....Approximate Identified Total: 800 sq ft

12"x12" Floor Tile: All Colors Located Throughout Both Suites Approximate Identified Total: 550 sq ft

Vinyl Sheet Flooring: All Colors Located in Suite 422 Approximate Identified Total: 50 sq ft

NOTE: SOME OF THE 9"x9" FLOOR IS LOCATED UNDERNEATH SECTIONS OF CARPET & CABINETS.

NON-FRIABLE CATEGORY II ASBESTOS CONTAINING BUILDING MATERIAL

No non-friable Category II asbestos Identified

2.3 - Lead (Pb) Paint Analysis

SAMPLE NUMBERS	LOCATION	MATERIAL DESCRIPTION	LEAD (Pb) CONTAINING	LESS THAN 0.5% BY WEIGHT	AMOUNTS APPROX.
PS-001	Suite 422: Main Level	Olive Green Paint		X	N/A
PS-002	Suite 422: Main Level	White Paint on Walls & Wood Trim	X		Not Quantified
PS-003	Suite 422: Main Level HVAC Closet & Basement	Beige Paint on Walls	X		Not Quantified
PS-004	Suite 422: Main Level	Grey Paint on Floor	X		Not Quantified
PS-005	Suite 418: Concessions	White Paint Behind Wallpaper		X	N/A
PS-006	Suite 418: Main Theatre	Off White Paint on Walls	X		Not Quantified
PS-007	Suite 418: Main Theatre	Grey Paint on Floor		X	N/A
PS-008	Suite 418: Main Theatre	Black Paint on Wood near Stage		X	N/A
PS-009	Suite 418: Main Theatre	Yellow Paint around Exit Doorway	X		Not Quantified
PS-010	Suite 418: Stage	Purple Paint on Wood Flooring		X	N/A
PS-011	Suite 418: Above Stage in Storage Area	Olive Green Paint on Walls	X		Not Quantified
PS-012	Suite 418: Basement Mechanical	Grey Paint on Mechanical Systems	X		Not Quantified
PS-013	Suite 418: Basement Mechanical	White Paint on Foundation & Wallboard		X	N/A
PS-014	Suite 418: 2 nd Level Hallway, Offices, Etc.	Beige Paint on Walls	X		Not Quantified

NOTE: IT IS RECOMMENDED THAT THE LICENSED ABATEMENT CONTRACTOR SHOULD VERIFY DIMENSIONS, TOTAL SURFACE AREAS, AND/OR QUANTITIES.

3.0 - CONCLUSIONS & RECOMMENDATIONS

3.1 - Asbestos Containing Building Material (ACBM)

In order to minimize the possibility of asbestos fibers becoming airborne and therefore hazardous to health and the environment of building occupants, one or more of the following Governmental Agency Regulations regulates asbestos containing materials and the renovation/demolition work practices:

- ◆ KDHE K.A.R. 28-50-1 through 28-50-14. Kansas Asbestos Regulations.
- ◆ OSHA 29 CFR 1910.1001 Asbestos Industry Standard
- ◆ OSHA 29 CFR 1926.1101. Asbestos Construction Standard
- ◆ EPA 40 CFR 763.145 NESHAPS

The regulations are complex and quite lengthy. One regulation will govern a building owner, at one time, and then other regulations will govern at another time. For example, you are regulated under 29 CFR 1910.1001, OSHA Asbestos Industry

Standard until you begin a renovation of the building. As soon as the renovation begins, you are now regulated by 29 CFR 1926.1101, the OSHA Construction Standard. At times, you governed by multiple standards. For example, all of the above regulations apply to you once you begin renovation in an area, which contains asbestos.

It is the opinion of American Metropolitan Environmental, Inc. (AMEI) that the most appropriate course of action is to engage the services of a Certificated EPA/AHERA Inspector/Management Planner/Asbestos Project Designer to give advice on the actions that must be taken prior to this renovation. American Metropolitan Environmental, Inc. highly recommends the employing of an asbestos abatement contractor, licensed in the State of Kansas for the abatement of any ACM required to be removed prior renovation or demolition.

3.2 - Lead (Pb) Paint Containing Materials

According to currently recognized standards for commercial properties there are many options for the management of lead based paint. Therefore, it is highly recommended that a Licensed Lead Abatement Contractor should examine, evaluate, and determine the applicable course(s) of action for those paints identified to be lead containing within these structures.

4.0 - LIMITATIONS

American Metropolitan Environmental, Inc. has performed the tasks set forth above in a thorough and professional manner consistent with current recognized industry standards.

American Metropolitan Environmental, Inc. cannot guarantee and does not warrant that this limited assessment has revealed all possible adverse environmental conditions affecting the site.

During the performance of this project, American Metropolitan Environmental, Inc. performed activities and prepared this report for the exclusive use of the client in evaluating certain environmental issues.

American Metropolitan Environmental, Inc. assumes no obligation to advise you of any changes that may later be brought to American Metropolitan Environmental, Inc. attention.

The findings provided in this report are limited to the observed conditions, as stated herein, and found to exist at the time and date of the inspection.

If no intrusive or destructive activities (i.e. removing fixtures, moving furniture, cutting into wall cavities, etc.) were requested or approved by the client during the investigation, or requested in the client's scope of services, conditions hidden from observation may be different than represented in the report.

American Metropolitan Environmental, Inc. agrees the report is confidential, and its contents will not be disclosed to third parties without the express written permission from the client(s).

This report shall not be duplicated, copied, edited or redistributed with out the expressed written or verbal consent of American Metropolitan Environmental Inc., the client, or other authorized parties.

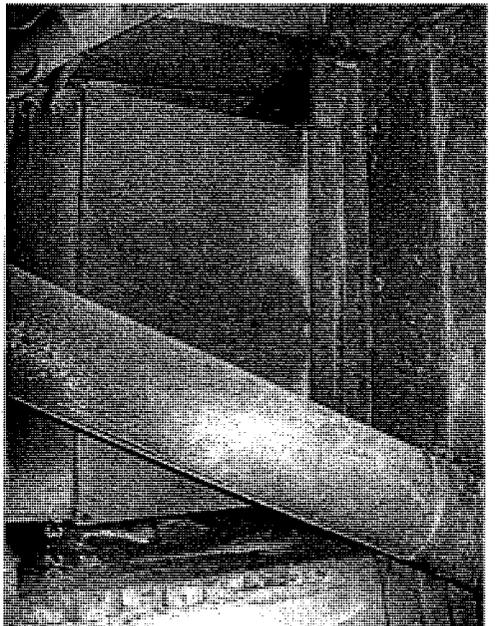
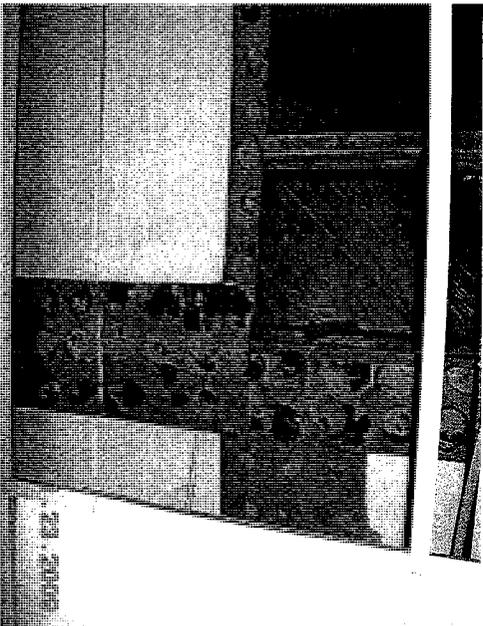
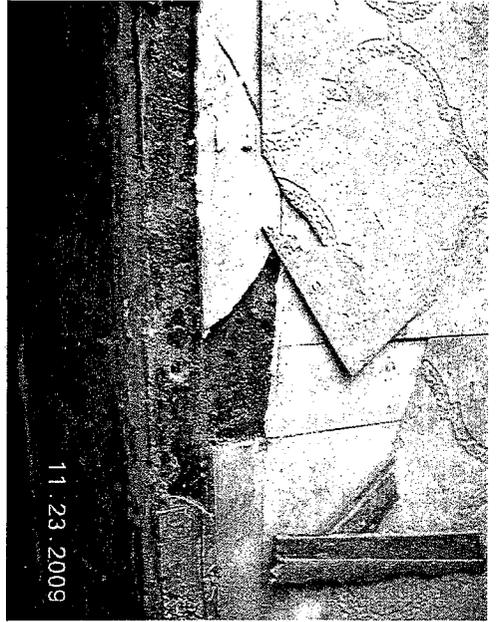
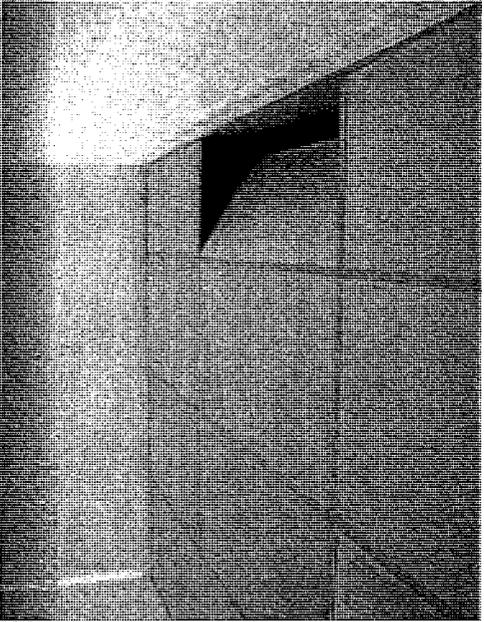
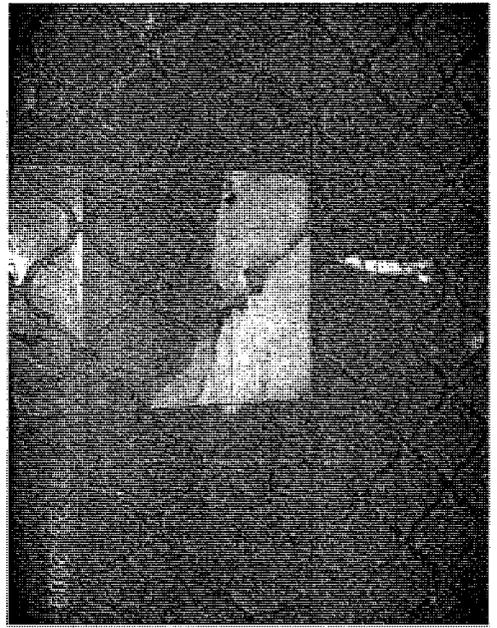
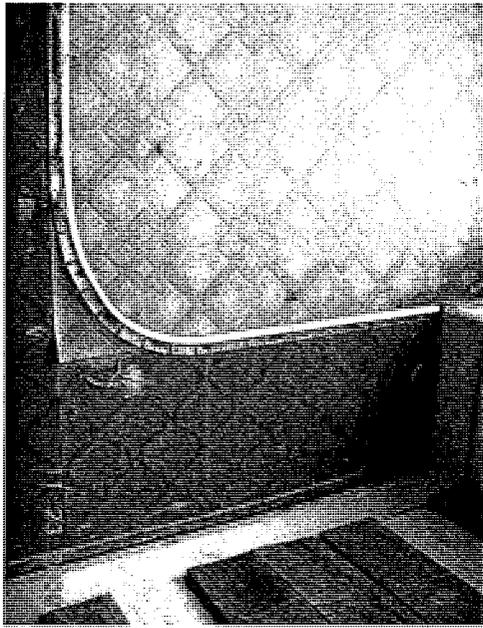
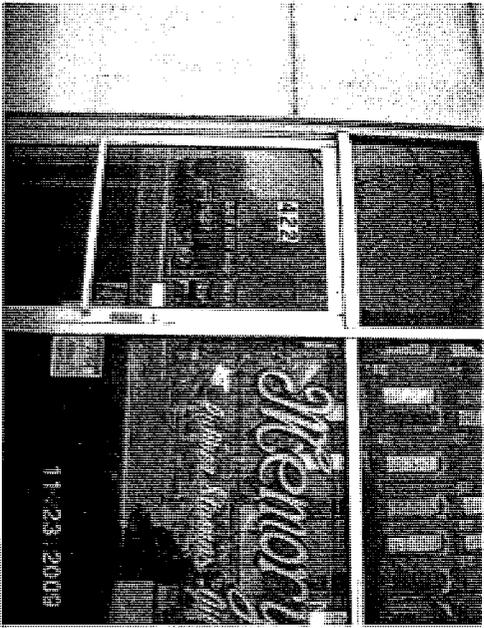
If you have any questions please feel free to call at (316) 942-6323.

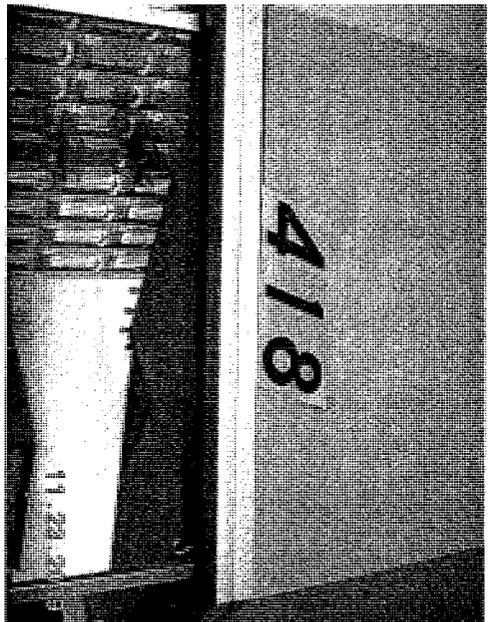
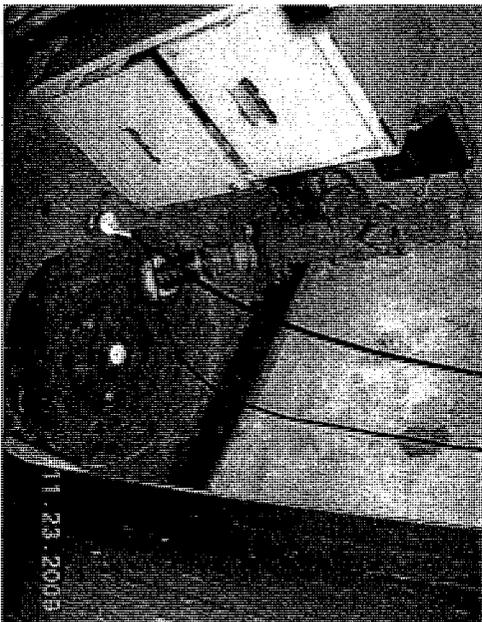
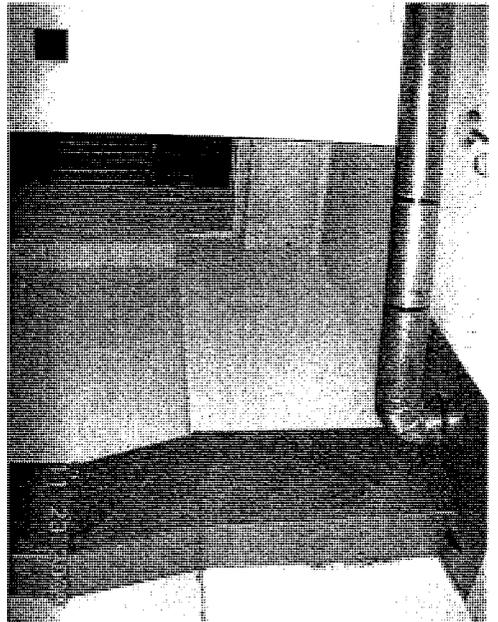
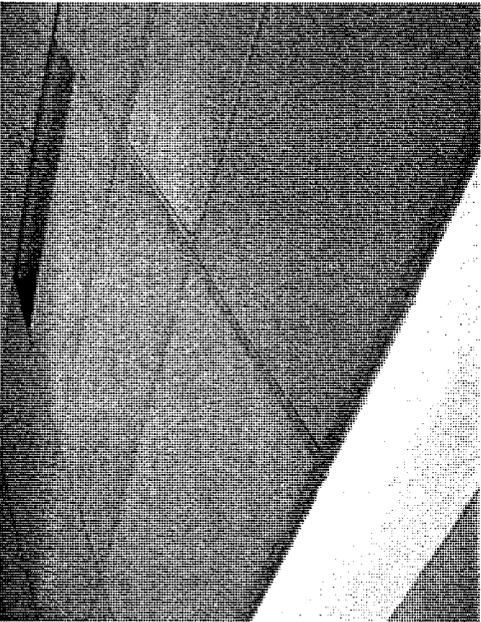
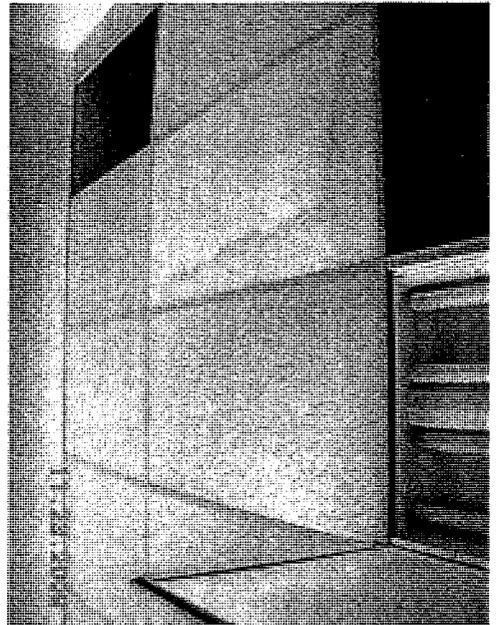
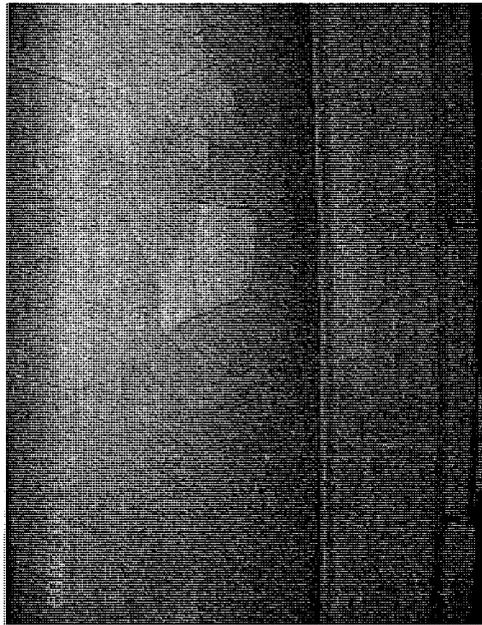
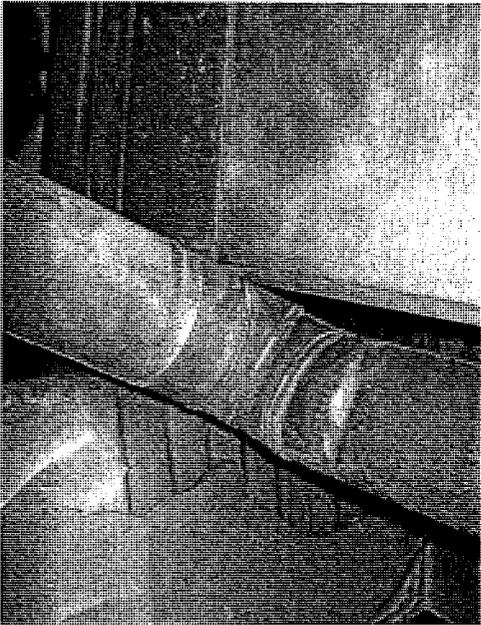
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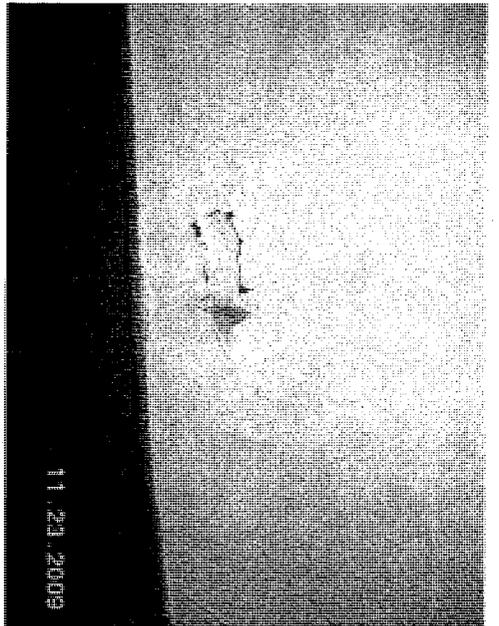
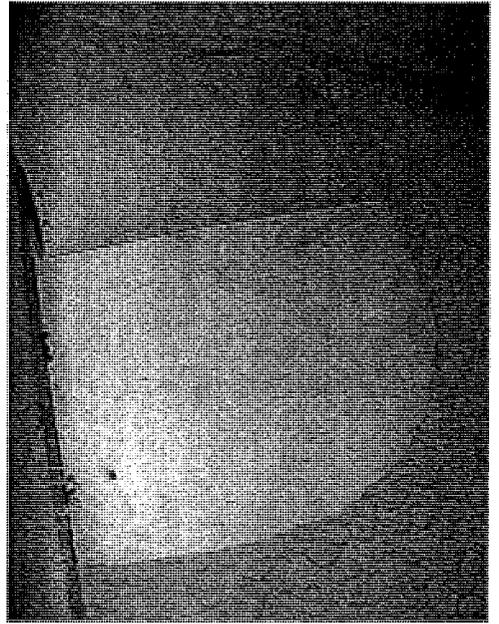
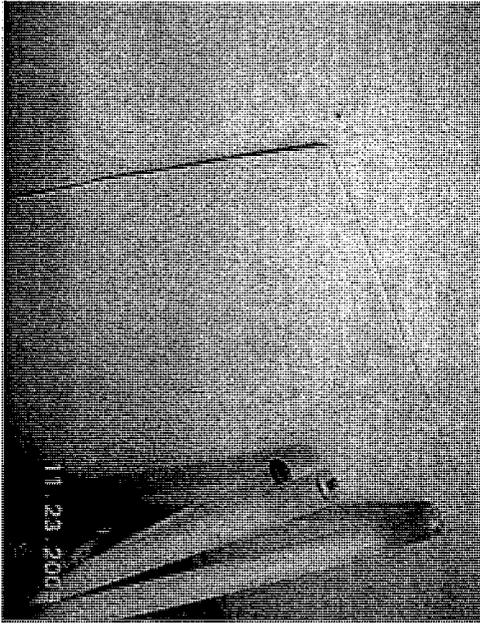
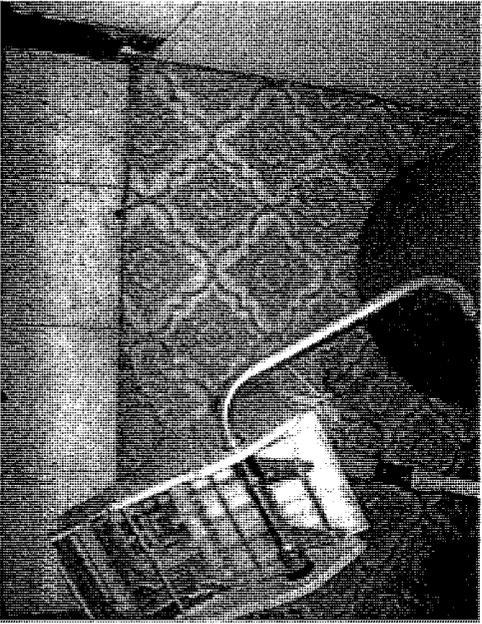
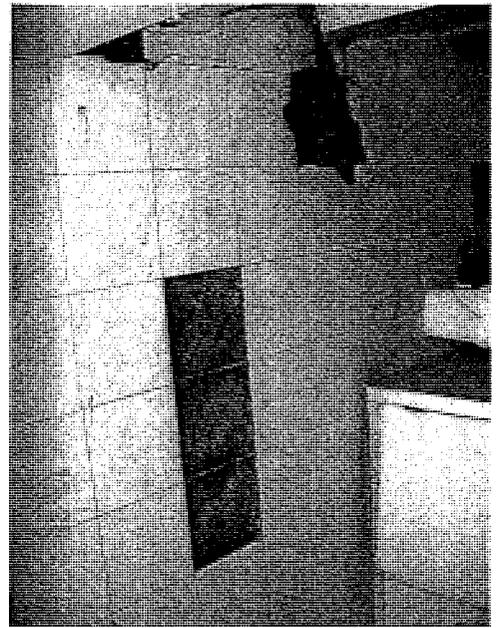
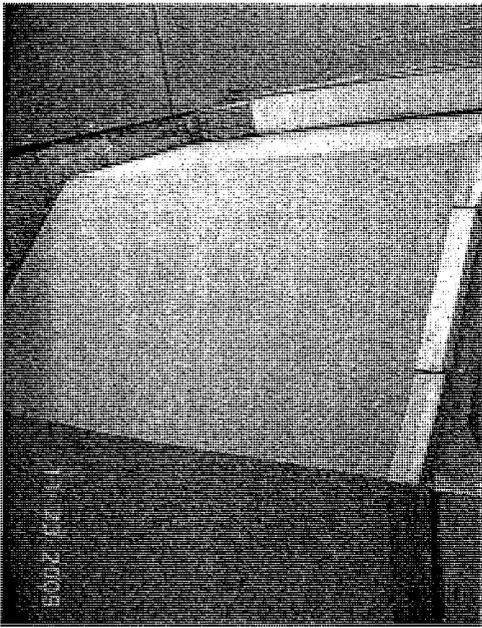


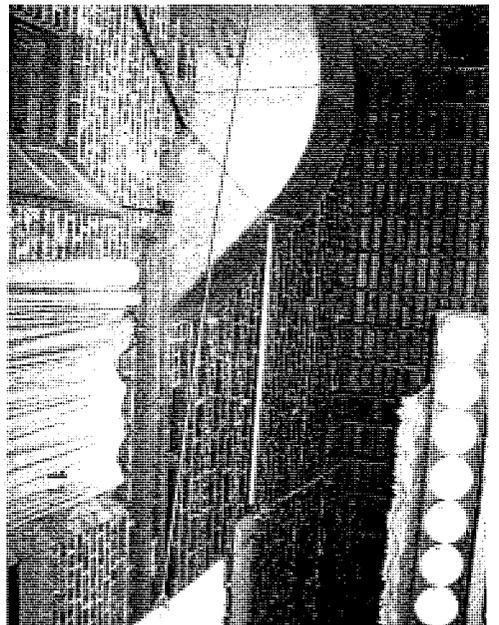
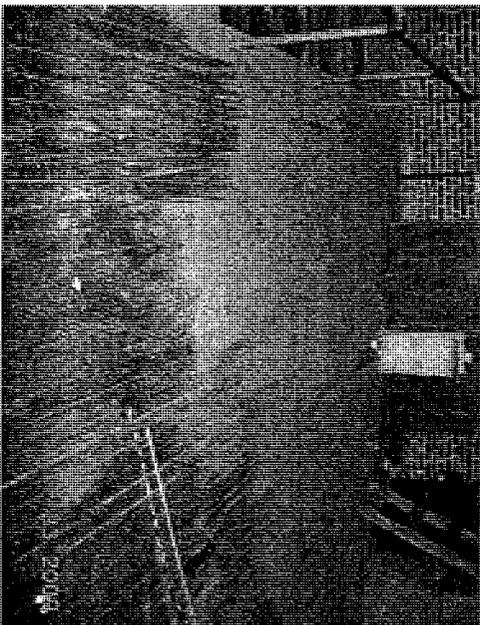
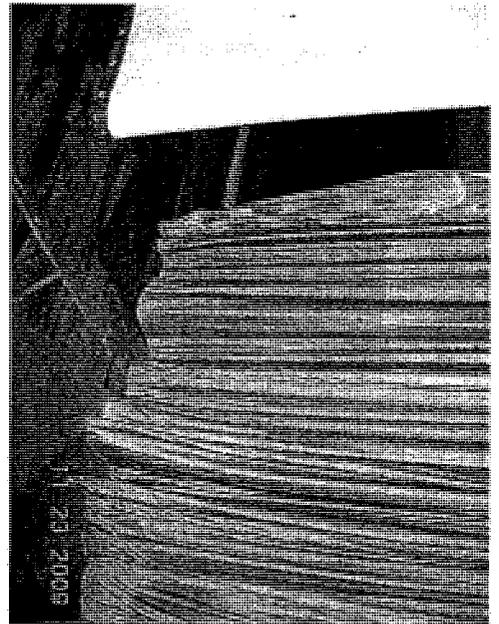
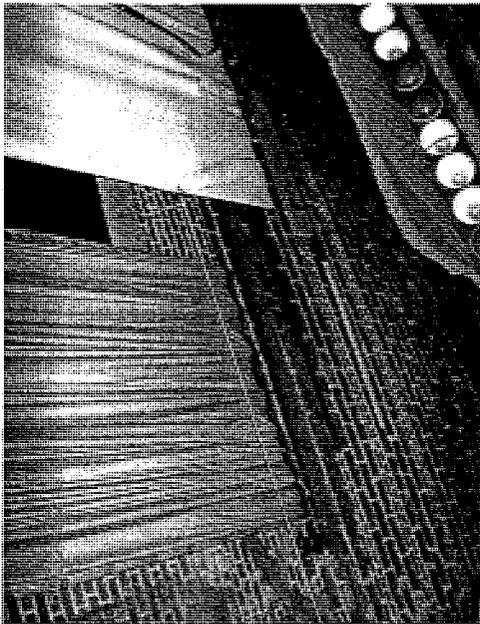
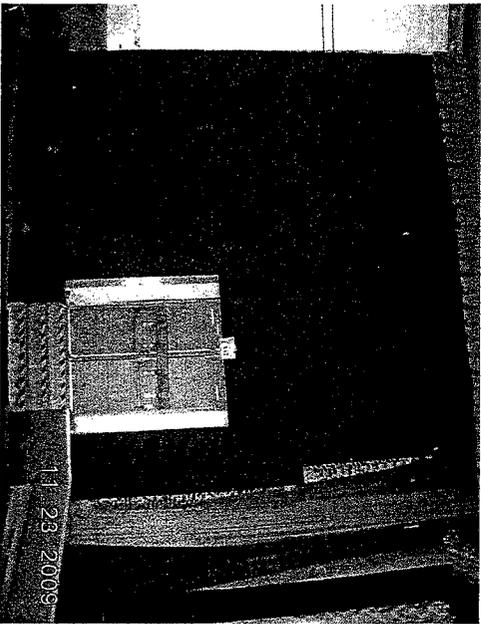
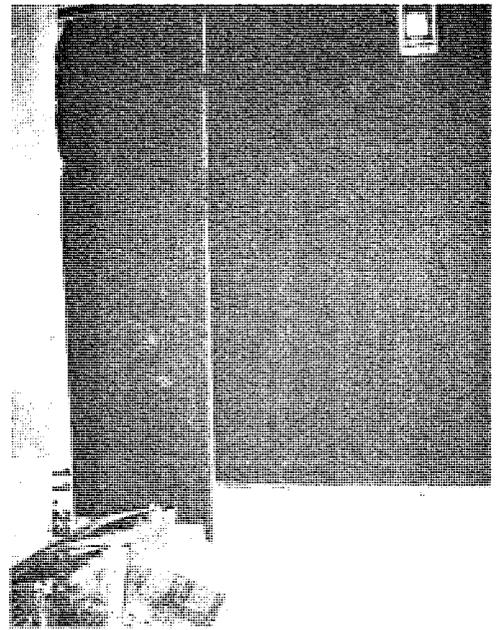
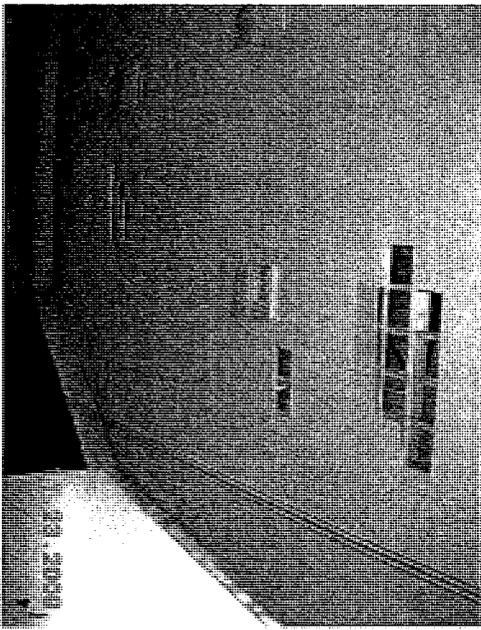
David J. Moreland, CIEC
Environmental Consultant
Certificate# 7ME12020804AIR0012

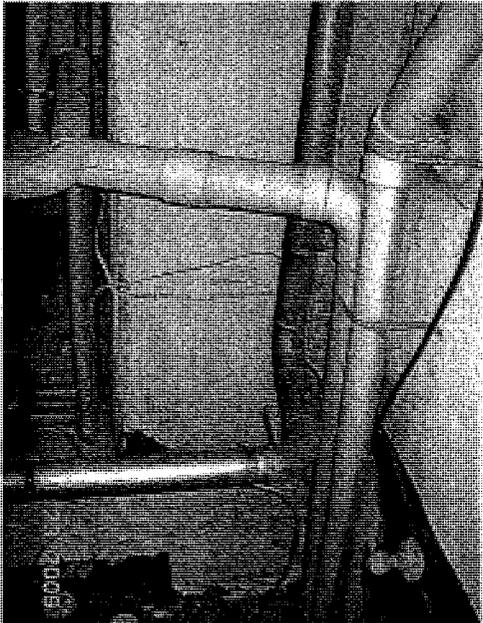
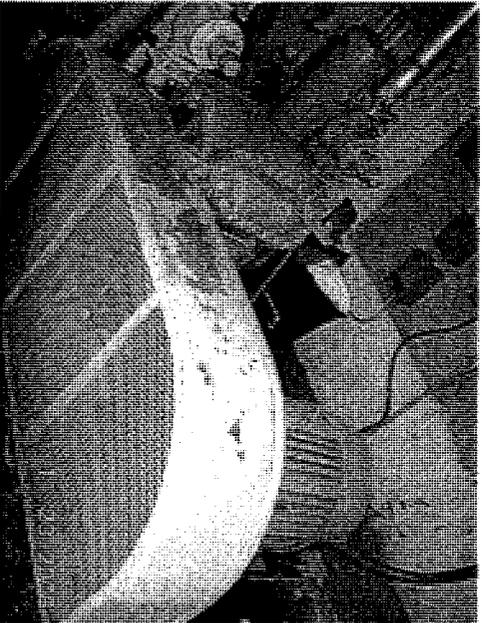
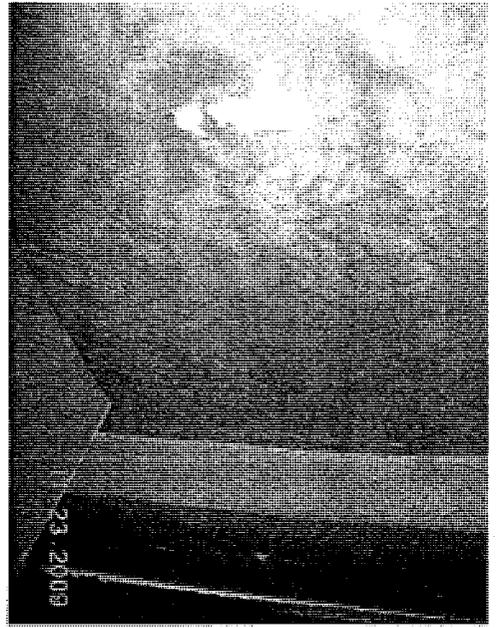
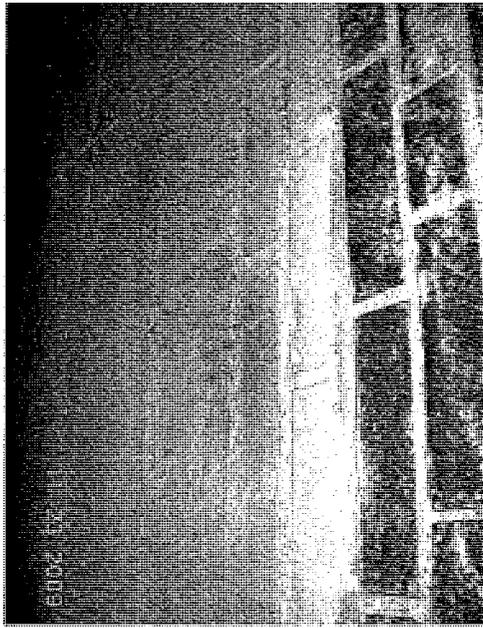
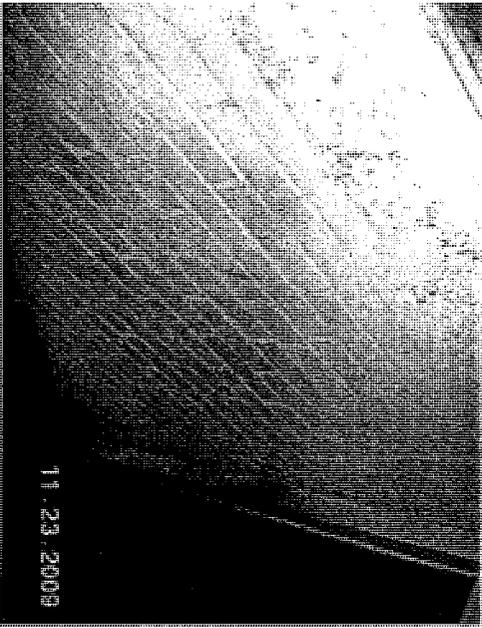
APPENDIX A
PHOTOGRAPHS

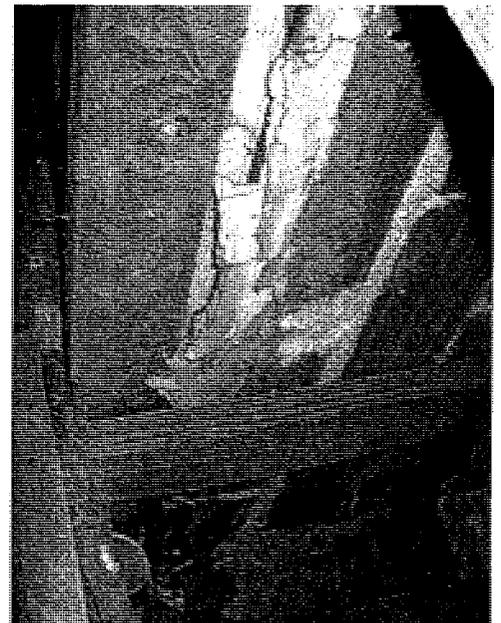
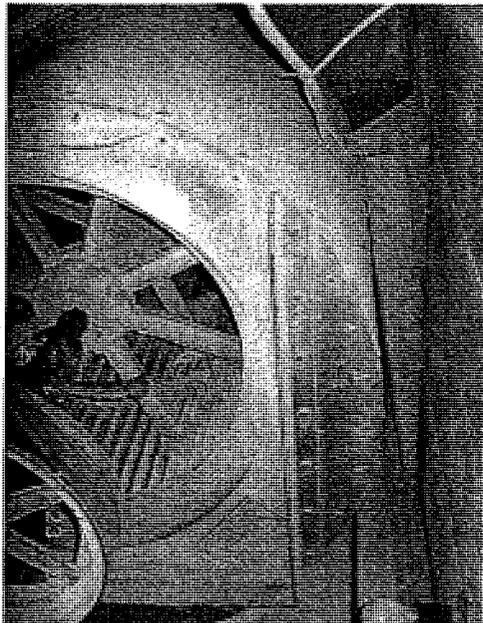
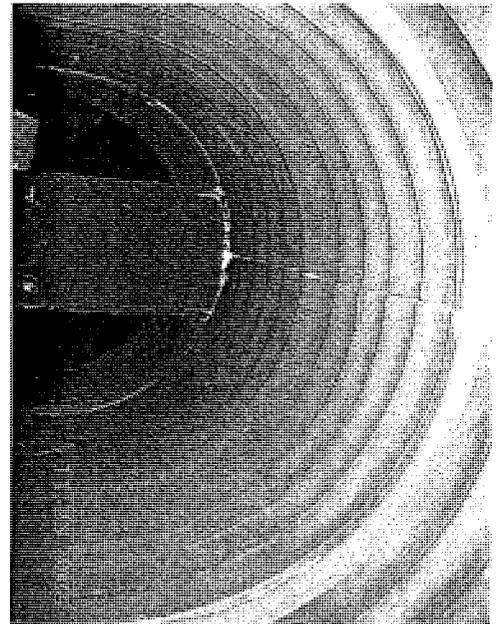
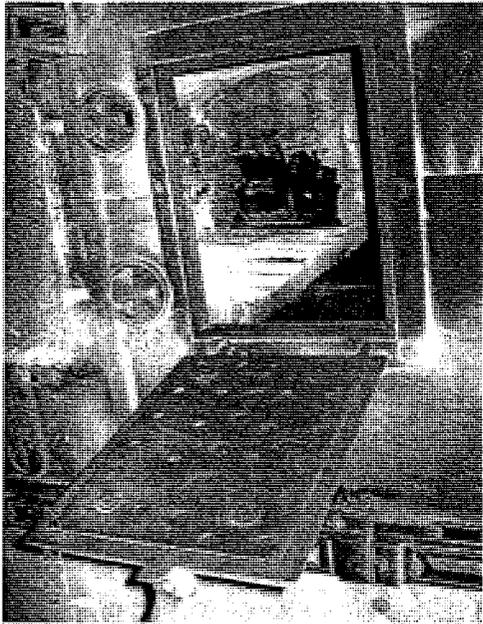
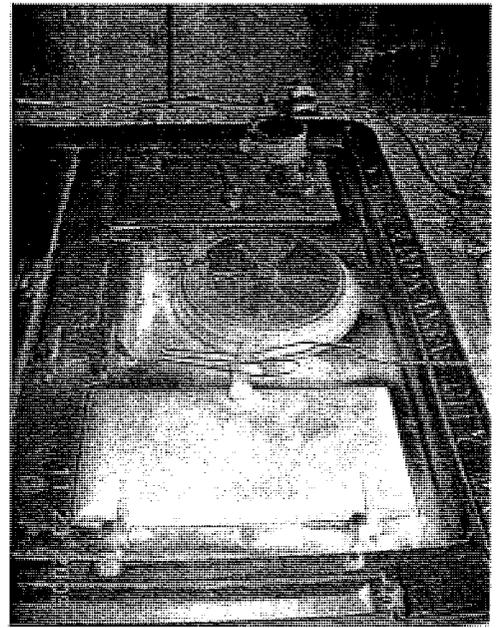
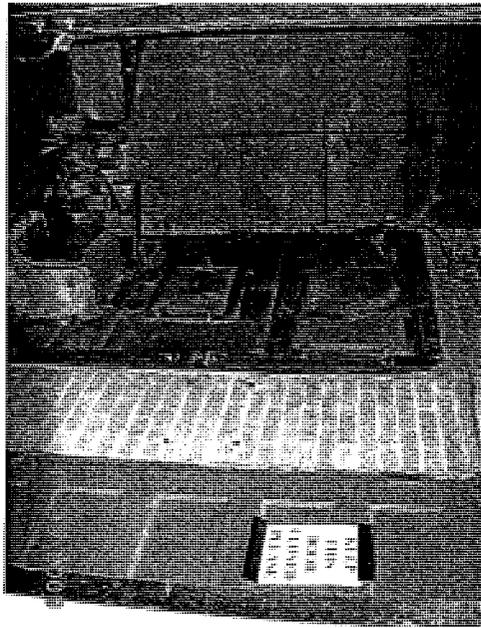
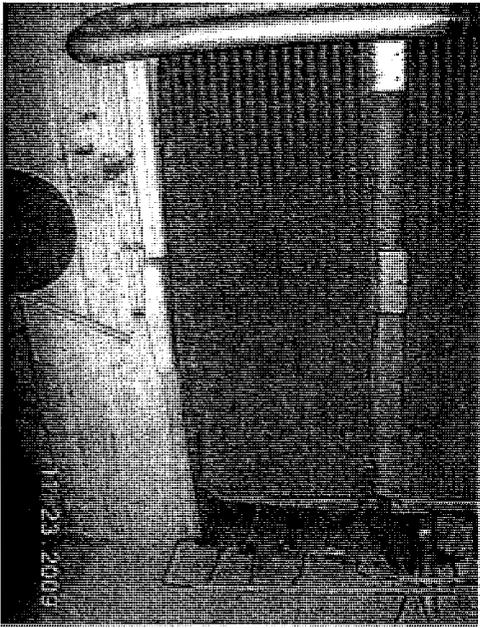












APPENDIX B

**LABORATORY
ANALYSIS
REPORT**

EMC LABS, INC.

Laboratory Report

0080646

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044
Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	AMERICAN METROPOLITAN ENV.	Job# / P.O. #:	
Address:	P.O. BOX 13196	Date Received:	11/25/2009
	WICHITA, KS 67213	Date Analyzed:	11/30/2009
Collected:	11/23/2009	Date Reported:	11/30/2009
Project Name/	STATE THEATRE	EPA Method:	EPA 600/M4-82-020
Address:		Submitted By:	DAVE MORELAND
		Collected By:	Customer

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0080646-001 FT-001		LAYER 1 12"x12" Floor Tile, Red	Yes	Chrysotile 10%	Carbonates Quartz Binder/Filler 90%
		LAYER 2 Mastic, Yellow	No		Cellulose Fiber Synthetic Fiber 1% Carbonates Quartz Binder/Filler 95%
0080646-002 FT-002		LAYER 1 9"x9" Floor Tile, Tan	Yes	Chrysotile 10%	Carbonates Quartz Binder/Filler 90%
		LAYER 2 Mastic, Black Note: Difficult to separate adjacent layers	Yes	Chrysotile 2%	Cellulose Fiber 2% Carbonates Quartz Binder/Filler 96%
0080646-003 WB-003		LAYER 1 Wallboard, White/ Brown	No		Cellulose Fiber 10% Fibrous Glass 2% Gypsum Carbonates Mica Quartz 88%
		LAYER 2 Texture, Off White	No		Cellulose Fiber <1% Gypsum Mica Quartz Binder/Filler 99%
0080646-004 WB-004		LAYER 1 Ceiling Tile, Tan / White	No		Cellulose Fiber 85% Carbonates Quartz Binder/Filler 15%
		LAYER 2 Adhesive, Brown	No		Cellulose Fiber 3% Gypsum Quartz Binder/Filler 97%

EMC LABS, INC.

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044
Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

Laboratory Report
0080646

Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

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	WICHITA, KS 67213	Date Analyzed:	11/30/2009
Collected:	11/23/2009	Date Reported:	11/30/2009
Project Name/	STATE THEATRE	EPA Method:	EPA 600/M4-82-020
Address:		Submitted By:	DAVE MORELAND
		Collected By:	Customer

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0080646-005 CT-005		2x4 Ceiling Tile, Tan / White	No		Cellulose Fiber 85% Carbonates Binder/Filler 15%
0080646-006 CT-006		2x4 Ceiling Tile, Tan / White	No		Cellulose Fiber 80% Carbonates Binder/Filler 20%
0080646-007 CT-007		2x4 Ceiling Tile, Brown/ White	No		Cellulose Fiber 90% Carbonates Binder/Filler 10%
0080646-008 VSF-008		LAYER 1 Vinyl Sheet Flooring, Lt. Brown/ White	Yes	Chrysotile 15%	Cellulose Fiber 10% Carbonates Gypsum Quartz Binder/Filler 75%
		LAYER 2 Mastic, Lt. Brown Note: Difficult to separate adjacent layers	Yes	Chrysotile 3%	Cellulose Fiber 2% Carbonates Quartz Binder/Filler 95%
0080646-009 CTx-009		Ceiling Texture, White/ Beige	No		Carbonates Mica Quartz Binder/Filler 100%
0080646-010 FT-010		LAYER 1 12"x12" Floor Tile, Black/ Beige	Yes	Chrysotile 5%	Carbonates Quartz Binder/Filler 95%
		LAYER 2 Mastic, Black	Yes	Chrysotile 8%	Carbonates Binder/Filler 92%

EMC LABS, INC.

Laboratory Report

0080646

9830 S. 51st Street, Suite B109, Phoenix, AZ 85044
Phone: 800-362-3373 or 480-940-5294 - Fax: (480) 893-1726

Bulk Asbestos Analysis by Polarized Light Microscopy

NVLAP#101926-0

Client:	AMERICAN METROPOLITAN ENV.	Job# / P.O. #:	
Address:	P.O. BOX 13196	Date Received:	11/25/2009
	WICHITA, KS 67213	Date Analyzed:	11/30/2009
Collected:	11/23/2009	Date Reported:	11/30/2009
Project Name/	STATE THEATRE	EPA Method:	EPA 600/M4-82-020
Address:		Submitted By:	DAVE MORELAND
		Collected By:	Customer

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0080646-011 FT-011		LAYER 1 9"x9" Floor Tile, Beige/ Dk. Blue	Yes	Chrysotile 3%	Carbonates Quartz Binder/Filler 97%
		LAYER 2 Mastic, Black/ Brown	No		Cellulose Fiber 2% Synthetic Fiber 1% Carbonates Quartz Binder/Filler 97%
0080646-012 VSF-012		Vinyl Sheet Flooring, Lt. Brown/ White Note: No Mastic Present	Yes	Chrysotile 15%	Gypsum Carbonates Quartz Binder/Filler 85%
0080646-013 WB-013		LAYER 1 Laminated Wallboard, White/ Brown	No		Cellulose Fiber 95% Gypsum Binder/Filler 5%
		LAYER 2 Mastic, Yellow	No		Cellulose Fiber 3% Carbonates Quartz Binder/Filler 97%
		LAYER 3 Compound, White	Yes	Chrysotile 2%	Carbonates Mica Binder/Filler 98%
0080646-014 CT-014		2'x2' Ceiling Tile, White/ Beige	No		Cellulose Fiber 50% Mineral Wool 30% Carbonates Perlite Binder/Filler 20%

EMC LABS, INC.

Laboratory Report

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	WICHITA, KS 67213	Date Analyzed:	11/30/2009
Collected:	11/23/2009	Date Reported:	11/30/2009
Project Name/	STATE THEATRE	EPA Method:	EPA 600/M4-82-020
Address:		Submitted By:	DAVE MORELAND
		Collected By:	Customer

Lab ID Client ID	Sample Location	Layer Name / Sample Description	Asbestos Detected	Asbestos Type (%)	Non-Asbestos Constituents
0080646-015 FT-015		LAYER 1 9"x9" Floor Tile, Red	Yes	Chrysotile 3%	Carbonates Quartz Binder/Filler 97%
		LAYER 2 Mastic, Yellow	No		Carbonates Binder/Filler 100%
0080646-016 CTx-016		Ceiling Texture, White/ Off White	No		Carbonates Mica Binder/Filler 100%
0080646-017 CT-017		Ceiling Tile, Olive Green	No		Cellulose Fiber 95% Carbonates Binder/Filler 5%
0080646-018 CT-018		2'x4' Ceiling Tile, Brown	No		Cellulose Fiber 95% Carbonates Binder/Filler 5%
0080646-019 WB-019		Wallboard, White/ Brown	No		Cellulose Fiber 95% Carbonates Binder/Filler 5%
0080646-020 MM-020		LAYER 1 Damper On Boiler, Gray	No		Cellulose Fiber 90% Synthetic Fiber <1% Carbonates Binder/Filler 9%
		LAYER 2 Paper, Brown	No		Cellulose Fiber 98% Carbonates 2%
0080646-021 MM-021		Wrap Material, White	Yes	Chrysotile 40%	Cellulose Fiber 45% Carbonates Binder/Filler 15%



9830 South 51st Street, Suite B-109 / PHOENIX, ARIZONA 85044 / 480-940-5294 or 800-362-3373 / FAX 480-893-1726
emclab@emclabs.com

LEAD (Pb) IN PAINT CHIP SAMPLES
EMC SOP METHOD #L01/1 EPA SW-846 METHOD 7420

EMC LAB #: L36649		DATE RECEIVED: 11/25/09			
CLIENT: American Metropolitan Environmental, Inc.		REPORT DATE: 11/30/09			
CLIENT ADDRESS: 2713 W. Esthner Wichita, KS 67213		DATE OF ANALYSIS: 11/30/09			
PROJECT NAME: State Theatre		P.O. NO.:			
PROJECT NO.:					
EMC # L36649-	SAMPLE DATE /09	CLIENT SAMPLE #	DESCRIPTION	REPORTING LIMIT (%Pb by weight)	%Pb BY WEIGHT
1	11/23	PS-001	Paint Sample-Green	0.010	0.125
2	11/23	PS-002	Paint Sample-White	0.010	0.985
3	11/23	PS-003	Paint Sample-Beige	0.100	1.40^
4	11/23	PS-004	Paint Sample-Grey	0.012	0.817
5	11/23	PS-005	Paint Sample-White	0.017	BRL
6	11/23	PS-006	Paint Sample-Off White	0.100	4.82^
7	11/23	PS-007	Paint Sample-Grey	0.010	0.214
8	11/23	PS-008	Paint Sample-Black on Wood	0.014	BRL

^ = Dilution Factor Changed * = Excessive Substrate May Bias Sample Results BRL = Below Reportable Limits # = Very Small Amount Of Sample Submitted, May Affect Result

This report applies to the standards or procedures identified and to the samples tested only. The test results are not necessarily indicative or representative of the qualities of the lot from which the sample was taken or of apparently identical or similar products, nor do they represent an ongoing quality assurance program unless so noted. Unless otherwise noted, all quality control analyses for the samples noted above were within acceptable limits.

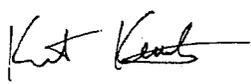
Where it is noted that a sample with excessive substrate was submitted for laboratory analysis, such analysis may be biased. The lead content of such sample may, in actuality, be greater than reported. EMC makes no warranty, express or implied, as to the accuracy of the analysis of samples noted to have been submitted with excessive substrate. Resampling is recommended in such situations to verify original laboratory results.

These reports are for the exclusive use of the addressed client and are rendered upon the condition that they will not be reproduced wholly or in part for advertising or other purposes over our signature or in connection with our name without special written permission. Samples not destroyed in testing are retained a maximum of sixty (60) days.

ANALYST:


Jason Thompson

QA COORDINATOR:


Kurt Kettler



9830 South 51st Street, Suite B-109 / PHOENIX, ARIZONA 85044 / 480-940-5294 or 800-362-3373 / FAX 480-893-1726
emclab@emclabs.com

LEAD (Pb) IN PAINT CHIP SAMPLES
EMC SOP METHOD #L01/1 EPA SW-846 METHOD 7420

EMC LAB #: L36649		DATE RECEIVED: 11/25/09			
CLIENT: American Metropolitan Environmental, Inc.		REPORT DATE: 11/30/09	DATE OF ANALYSIS: 11/30/09		
CLIENT ADDRESS: 2713 W. Esthner Wichita, KS 67213		P.O. NO.:			
PROJECT NAME: State Theatre		PROJECT NO.:			
EMC # L36649	SAMPLE DATE /09	CLIENT SAMPLE #	DESCRIPTION	REPORTING LIMIT (%Pb by weight)	%Pb BY WEIGHT
9	11/23	PS-009	Paint Sample-Yellow	1.0	11.6^^
10	11/23	PS-010	Paint Sample-Purple	0.010	0.021*
11	11/23	PS-011	Paint Sample-Green	1.0	30.4^^
12	11/23	PS-012	Paint Sample-Grey	0.010	0.669
13	11/23	PS-013	Paint Sample-White	0.010	0.095
14	11/23	PS-014	Paint Sample-Off White	0.010	1.31

^ = Dilution Factor Changed * = Excessive Substrate May Bias Sample Results BRL = Below Reportable Limits # = Very Small Amount Of Sample Submitted, May Affect Result

This report applies to the standards or procedures identified and to the samples tested only. The test results are not necessarily indicative or representative of the qualities of the lot from which the sample was taken or of apparently identical or similar products, nor do they represent an ongoing quality assurance program unless so noted. Unless otherwise noted, all quality control analyses for the samples noted above were within acceptable limits.

Where it is noted that a sample with excessive substrate was submitted for laboratory analysis, such analysis may be biased. The lead content of such sample may, in actuality, be greater than reported. EMC makes no warranty, express or implied, as to the accuracy of the analysis of samples noted to have been submitted with excessive substrate. Resampling is recommended in such situations to verify original laboratory results.

These reports are for the exclusive use of the addressed client and are rendered upon the condition that they will not be reproduced wholly or in part for advertising or other purposes over our signature or in connection with our name without special written permission. Samples not destroyed in testing are retained a maximum of sixty (60) days.

ANALYST: 
Jason Thompson

QA COORDINATOR: 
Kurt Kettler

Consent Agenda



COMMUNITY
DEVELOPMENT
DEPARTMENT
SERVING
GARDEN CITY
HOLCOMB
AND

FINNEY COUNTY
620-276-1170

INSPECTIONS
620-276-1120

inspection@garden-city.org

CODE COMPLIANCE
620-276-1120
code@garden-city.org

PLANNING AND
ZONING
620-276-1170
planning@garden-city.org

CITY ADMINISTRATIVE
CENTER
301 N. 8TH
P.O. Box 998
GARDEN CITY, KS
67846-0998
PH 620.276.1170
FAX 620.276.1173
www.garden-city.org

Memo

To: Planning Commission
From: Kaleb Kentner
CC: File
Date: August 6, 2012
Re: GC2012-053, Preliminary Plat for Pioneer Road Estates

Background: At the request of GC Residential Builders, LLC, the Planning Commission is asked to review and consider the Preliminary Plat for the property located at approximately 3002 N. Campus Dr., Garden City, KS. The applicant has been working with staff regarding this project requirements.

The applicant is acquiring approximately eleven (10.988) acres of land from USD 457, and rezone the property to build single family dwelling units on the northern portion and multiple family dwelling units on the south side of the property.

- The applicant is proposing to plat 17 lots for Single Family Residential units on the northern portion of the property, and 13 lots for Multiple Family (Duplex) Residential units on the southern portion of the property.
- The setback will be required as follows: for Block 1 – 25' (house) / 35' (garage) setback for SFR lots and for Block 2 a 30' setback for MFR lots.
- The streets will 40' wide from BOC-BOC.
- Pioneer Rd will have a 10' sidewalk/trail along the south side and a 5' sidewalk along the north side, providing a 60' ROW dedication.
- The connecting streets to the property on the south will have 5' sidewalks on both sides, providing a 50' ROW dedication.
- There will be no vehicular access onto the north/south streets from Lots 2, 3, 11 & 12, Block 2.
- There will be no vehicular access onto Campus Dr. for Lot 1 of Block 1, and Lot 1 of Block 2.
- There will be 20' alley ROW dedications on the north and east sides of Block 1, and on the south and east sides of Block 2.
- Storm drainage will run on the south side of the property, or along Pioneer Rd as determined by the engineer.
- The preliminary plat shall show the flood areas as depicted on the September 2009 FIRM.
- The applicant shall meet or exceed the subdivision regulations and the city engineer standard requirements.

Recommendation: Staff recommends approval of the preliminary plat contingent upon approval of a development agreement.

Planning Commission: Approval
Present- 7
Yea- 7
Nay- 0



To: City Commission

From: Rachelle Powell

Date: August 27, 2012

RE: Supplemental Agreement No.1 Task Order Number 8

The Supplemental Agreement provided in the accompanying information is an agreement between the City of Garden City and HNTB for professional services on the Wildlife Fence Phase II and Apron Lighting project.

The supplemental agreement does not require any additional funding. The agreement reallocates expenses from one source to another source. The savings from the materials-testing line item will be transferred to cover the additional professional services expense.

SUPPLEMENTAL AGREEMENT NO. 1
TASK ORDER NUMBER 8

Garden City Regional Airport
Wildlife Fence Phase II and Apron Lighting

This Supplemental Agreement, Number 1, to Task Order Number 8 dated November 15, 2011, under the terms and conditions established in the MASTER AGREEMENT FOR PROFESSIONAL SERVICES, dated December 28, 2007 (the Agreement), between City of Garden City (Owner) and HNTB Corporation (HNTB) is made effective as of September 4, 2012.

Section A. – Scope of Services

Add the following to Part II: Construction Observation Services

18. Support the selected contractor to complete the Buy American documentation necessary for the apron mast lighting and components.

In conjunction with the performance of the foregoing Services, HNTB shall provide the following submittals/deliverables (Documents) to Owner:

Add the following;

20, Buy American component calculation spreadsheet.

Section B. – Schedule

HNTB shall perform the Services and deliver the related Documents (if any) according to the following schedule:

No changes to the schedule are necessary as a result of this Supplemental Agreement.

Section C. - Compensation

For this No Cost Supplemental Agreement, replace paragraph C.1.2 of the Task Order with the following to redistribute the associated costs from a subconsultant to HNTB:

C.1.2. In return for the performance of the foregoing obligations identified within Part II of Section A – Scope of Services, the Owner shall pay HNTB an amount for payroll plus an overhead of 146.61% for all principals and employees engaged directly in the Services, plus a fixed fee of \$3,676, plus Reimbursable Expenses as further defined below and subconsultants, if any. The total compensation is not to exceed \$46,571, based on the following estimate of costs:

Payroll	\$9,937
Overhead (146.61%)	\$14,569
Reimbursable Expenses	\$12,389
Fixed Fee	\$3,676
Subconsultant Fees	<u>\$6,000</u>
Total Not to Exceed Amount	\$46,571

Except to the extent modified herein, all terms and conditions of the Agreement shall continue in full force and effect.

City of Garden City, Kansas
(Owner)

Signature: _____

Name: _____

Title: _____

Date: _____

HNTB Corporation
(HNTB)

Signature: _____

Name: Michael R. Hess, PE

Title: Vice President

Date: _____

GARDEN CITY IS MY TOWN TOO!

I would be willing to serve on a planning or advisory board/committee.

NAME: Cathy McKinley HOME PHONE: 620-805-9800

ADDRESS: 1007 N. 6th St. WORK PHONE: 620-276-9536

E-MAIL ADDRESS: cathy.mckinley@gcccks.edu

OCCUPATION (if employed): marketing

PLACE OF EMPLOYMENT: GCCC

HOW LONG HAVE YOU BEEN A RESIDENT OF GARDEN CITY? Since 2004

DESCRIBE WHY YOU ARE INTERESTED IN SERVING ON A BOARD/COMMISSION:

I am interested in the community's success in general and I am particularly concerned about housing specifically.

OTHER APPLICABLE EXPERIENCE: I am quite familiar with the City of Garden City and have served on other city boards.

PLEASE CHECK THE ONES IN WHICH YOU ARE INTERESTED IN SERVING:

Airport

Lee Richardson Zoo

Alcohol Fund Advisory Board

Parks & Tree

Building Safety Board of Appeals

Planning Commission

Cultural Relations

Police/Citizen

Golf

Recreation Commission

Environmental Issues Board

Traffic Committee

Landmarks Commission

Youth Council

Local Housing Authority

Zoning Board of Appeals

RETURN THIS FORM TO:

City Manager's Office – Attn: Celyn
City Administrative Center
P.O. Box 998
Garden City, KS 67846-0998

Other Entities Minutes

**Garden City Recreation Commission
Minutes
Monday, June 25, 2012**

I. Call Meeting to Order

Chairperson Greg Hands called the meeting to order at 5:15 p.m. GCRC Board members present were David DuVall and Maria Hardwick. GCRC Staff present were Superintendent John Washington, Assistance Superintendent Donna Gerstner and Finance Director Terri Hahn.

II. Approval of Agenda

John asked to remove from the agenda under IV. Superintendent Reports d. SWKS Recreation Golf Tournament (August 17th) 9:00 a.m., duplicate of a. Motion by Maria Hardwick to approve the amended agenda, seconded by David DuVall. Motion carried with all in favor.

III. Consent Agenda

The following shall stand approved and/or accepted as presented unless action is taken to remove an item from the consent agenda.

- a. **Minutes of Regular Meeting for May 2012**
- b. **Financial Reports for May 2012**
- c. **Staff Reports**
- d. **Participation Reports**

Motion by Maria Hardwick to approve the consent agenda, seconded by David DuVall. Motion carried with all in favor.

IV. Superintendent Reports

- a. **2012 SWKR Golf tournament (August 17, 2012 @9 a.m.)** – Reminder to let John know if you would like to play in the 2012 SWKR Golf Tournament on August 17, 2012 @ 9 a.m.
- b. **302 N 6th St House Rental** – Nathan and Tammy Scheopner is renting this house.
- c. **Tangeman Sports Complex Agreement Renewal** – Time again to go over a new agreement with the City, College and USD 457 on Tangeman. John will be getting back with the GCRC Board on this.

V. New Business

1. **Brian Knight is seeking approval to purchase 1 Remote Dolphin Wave Pool Vacuum** – Tried to get two (2) quotes on this pool vacuum but only received one from Gary Farney for \$10,511.00 with freight charges of \$127.31 for a total of \$10,638.62. Motion by David DuVall to purchase a remote dolphin wave pool vacuum for a total price of \$10,638.62. The motion was seconded by Maria Hardwick. Motion carried with all in favor.
2. **EBF (City Funding Obligations Under (K.S.A. 1928e) (K.S.A. 12-1927)** – John is going to write an resolution for one (1) mill to help fund the Employee Benefit Fund. This probably won't go into effect until 2014 if passed by the City Commissioners. There was no resolution in the past written. John will get back with the GCRC Board on this.
3. **Employee Insurance (Blue Cross Blue Shield of Kansas) Employee Contribution** - Health and Dental insurance went up 23% this year. Some Rec's pay the single policy at no cost to the employee and if they want a family policy the employee pays the differences.

John is working with Blue Cross and Blue Shield of Kansas on the health and dental policy for the employees.

VI. Old Business

1. **2013 Budget Review** – John went over the process on the 2013 budget. We will be submitting to the Garden City Telegram the 2013 Budget to be publish in the legal's when there will be at the July 16, 2012 meeting a 2013 Budget Hearing where the public can show up to questions the budget and after that has been approved it goes to the City of Garden City and to Finney County .

Garden City Recreation Commission Questions and Comments

VII. Adjournment

Motion by Maria Hardwick to adjourn the meeting. Seconded by David DuVall. The meeting adjourned at 6:00 p.m.

Terri Hahn
Secretary

Approved August 27, 2012

**Garden City Recreation Commission
Minutes
Monday July 16, 2012**

I. Call Meeting to Order

Chairperson Greg Hands call the meeting to order at 12:05 p.m. GCRC Board members present were Anna Urrutia, David DuVall and Maria Hardwick. GCRC Staff present were Superintendent John Washington, Assistance Superintendent Donna Gerstner and Finance Director Terri Hahn.

II. Approval of Agenda

John asked to add to the agenda under New Business B. Recommendation to purchase another Pool Vacuum at the maximum price of \$11,000.00. Motion by Maria Hardwick to approve the purchase of another pool vacuum at the maximum price of \$11,000.000, seconded by Anna Urrutia. Motion carried with all in favor.

III. New Business

1. **2013 Budget Hearing** – Chairperson Greg Hands open the 2013 Budget Hearing at 12:08 p.m. No Public was present. Motion by Maria Hardwick to approve the 2013 Budget at 12:20 p.m., seconded by Anna Urrutia. Motion carried with all in favor.
2. **Recommendation to purchases another Pool Vacuum at the maximum price of \$11,000.00** – Motion by Maria to purchases another pool vacuum for the pool at the maximum price of \$11,000.00, seconded by Anna Urrutia. Motion carried with all in favor.

Garden City Recreation Commission Questions & Comments

IV. Adjournment

Motion by Maria Hardwick to adjourn the meeting. The motion was seconded by Anna Urrutia. The meeting adjourned at 12:38 p.m.

Terri Hahn
Secretary

Approved August 27, 2012

**Garden City Recreation Commission
Minutes
July 30, 2012**

GCRC Board Member present was David DuVall. GCRC Staff present were Superintendent John Washington, Assistant Superintendent Donna Gerstner and Finance Director Terri Hahn.

No Quorum.

Terri Hahn
Secretary

Approved August 27, 2012



Garden City Recreation

310 N. 6th, Garden City, Kansas 67846 – Phone: 620-276-1200 Fax: 620-276-1203 – email: grec@garden-city.org

REVISED AGENDA

Regular Meeting

Monday – June 25, 2012 @ 5:15 p.m.

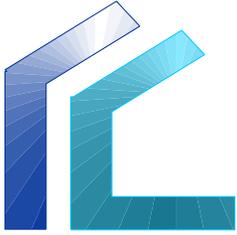
Recreation Center, 310 N. 6th Street

-
- I. Call Meeting to Order
 - II. Approval of Agenda
 - III. Consent Agenda
The following shall stand approved and/or accepted as presented unless action is taken to remove an item from the consent agenda.
 - a. Minutes of Regular Meeting for May 2012
 - b. Financial Reports for May 2012
 - c. Staff Reports
 - d. Participation Reports
 - IV. Superintendents Report
 - a. 2012 SWKR Golf Tournament (August 17, 2012 @ 9:00am)
 - b. 302 N 6th Street House Rental
 - c. Tangeman Sports Complex Agreement Renewal
 - V. New Business
 1. Brian Knight is seeking approval to purchase 1- Remote Dolphin Wave Pool Vacuum
 2. EBF (City Funding Obligations Under (K.S.A. 1928e) (K.S.A. 12-1927)
 3. Employee Insurance (Blue Cross Blue Shield of Kansas) Employee Contributions
 - VI. Old Business
 - 2012 Budget Review
 - Garden City Recreation Commission Questions & Comments
 - VII. Adjournment

Next Meeting

Special Meeting - Budget Hearing/Certified July 16th @ 12:00

Regular Meeting July 30th @ 5:15



Garden City Recreation

310 N. 6th, Garden City, Kansas 67846 – Phone: 620-276-1200 Fax: 620-276-1203 – email: gcrec@garden-city.org

REVISED AGENDA

Special Meeting

Monday – July 16, 2012 @ 12:00 Noon

Garden City Recreation Center, 310 N. 6th Street

I. Call Meeting To Order

II. Approval of Agenda

III. New Business

✓ **2013 Budget Hearing**

✓ **Recommendation to purchase another Pool Vacuum for the maximum price of \$11,000.00**

Garden City Recreation Commission Questions & Comments

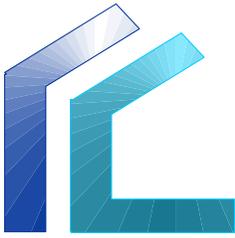
IV. ADJOURNMENT

Regular Meeting

July 30, 2012 @ 5:15 p.m.

Activity Center

310 N. 6th Street, Room 112



Garden City Recreation

310 N. 6th, Garden City, Kansas 67846 – Phone: 620-276-1200 Fax: 620-276-1203 – email: gcrec@garden-city.org

REVISED AGENDA - Garden City Recreation

Regular Meeting

Monday – August 27, 2012, 5:15 p.m.

Garden City Recreation Center, 310 N. 6th Street

-
- I. Call Meeting to Order**
- II. Approval of Agenda**
- III. Consent Agenda**-The following shall stand approved/accepted as presented unless action is taken to remove an item from the consent agenda.
- Minutes of Regular Meeting Monday, June 25, 2012
 - Minutes of Special Meeting Monday, July 16, 2012
 - Minutes of Regular Meeting Monday, July 30, 2012 (No Quorum)
 - Financial Reports for June 2012
 - Financial Reports for July 2012
 - Staff Reports (June & July)
 - Participation Reports (June & July)
- IV. Superintendent Report**
- Covered in July Agenda
 - Spray ground addition at the Big Pool
 - NRPA Congress and Exposition in Anaheim, California, October 16-18, 2012
 - KRPA East Golf Tournament
- V. New Business**
- 2012-2018 Capital Improvement**-Discussions will be developed from our current Master Plans and staff recommendations for future Recreational Capital Outlay and City Recreation Facilities.
 - Benefit Summary for Recreation Employees**-Superintendent recommendations for the Employee contribution Fund. Benefit Summary-General Policy 8.4.1 and 8.4.2 indicates that portions of the premium to be paid by the Garden City Recreation Commission for Commission-sponsored insurance programs will be determined by the Superintendent, in consultation with the Garden City Recreation Commission, and may be subject to change at any time and without prior notice. In conclusion, the terms and conditions of the Commission-sponsored insurance programs are subject to change by the agency or by the insurance carriers at any time and without prior notice. In the event of any changes to these programs all eligible employees will be notified of such changes as soon as possible. Superintendent recommends that the Recreation Commission accept the attached terms of the insurance summary of benefit plan for 2012-13.
 - Fansler Field Master Plan** – Facility reconfiguration into a youth baseball field.
 - Clint Lightner Stadium master Plan**- Renovation work to the grandstands, batting cages, dugouts and lights.
 - Fixed Assets List**-Removal of Items.
 - Chip Timing Device Purchases**
- VI. Old Business**
- VII. Executive Session** –Recreation Board will go into executive session for the purpose of discussing Real Property and/or Personnel at _____. The Recreation Board will reconvene into open session upon completion at _____.
- Garden City Recreation Commission Questions and Comments**
- VIII. Adjournment**

Next Meeting

September 24, 2012 @ 5:15

Activity Center

310 N. 6th Street, Room 112