

THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City
November 6, 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, November 6, 2012 with all members present except Mayor Crase. Commissioner Law opened the meeting with the Pledge of Allegiance to the Flag and Invocation. The minutes of the last meeting were approved.

Commissioner Law moved to authorize the Mayor to proclaim November 16, 2012 as GCHS Blue Ribbon Day. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Commissioner Doll moved to authorize the Mayor to proclaim November 6, 2012 as Brad Springston Day. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Commissioner Cessna moved to approve the the request from Lee Richardson Zoo to offer complimentary vehicle admission on November 10 and 11, 2012 to active and inactive military personnel and veterans of any branch of the service presenting identification or proof of service. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Commissioner Doll moved to approve the request from Mr. Wolf Zon, Director of Operations and Chief Pilot of DWTA Helicopters, to authorize a landing within the City limits on Saturday, November 10, 2012 as part of the American Legion's Veterans Day Celebration activities. Specifically, the Governing Body was asked to waive Section 14-71 and approve the restricted height of aircraft within the corporate limits of the City. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Commissioner Doll moved to approve a request from Ms. Bonnie Bribiesca to be recognized as a "Local Business" on the application for an Itinerant Merchant license at 201 W. Kansas. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

City Manager Allen proudly announced that City of Garden City employees raised \$26,219.18 in donations and pledged gifts for the 2013 Finney County United Way Campaign. This represents more than over an 18% increase from last year's drive. "Congratulations" to our United Way committee on another successful year. "Thank you" to City of Garden City employees for their generous support of those in need in the community.

The City received correspondence from Cox Communication regarding Plus Package pricing changes and a line-up change.

Staff provided information regarding the 2012 Fall Clean-up program.

The City received franchise payments from Black Hills Corporation for the month of September 2012 in the amount of \$44,935.60 and from AT&T for the month of September 2012 in the amount of \$6,388.30

Staff provided several items of information for Governing Body review including the following: from Finance Director Hitz the monthly City and County sales tax report; from Fire Chief Shelton the monthly activity report and from Assistant City Engineer Mestdagh the monthly construction report.

Meetings of note:

- ✓ November 3, 2012 – Banner Art Auction at Clarion Inn Ballroom at 7:00 p.m.
- ✓ November 7, 8, 10 & 11, 2012 – “Guys & Dolls” at GCHS at 7:00 p.m.
- ✓ November 8, 2012 – 2012 Kansas Main Street Awards reception at 5:30 p.m. at Las Margaritas’ Celebration Room.
- ✓ November 9, 2012 – “Annie Oakley” presented by Wichita Children’s Theater at Clifford Hope Auditorium-Horace Good Middle School at 7:00 p.m.
- ✓ November 10, 2012 – Veterans Day Parade at 2:00 p.m.
- ✓ November 10, 2012 – Hanging of the lights at Stevens Park at 9:00 a.m.
- ✓ November 11, 2012 – “Veterans Day 11.11.11” at the State Theater presented by Garden City Rec & Kansas Honor Flight at 3:00 p.m.
- ✓ November 13, 2012 – “Masters of Motown” presented by Southwest Kansas Live on Stage at Clifford Hope Auditorium at 7:30 p.m.
- ✓ November 15, 2012 – Third Thursday Downtown, 5:00 p.m. – 8:00 p.m.
- ✓ November 15, 2012 – Stevens Park Lighting Ceremony, 6:00 p.m.
- ✓ December 8, 2012 – Commerce Bank’s Tuba Christmas on Grant Avenue at 3:00 p.m.
- ✓ December 8, 2012 – Burtis Motors Evening Christmas Parade at 6:00 p.m.
- ✓ GCRC, “A Christmas Carol”, December 21 & 22, 2012 at 7:30 p.m. & December 23 at 2:30 p.m.

Appropriation Ordinance No. 2327-2012A, “AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$2,976,868.62,” was read and considered section by section. Commissioner Law moved to approve and pass Appropriation Ordinance No. 2327-2012A. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Ordinance No. 2572-2012, “AN ORDINANCE REZONING LAND FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT IN THE CITY OF GARDEN CITY, KANSAS; AMENDING THE DISTRICT ZONING MAP OF THE CITY OF GARDEN CITY, KANSAS; REPEALING THE CURRENT DISTRICT ZONING MAP; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS,” (Maggie’s Addition) was read and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2572-2012. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Ordinance No. 2573-2012, “AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF GARDEN CITY, KANSAS; REPEALING THE CURRENT COMPREHENSIVE PLAN; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS,” (800, 900 and 1000 blocks of North Main Street) was read and considered section by section. Commissioner Doll moved to approve Ordinance

No. 2573-2012. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Ordinance No. 2574-2012, "AN ORDINANCE AMENDING THE ZONING REGULATIONS FOR THE CITY OF GARDEN CITY, KANSAS; ADOPTING NEW ZONING REGULATIONS TO REGULATE LICENSED CARE CENTERS AND HOMES; AMENDING ZONING REGULATION SECTION 16.030; AMENDING ORDINANCE NO. 2528-2011; REPEALING IN ITS ENTIRETY CURRENT ZONING REGULATION SECTION 16.030; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS," was read and considered section by section. Commissioner Law moved to approve Ordinance No. 2574-2012. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Resolution No. 2507 - 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," (711 N. First Street – miscellaneous items), was read and considered section by section. Commissioner Fankhauser moved to approve Resolution No. 2507-2012. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Bond Counsel Mary Carson provided a resolution related to the 2012 Temporary Financing of the improvements in the Taylor North Addition -- Joe McGraw Street and watermain improvements.

Resolution No. 2508 - 2012, "A RESOLUTION PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF GARDEN CITY, KANSAS, IN THE TOTAL PRINCIPAL AMOUNT OF \$555,000 TO TEMPORARILY FINANCE THE COSTS OF CERTAIN IMPROVEMENTS IN THE CITY; AND PROVIDING THE TERMS, DETAILS, FORM AND CONDITIONS OF SUCH NOTES," was read and considered section by section. Commissioner Cessna moved to approve Resolution No. 2508-2012. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Ordinance No. 2575 - 2012, "AN ORDINANCE REGULATING THE CONDUCT OF PERSONS AND ANIMALS IN THE CITY OF GARDEN CITY, KANSAS; CREATING NEW CODE SECTION 10-65; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS," (animal bite violations) was read and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2575-2012. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Ordinance No. 2576 - 2012, "AN ORDINANCE GRANTING TO WILDFLOWER TELECOMMUNICATIONS, LLC, ITS SUCCESSORS AND ASSIGNS, A CONTRACT FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A TELECOMMUNICATIONS SYSTEM IN THE CITY OF GARDEN CITY, KANSAS; ALL PURSUANT TO K.S.A. 12-2001 ET SEQ," was read and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2576-2012. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

At 2:30 p.m. Candice Gamino and Carlos Gamino of CSS Properties, LLC, presented their proposal received by the Governing Body on October 2, 2012 for use of the American Legion Building. Governing Body directed staff to proceed with CSS on the next steps in the process.

Governing Body directed staff to proceed with the preliminary work on Kansas Avenue pathway from Campus Drive to Leslie Road and a landscaping project on US-50/400 east of the Bypass for Kansas Department of Transportation Enhancement project applications for 2013. City Engineer Cottrell provided a memorandum concerning potential projects.

Commissioner Cessna moved to approve staff submitting an application for Wiley Park walking path phase 3 through the Sunflower Foundation Trail Grant. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Commissioner Cessna moved to approve an application for the second half of 2012 KDOT funding under the fund exchange program for the concrete reconstruction of the south block of Chainey Street and Rock Road. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Commissioner Law moved to approve Kansas Municipal Insurance Trust, an insurance provider, beginning 2013 Workers' Compensation Insurance Coverage. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Commissioner Law moved to approve and authorize staff to finalize a contract for the design and construction for irrigation system improvements at Buffalo Dunes Golf Course. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Dr. Beverly Schmitz-Glass, Executive Director of Downtown Vision, Inc. presented a quarterly activity report to the Governing Body.

Ray Purdy and Cathy McKinley, the City's representatives on the Finney County Economic Development Corporation, presented a quarterly activity report to the Governing Body.

Commissioner Cessna moved to approve the Preliminary and Final Plat for the property located at approximately 3002 N. Campus Drive, Garden City, Kansas – Pioneer Road Estates. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Commissioner Cessna moved to approve a grant agreement for \$300,000 for MIH at Pioneer Road Estates between the City of Garden City, Kansas and Kansas Housing Resources Corporation. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Commissioner Law moved to approve the following:

1. Governing Body consideration and approval of an Administrative agreement and a Business Associate agreement between the City of Garden City, Kansas and Surency Life & Health Insurance Company for the City’s cafeteria plan.
2. Governing Body consideration and acceptance of the 2012 Emergency Shelter Grant award from the Kansas Housing Resources Corporation.
3. Governing Body consideration and acceptance of bids received November 1, 2012 and November 2, 2012 and authorization for the Mayor and City Clerk to execute the contracts, for the following projects:
 - a) Safe Routes to School Projects
 - b) Parking Lot Expansion at Garden City Regional Airport
4. Quit Claim Deed from Heir of Rosie I. Surface transferring Space 1, Lot 86, Zone A of Valley View Cemetery to Corly Matthews.
5. Permission for Patti &/or Danny Steinward to reserve Spaces 3&4, Lot 22, Zone A of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
6. Permission for Ascencion Rodriguez to reserve Space 8, Lot 38, Zone J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
7. Permission for Robert S. &/or Audrey M. Law to reserve Spaces 5, 6, & 7, Lot 52, Zone J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
8. Permission for Herbert &/or Joan Livingston to reserve Space 3, Lot 32, Zone J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
9. Licenses:

(2012 New)

 - a) Hentzen Contractors, Inc.Class B General
 - b) Precision Electrical Contractors, LLCClass D-E Electrical
 - c) Johnson Plumbing, LLCClass D-P Plumbing

(2012 Renewal)

 - d) Kwik Shop, Inc. Cereal Malt Beverage

- e) Western Steel & Automation, Inc..... Class A General
- f) JAG Construction Company, Inc..... Class A General
- g) Dick Construction, Inc. Class A General
- h) Building Solutions, LLC..... Class A General
- i) Brian Barlow ConstructionClass B General
- j) Ron Roth ConstructionClass B General
- k) S & S EnterprisesClass B General
- l) Diamond Roofing.....Class B General
- m) Tim Fuller Construction.....Class B General
- n) Conant ConstructionClass B General
- o) Byerly ConstructionClass B General
- p) Richard Wright Construction.....Class B General
- q) J. Scott III.....Class B General
- r) Dunlap Construction Company, Inc.Class B General
- s) WhartonsClass B General
- t) Kerry Spanier ConstructionClass B General
- u) Ed Barb Construction.....Class B General
- v) Bob’s Handyman ServiceClass B General
- w) Woodbridge Home Exteriors of Kansas, Inc.Class C General
- x) HCS Petroleum Equipment, Inc.....Class E-SOC Specialized
- y) P.B. Hoidale Company, Inc.Class E-SOC Specialized
- z) Westhusing’s, Inc.....Class E-SOC Specialized
- aa) J’s Fencing & Ironworks, LLCClass E-SOC Specialized
- bb) Continental Fire Sprinkler CompanyClass E-SOC Specialized
- cc) Klotz Sand Company, Inc.Class E-SOC Specialized
- dd) Sign Sources, LLCClass D-SI Sign Installation
- ee) Dreiling Rentals Class E-L Landlord
- ff) McDaniel Company, Inc.....Class E-BF Backflow
- gg) A-R Roofing, LLC.....Class D-R Roofing
- hh) Austin Pools, LLCClass D-USP Unlimited Swimming
- ii) ALTA Refrigeration, Inc. Class D-M Mechanical
- jj) Energy Management Systems..... Class D-M Mechanical
- kk) Interstates Construction Services, Inc.....Class D-E Electrical

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

Cessna	Crase	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

Commissioner Fankhauser moved that the City Commission go into executive session pursuant to K.S.A. 75-4319(b)(2) for 30 minutes for the purpose of consultation with City legal counsel on matters which are privileged in the attorney/client relationship which if discussed in open session would waive that privilege and that the City Commission reconvene into open session in the City Commission Chambers at 4:00 p.m. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Doll	Fankhauser	Law
Yea	Absent	Yea	Yea	Yea

At the expiration of the designated time, and in open session, Commissioner Fankhauser stated no action was taken.

Commissioner Fankhauser adjourned the meeting since there was no further business before the Governing Body.

Dan Fankhauser, Vice Mayor

ATTEST:

Celyn N. Hurtado, City Clerk

City Commission Reports

Commissioner Law congratulated City employees on the United Way campaign. Commissioner Law stated that each agency has to apply to be a member of Finney County United Way, and each are required to perform or be reduced or taken off the list. Commissioner Law stated that it is worthy of the City's time and a good deal. Commissioner Law congratulated Downtown Vision on their recent accomplishments. Commissioner Law asked what the plan was on the American Legion parking lot.

Commissioner Cessna thanked City employees for their United Way contributions and stated it's a good way to collaborate and give back to citizens. Commissioner Cessna stated it was a great day in Garden City with a proclamation for Principal Brad Springston and the Blue Ribbon Award for School District USD 457. Commissioner Cessna mentioned the recent Tortoise Exhibit Grand Opening and Cat Canyon construction projects at Lee Richardson Zoo. Commissioner Cessna congratulated Downtown Vision and Finney County Economic Development on their progress. He reminded citizens to go vote.

Mayor Crase was absent.

Commissioner Doll stated there is a reason Garden City is the greatest City and it's things like the United Way drive and the City overall. Commissioner Doll stated that if employees would like daycare they need to speak with their Compensation Committee. Commissioner Doll asked for citizens to pray for soldiers. Commissioner Doll stated that today was his 30 year wedding anniversary.

Commissioner Fankhauser congratulated city employees on the successful United Way campaign. Commissioner Fankhauser said he was happy to see the group picture. Commissioner Fankhauser encouraged citizens to check out the Menards store and all the work that had been accomplished in such a short period of time. Commissioner Fankhauser stated he was amazed at Downtown Vision's accomplishments.