

## THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City

October 2, 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, October 2, 2012 with all members present. Commissioner Doll opened the meeting with the Pledge of Allegiance to the Flag and Invocation. The minutes of the last meeting were approved.

Kay Gillespie presented to the Governing Body material on (TNR) Trap-Neuter-Return program for feral cats.

Mr. Heath Horyna, Environmental Scientist, Kansas Department of Health & Environment presented Ms. Anca Jucan, Laboratory Chemist with the Crystal Crucible award. This award is provided to those individuals who have made a significant contribution that promotes professionalism, pride and high ideals among those working in the wastewater analysis field.

Staff provided items of information for Governing Body review including the following: from Finance Director Hitz the monthly City and County sales tax report and from Assistant City Engineer Mestdagh the monthly street projects update.

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

Commissioner Doll and City Engineer Cottrell reported that they attended the KDOT T-WORKS Local Consult meeting in Dodge City on September 26th. KDOT is gathering regional input for identification of projects they could start preliminary (design) engineering work for and have ready should additional funds become available in the future. Additional 4-lane improvements on US-50/400 and US-54, passing lanes on US-83 and some safety improvements in District 6 were recommended for KDOT consideration.

Meetings of note:

- ✓ September 29, 2012 – Garden City Fire Department Open House 10:00 a.m. – 2:00 p.m.
- ✓ October 11, 2012 – Cultural Relations 2012 Diversity Breakfast at Fiesta Courtyard.
- ✓ October 12 – 13, 2012 – GC Community Theatre’s Fall Mystery at the State Theatre
- ✓ October 16, 2012 – Black Hills Energy Public Officials luncheon at the Clarion Inn at 11:00 a.m.
- ✓ October 18, 2012 – Rocky Horror Picture Show at State Theatre at 8:00 p.m.
- ✓ October 18, 2012 – Third Thursday Downtown, 5:00 p.m. – 8:00 p.m.
- ✓ October 20, 2012 – Boo at the Zoo
- ✓ October 23, 2012 – Finney County Economic Development Corporation annual meeting at 8:30 a.m. in the City Commission Chambers.
- ✓ October 23, 2012 – League of Kansas Municipalities 2012 Regional Supper
- ✓ 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.
- ✓ November 10, 2012 – Veteran’s Day Parade at 10:00 a.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.

Appropriation Ordinance No. 2325-2012A, “AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$3,900,529.23,” was read and considered section by section. Commissioner Doll moved to approve and pass Appropriation Ordinance No. 2325-2012A. 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

Commissioner Doll moved to approve the following:

1. Governing Body consideration and approval of Preliminary Plat for the property located at approximately the 700 Block of Anderson St. (Mac St. & Anderson St.), Garden City, Kansas – Maggie’s Addition.
2. Governing Body consideration and acceptance of additional right-of way for Schulman Avenue and utility easements, all related to the Schulman Crossing project.
  - a) From Fansher, Inc. a utility easement and Schulman Avenue right-of-way in the South East Quarter of Section 9, T24S, R32W.
  - b) From Mosaic Housing Corp. XX -- Garden City a utility easement on Lot 1, Block 2, Heritage Place Second Addition.
  - c) From Mosaic, a utility easement on Lot 38, Block 2, Heritage Place Second Addition.
  - d) From Apostolic Faith Tabernacle of GC, a utility easement on Lot 2, Block 2 Heritage Place Second Addition.
  - e) From Aspen Development, Inc. additional Schulman Avenue right-of-way on Lot 5, Block 2, Lots 6 & 7, Block 3 and Lot 6, block 4, all in Heritage Place Second Addition.
3. Quit Claim Deed from the Heir of Mrs. Joe Holmes transferring burial rights of Spaces 1,2,3 and 4; Lot 260; Zone: A, of Valley View Cemetery to Jacalyn and/or Wilfred Nichols.
4. Permission for Joe &/or Ann B. Delgado to reserve Space 6, Lot 23, Zone J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
5. Permission for Doyleen Barnes to reserve Space 7, Lot 22, Zone J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
6. Licenses:
 

**(2012 New)**

  - a) Caro Construction Company, Inc. ....Class B General
  - b) Cook’s Heating & Air Conditioning..... Class D-M Mechanical
  - c) A&J Sheet Metal..... Class D-M Mechanical
  - d) Partin Electric.....Class D-E Electrical
  - e) Stiltner Electric, Inc. ....Class D-E Electrical

Commissioner Cessna 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

1:30 p.m. Hearing – Mr. Kurt Osterbuhr, Kansas Truck Parts & Service Inc. was present for a hearing regarding Case No. 12-002154 for weed nuisance violation at his property 2509 N. Taylor Avenue. Governing Body advised staff to address Mr. Osterbuhr concerns and stated the hearing will be continued until October 16, 2012 at 1:30 p.m. Governing Body advised Mr. Osterbuhr to take care of the weeds before that time.

The Governing Body considered and approved two items related to the City’s Snow Removal Plan. The first was an Ordinance that establishes the City’s Emergency Snow Route, and provides for the authority to remove vehicles on that route that interfere with the removal of snow in an emergency situation. The second item establishes the overall plan and policy for removal of snow throughout the community.

Ordinance No. 2564-2012, “AN ORDINANCE PERTAINING TO PARKING AND OPERATION OF VEHICLES UPON STREETS DESIGNATED AS EMERGENCY SNOW ROUTES WHEN SNOW REMOVAL OPERATIONS ARE NECESSARY; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DECLARE A SNOW EMERGENCY; PRESCRIBING A PENALTY; AMENDING SECTION 86-38; REPEALING EXISTING SECTION 86-38; 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. 2564-2012. 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

Commissioner Cessna moved to approve the City’s Snow Removal Plan. 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

Bond Counsel Mary Carson provided several documents related to the 2012 General Obligation Bond sale, set for October 16, 2012, for Governing Body consideration and approval. Financial Advisor Chuck Bouly and staff recommended that this be a negotiated sale.

Ordinance No. 2565-2012, “AN ORDINANCE AUTHORIZING THE CITY OF GARDEN CITY, KANSAS TO CONSTRUCT CERTAIN MAIN TRAFFICWAY AND PUBLIC BUILDING AND STRUCTURES IMPROVEMENTS IN THE CITY AND AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PAY COSTS THEREOF,” was read and considered section by section. Commissioner Law moved to approve Ordinance No. 2565-2012. Commissioner Doll 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. 2501-2012, “A RESOLUTION OF THE CITY OF GARDEN CITY, KANSAS AUTHORIZING AND PROVIDING FOR THE UNDERWRITING AND OFFERING FOR SALE OF THE CITY’S GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2012-A IN THE APPROXIMATE AGGREGATE PRINCIPAL AMOUNT OF \$925,000.00,” was read and considered section by section. Commissioner Cessna moved to approve Resolution No. 2501-2012. 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

Commissioner Cessna moved to approve a Notice of Intent to seek private placement, \$925,000 General Obligation Improvement Bonds Series 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. 2502-2012, “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”, (2601 C Street, 1314 Bancroft Street, and 1001 North 8th Street.) was read and considered section by section. Commissioner Doll moved to approve Resolution No. 2502-2012. 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

The Cemetery Staff has researched regional cemetery fees and, in addition to the fees, has evaluated the current cemetery services provided. The Governing Body was asked to review and consider the following ordinances relating to changing rates for cemetery services.

Ordinance No. 2566-2012, “AN ORDINANCE REGULATING USE OF CEMETERIES AND CEMETERY FEES IN THE CITY OF GARDEN CITY, KANSAS; AMENDING CODE SECTIONS 30-40 AND 30-87; REPEALING CURRENT CODE SECTIONS 30-40 AND 30-87; 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. 2566-2012. 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

Ordinance No. 2567-2012, “AN ORDINANCE ESTABLISHING FEES FOR USE OF CEMETERIES IN THE CITY OF GARDEN CITY, KANSAS; AMENDING CODE SECTIONS 42-206, 42 208 AND 42-209; ESTABLISHING NEW CODE SECTION 42-210; REPEALING CURRENT CODE SECTIONS 42-206, 42-208 AND 42-209; 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. 2567-2012. Commissioner Doll 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

Mayor Crase moved to approve issuing a Request for Proposal for use of the State Theater with the option to have available the use of \$50,000 as a reimbursement for environmental remediation as the project is completed. 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

Commissioner Doll moved to advance the proposal from CSS Properties for the use of the American Legion building for further consideration and directed staff to schedule a formal presentation to Governing Body at a future date. 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

At July 17th pre-meeting, the Governing Body discussed several tracts of underutilized or unused City property. Pursuant to that discussion, a For Sale sign was placed on the lot at Mary Street & Fleming Street, adjacent to the Labrador Fire Station. The City received two written offers for the property for Governing Body consideration and acceptance.

Commissioner Law moved to accept the offer from Mr. Ken Green for \$36,500 for the property at Mary Street and Fleming Street, adjacent to the Labrador Fire Station. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Nay	Nay	Yea	Nay	Yea

The motion failed.

Mayor Cruse moved to reject all offers and accept new sealed offers from the two parties at the October 16, 2012 Governing Body meeting. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Nay	Yea	Yea

Commissioner Fankhauser left the meeting.

Public Works Director Curran presented the proposed following alternatives for rate increase for Solid Waste rate fees.

1. Alternative One – Use Rate Analysis One
  - a. Single rate increase making multi-family equivalent to single residential rates in 2015
  - b. Annual customer rate increase of \$0.50 in 2016
2. Alternative Two – Use Rate Analysis Two
  - a. Single rate increase making multi-family equivalent to single residential rates in 2014
  - b. Annual customer rate increase of \$0.60 in 2015
3. Alternative Three – Use Rate Analysis Three
  - a. Multi-Family rate increase of \$6.45 making it equivalent to residential fee in 2013
  - b. Single rate increase for all fees in 2014
  - c. Annual customer rate increase of \$0.60 in 2015
4. Alternative Four – Use Rate Analysis Four
  - a. Multi-Family rate increase of \$3.20 in 2013
  - b. Multi-Family rate increase of \$3.25 making it equivalent to residential fee in 2014
  - c. Single rate increase for all fees in 2015
  - d. Annual customer rate increase of \$0.50 in 2016

Governing Body directed staff to prepare Ordinances to change the Solid Waste rate fees using Alternative #4 and present to Governing Body at a later meeting date.

Commissioner Law moved to approve and accept an agreement from Kansas Municipal Energy Agency for a Power Supply Generation Study. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Absent	Yea

Mayor Cruse moved that the City Commission go into executive session pursuant to K.S.A. 75-4319(b)(2) for 20 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 4:30 p.m. 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	Absent	Yea

At the expiration of the designated time, and in open session, Commissioner Cessna moved to extend the executive session for 20 minutes and that the City Commission reconvene into open session in the City Commission Chambers at 4:50 p.m. 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	Absent	Yea

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

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

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David D. Crase, Mayor

ATTEST:

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Celyn N. Hurtado, City Clerk

### **City Commission Reports**

Commissioner Doll apologized to the Garden City Fire Department for not attending the Open House. Commissioner Doll stated he knows they put a lot of work and effort in to have a successful event. Commissioner Doll stated there are cracks on Talley Trail North of Emerson. Commissioner Doll stated that the Presidential debate is approaching and asked which candidate will end the war.

Commissioner Fankhauser was absent during reports.

Commissioner Law asked staff for an update on the utility billing process. Public Utilities Director Muirhead stated that citizens will no longer get a separate "Disconnect" notice and 7-10 days have been added to the plan. Commissioner Law asked how things were moving along at the Housing Authority. Staff stated the process of filing the Administrative Assistant position has begun and things are moving along.

Commissioner Cessna thanked staff and all employees for the great job they are doing. Commissioner Cessna stated that Garden City is a great place to live. Commissioner Cessna questioned how things were going with the new mausoleum at the Cemetery. Staff stated the project is well underway.

Mayor Crase asked if utility bills can be paid online at this time. Staff responded that online payment is available to the public. Mayor Crase thanked city staff and employees for all their hard work. Mayor Crase stated that he is proud to be a resident of Garden City and hopes everyone else is also.