

**AGENDA**  
**CITY COMMISSION MEETING**  
**Tuesday, April 2, 2013**  
**1:00 P.M.**  
**(Revised 04-01-13)**

- I. Note: Pre-meeting at 11:00 a.m. – 11:45 a.m., located in the Commission Chambers at the City Administrative Center to review an energy efficiency study for City facilities. Administrative staff will be present and the pre-meeting is open to the public.**
- 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.**
  - A. Governing Body consideration and approval of the correction of CSS Properties, LLC to CCS Properties, LLC in the minutes from the October 2, 2012, October 16, 2012, November 6, 2012, February 5, 2013 and March 5, 2013 City commission meetings.
- V. PUBLIC COMMENT   Agenda Schedule Allowance: 30 minutes (5 minutes per spokesperson)**
- VI. CONSIDERATION OF PETITIONS, MEMORIALS AND REMONSTRANCES.**
  - A. Ms. Dena Purdy, Lyle Avenue resident, would like to address the Governing Body regarding the water conditions in her neighborhood.
  - B. Ms. Lori Jacobs, Spirit of the Plains, CASA and Sarah Trapp, Kansas Children’s Service League request Governing Body consideration and approval to allow the Mayor to proclaim the month of April 2013 as Child Abuse Prevention Month.
  - C. Governing Body consideration and approval to allow the Mayor to proclaim April 2, 2013 as Mr. Russ Tidwell Day.
- VII. REPORT OF THE CITY MANAGER.**
  - A. The City has received the February 2013 franchise payment in the amount of \$6,529.16 from AT&T.
  - B. The City has received correspondence from Cox Communication regarding channel line-up changes.
  - C. Staff has provided items of information for Governing Body review including the following: from Finance Director Hitz the monthly sales tax report.

Meetings of note:

- ✓ April 4, 2013 – Citizens’ Academy – at City Administrative Center at 6:00 p.m.

- ✓ April 9, 2013 – Downtown Master Plan – City Administrative Center, 2<sup>nd</sup> Floor Meeting Room at 6:00 p.m.
- ✓ April 17, 2013 – Garden City Area Chamber of Commerce – monthly Chamber breakfast at The Golf Club at Southwind at 7:30 a.m.
- ✓ April 20, 2013 - Legislative Coffee at 9:00 a.m. at St. Catherine Hospital.
- ✓ April 27, 2013 – NIP Clean-Up beginning at 8:00 a.m. – meet at the Goodwill parking lot.

**VIII. CONSIDERATION OF APPROPRIATION ORDINANCE.**

- A. Appropriation Ordinance No. 2337-2013A.

**IX. CONSIDERATION OF ORDINANCES AND RESOLUTIONS.**

- A. Resolution No. \_\_\_\_\_-2013, a resolution fixing a time and place at which the owner, owner’s agent, any lienholder of record and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired, or demolished and removed, pursuant to Section 18-80 ET SEQ. of the Code Of Ordinances of the City of Garden City, Kansas.
- B. Resolution No. \_\_\_\_\_ - 2013, a resolution authorizing the City of Garden City to enter into a Municipal Lease/Purchase Agreement for Police Vehicles and Cemetery Equipment and authorizing the Mayor to sign the corresponding lease agreements.
- C. Ordinance No. \_\_\_\_\_-2013, an ordinance regulating traffic within the corporate limits of the City of Garden City, Kansas; authorizing the operation of micro utility trucks; amending section 86-2 of the Code of Ordinances of the City and Section 114.2 of the “Standard Traffic Ordinance for Kansas Cities,” Edition of 2012 (Standard Traffic Ordinance); amending Ordinance No. 2557-2012; repealing existing Code 86-2, and Ordinance No. 2557-2012 as they specifically apply to Section 114.2 of the Standard Traffic Ordinance; all to the Code of Ordinances of the City of Garden City, Kansas.
- D. Ordinance No. \_\_\_\_\_-2013, an ordinance regulating sale, dispensing, or delivery of alcoholic liquors in the City of Garden City, Kansas; repealing current Code Section 6-138; all to the Code of Ordinances of the City of Garden City, Kansas.
- E. Ordinance No. \_\_\_\_\_-2013, an ordinance setting the day and time of regular meetings of the Governing Body of the City of Garden City, Kansas; amending current Code Section 2-32; repealing existing Code Section 2-32, all to the Code of Ordinances of the City of Garden City, Kansas.

**X. OLD BUSINESS.**

- A. Governing Body consideration and approval of a request by CCS Properties, LLC for the City to waive the regulation against ground floor residential uses in the “C-3” Central Business District.
- B. Staff requests Governing Body consideration and approval of the 2013-2013 City Commission Goals.

**XI. NEW BUSINESS.**

- A. The City has received application materials from KDOT for the FY 2015 KLINK and FY 2016 Geometric Improvement programs. The Governing Body is asked to consider and select projects.
- B. Governing Body consideration and approval of an application for KDOT funding under the fund exchange program is requested. City Engineer Cottrell has provided a memorandum.
- C. Staff requests Governing Body consideration and approval to appoint a voting delegate and an alternate voting delegate to the Annual Meeting of Kansas Municipal Utilities to be conducted in Wichita, Kansas on May 10, 2013.
- D. Governing Body has been asked to consider adjusting the Bellevue Mausoleum agreement to accommodate unforeseen expenses incurred by the owner of the mausoleum and to consider the addition of another project. This project is at the request of the mausoleum owner.
- E. Governing Body consideration and authorization of Garden City Regional Airport to impose and use Passenger Facility Charges set at \$4.50.
- F. Advisory Board Recommendations:

- 1. Golf Advisory Board – 1 appointment

G. **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. KDOT has approved the plans and specifications and the construction inspection proposal for the Windsor Hotel Transportation Enhancement Project. We will open bids in early May. The Governing Body is asked to authorize the Mayor and City Clerk to execute the agreement between the City and Treanor Architects, PA.

- 2. Licenses:

**(2013 New)**

- a) Friends of Lee Richardson Zoo ..... Temporary Cereal Malt Beverage
- b) Kisner Electric..... Class D-E Electrical
- c) The Victory Electric Coop. .... Class D-E Electrical
- d) Green Shoes Lawn Care ..... Class E-SOC Arborist

**(2013 Renewal)**

- e) Mike’s Fire Extinguisher Sales and Service. .... Class E-BF Backflow
- f) Mike’s Fire Extinguisher Sales and Service ..... Class E-F Fire Sprinkler & Protection

**XII. CITY COMMISSION REPORTS.**

- A. Mayor Crase

B. Commissioner Law

C. Commissioner Cessna

D. Commissioner Dale

E. Commissioner Fankhauser

**XIII. ADJOURN.**



# **City of Garden City**

## **Energy Conservation and Sustainability Preliminary Analysis**

**Presented by:  
SIEMENS INDUSTRY INC.**



**January 22, 2013**

## Table of Contents

<b>Table of Contents</b> .....	<b>2</b>
<b>Executive Summary</b> .....	<b>4</b>
<b>Utility Assessment</b> .....	<b>6</b>
<b>Energy Conservation Measures</b> .....	<b>7</b>
Street Lighting .....	7
Building Lighting .....	8
Waste Water Treatment Plant.....	9
City Administration Building.....	14
Swimming Pool .....	16
Lee Richardson Zoo .....	16
County Administration Building .....	18
<b>Reviewed But Not Recommended</b> .....	<b>20</b>
<b>Financial Analysis</b> .....	<b>22</b>
<b>Project Action Plan</b> .....	<b>23</b>
<b>Concluding Remarks</b> .....	<b>24</b>

## Acknowledgements

The development of this assessment was made possible with the extensive help of several Garden City staff. We would sincerely like to thank the individuals listed below for their support on this endeavor. Their guidance and timely provision of information was vital to completing this study in a timely fashion.

Mike Muirhead  
Cliff Sonnenberg  
Ed Borgman  
Christie Rojas

Amy Perkins  
Kent Pottorf  
Leland Cable  
Mario Diaz

Siemens places great value on the input of all stakeholders involved. Through a site visit that was very well coordinated by the Utilities Department, we were able to interview a number of the key personnel who are involved with various aspects of the city operations. A combination of these interviews, building information and utility data allow Siemens to present a customized solution. If selected, Siemens will put even greater emphasis on Garden City personnel involvement in crafting the final deliverable.

## Executive Summary

Garden City is an innovative community focused on providing reliable and economical services to the community, local government and businesses. The City and Siemens have an opportunity to make cost effective infrastructure improvements through cost savings to ensure the City can continue to enhance the services.

After the site visit and many discussions with City leadership and staff we are confident that together we can accomplish this outstanding goal by being mutually committed to ideas, principles, innovation, and operational best practices – beginning with those defined in this preliminary analysis.

The site visit was very productive, which enabled our engineers to comfortably estimate an annual savings range of \$181,000 to \$235,000 on utilities. That range would result in a dollar savings of \$2.5 million to over \$3 million through the project term to fund upgrades. The amounts are based on historical information and dependent upon the improvement measures selected by the City.

As you will read in this document, the savings above would enable significant upgrades to the city street light system to a much more attractive and efficient LED lighting system, fund upgrades to the WWTP and a few comfort improvements to city buildings. All within a 15 year payback period.

Siemens brings a host of benefits to each of our performance contracting projects that directly translate to more successful projects and strategic value for our customers. This value for Garden City is found in the Siemens approach, experience and extensive portfolio of completed projects.

Our team welcomes the opportunity to assist and partner with Garden City to develop short and long-term solutions that address the challenges facing the City. We began this process by touring several buildings, collecting various equipment and system data, and conducting interviews of City staff. The narrative in this document describes our initial findings

### Garden City Goals

Garden City is doing a good job of using energy efficiency and sustainability to shape the utility operations department culture and practices. Utilizing the City's vision and discussions with the leadership within the City, the following goals formulated the basis for Siemens' assessment of the operations:

- Energy and operations savings throughout municipal operations
- Upgrading technologies and equipment to provide staff flexibility
- Reduction of deferred maintenance needs
- Sharing of best practices and quality support for the operations team
- Developing progress reports and communicating successes publicly

## Performance Contracting Life Cycle Approach

Siemens utilizes a Life Cycle approach in evaluating Garden City. This approach is the evaluation of total cost of operations over a number of years considering the **capital investments**, **operational costs** and how these affect **utilities consumption** and the **quality of the services** while optimizing the **asset life** of equipment throughout the city infrastructure. Creating an equal balance among these areas achieves optimal results. This approach allows Siemens to offer the greatest value and deliver lower and more predictable costs.

## Solution

The ultimate goals of the improvements we recommend are to provide the City with more efficient and reliable services, while reducing operating expenses. Our analysis shows that the City can accomplish both of these goals through a performance contract. The most significant impact would be made through streetlighting upgrades and operational improvements at the WWTP. Cost reductions and cost avoidances experienced in these and other improvements will more than offset your initial investment in the project.

## Benefits

There are various benefits to Garden City that result from utilizing the Performance Contracting approach. Some of these benefits include:

- Greater control and flexibility of city systems
- Maximize financial savings through decreased operating and energy expenses
- Optimization of city systems for staff flexibility and improved support of city services
- Extend useful life and avoidance of risk associated with failure of older equipment
- Increased reliability of systems for 20+ years
- Reduction of deferred maintenance in buildings and street lighting systems

## Commitment

Siemens looks forward to the opportunity to work with Garden City to complete the next step of a Detailed Audit. We realize that the success of any project hinges upon understanding our customer's goals and needs, and upon developing solutions that support the mission of the City. Our focus will, at all times, be guided via the teaming effort with the Utilities Department to ensure that the quality environment is maintained and enhanced.

## General Information

Our goal in presenting this report is to communicate the opportunities available to assist Garden City in optimizing the cost/benefit of facility management dollars while impacting the "bottom line" of your business segment and improving the quality of the city buildings and utility services. Information in this assessment was gathered utilizing the following data collection activities:

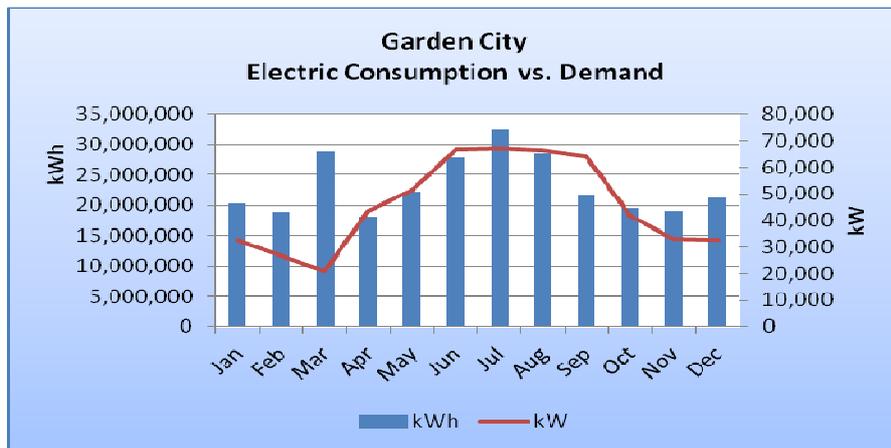
- Surveys of individual buildings, WWTP and street lighting systems
- Evaluation of previous utility bill information
- Evaluation of current system operating, maintenance and capital cost
- Individual interviews with Garden City employees

## Utility Data Analysis

The City of Garden City purchases wholesale electricity from the Wheatlands Electric Coop which it then sells to business and residents within the City. Using this data, calculations show a blended rate of \$0.0729/kWh that the City pays for wholesale electricity. A blended rate is the per kWh rate when including both the costs for kWh consumption and kW demand.

Since the beginning of this assessment, the City has elected to end the Wheatlands contract at the end of 2013, in favor of KMEA. To be conservative in our estimates, we reduced the blended electricity rate from the current \$0.0729/kWh to a \$0.0629/kWh rate, assuming a slight reduction on the new contract.

The City does not bill itself at the retail rates for consumption within its own buildings or for the street lighting system; however, the city does bear utility costs for these buildings and operations at the wholesale rate. The overall annual electrical consumption and wholesale cost to the city are reflected in the graphs below.



One administrative recommendation that we always provide is for the City to consider tracking the consumption by building either through an internal bill or report. This effort increases awareness and accountability of the building occupants and promotes better energy conservation practices.

The streetlight system and WWTP are large contributors to the electricity consumption. A more detailed description of those consumers and potential savings are explained in improvement measure sections of the document.

Additionally, natural gas information was limited at this time. The only improvement considered that would impact natural gas costs is at the zoo, so information on the gas rates is included in the zoo improvement measure section of the document.

## Energy Conservation Measures

### City Wide

#### ECM 1: Street Lighting

##### Observations

The City currently owns and maintains 3,407 metal halide and/or high pressure sodium street lights. Staff report that only some of the lamps are directly metered, but electrical costs for the lamps are represented in the City's Wheatlands electric bill. The lamps wattages vary from 100W to 400W and exist in the City in a variety of configurations. Staff reports that over 500 annual job orders are reported annually to maintain lamps that have either failed or are malfunctioning. These light sources produce about 55 lumens for each watt of power and have average life expectancies of six years.

##### Recommendations

The preliminary analysis shows that a combination of energy and operational savings would fund a complete street light system upgrade to LED technology. The detailed street lighting analysis would involve a field audit, sample photometrics and potentially the installation of sample products for review. Based on preliminary estimates, the streetlight system consumes approximately 3,032,000 kWh annually. By switching to LED lamps, annual consumption could be reduced by 1,832,000 kWh annually. Additionally, because LED streetlights have life expectancies of over 20 years, the amount of job orders dedicated to maintaining streetlights would be dramatically reduced leading to operational savings. Based on discussions with electric department staff and using historical work order reports, we used a 400 yearly work order total to estimate an annual maintenance and materials cost savings of \$31,000. This is equal to approximately \$77 per work order, not including labor.



The current lighting system has a five to six year useful life with significant ongoing maintenance and materials costs, resulting in a large number of work order calls. The combination of energy savings, materials and maintenance savings would enable the lighting system upgrade to payback well below the useful life of the LED lighting system.

Siemens is in a unique position to assist the City with improving the energy efficiency of its street lighting as one of its companies, Siemens-RCM, is a leader in street lighting retrofits. Siemens recommends retrofitting the existing lamps with LED fixtures. LED technology in the past year has improved dramatically and the costs have dropped making it a very attractive alternative. The best performing LED streetlights now will produce over 90 lumens per watt, with some lamps approaching the 105 to 115 lumen per watt range, and have projected life expectancies of over 20 years. This would provide a more than 50% reduction in energy costs and a significant reduction in maintenance.

Siemens has assisted over 75 communities with comprehensive street lighting retrofits. Streetlight retrofits with alternative technologies have been completed in Alaska, California, Oklahoma, Massachusetts, Pennsylvania, Vermont, Arizona and Texas. In every case, these projects pay for themselves and provide a budget savings every year of the project period.

### Benefits to the City

- Energy savings from switching to more efficient LED fixtures
- Operational savings from using lamps with projected life expectancies of 20 years
- Improved lighting quality

## ECM 2: Building Lighting Retrofits

---

### Observation

Most of the interior lighting with the City and County buildings is comprised of T8 linear fluorescent lamps with electronic ballasts. A few areas of the fire stations and the zoo were noted as using 34 watt T12 fixtures with magnetic ballasts. These lamps are inefficient and are in the process of being phased out of production.



Occupancy sensors were noted to be used in a limited capacity. Some hallways and office areas of the City Administration Building, County Administration Building, Courthouse, and Zoo were noted to operate lighting in areas when unoccupied. Exterior and parking lot lighting consists of metal halide and high-pressure sodium lamps of varying wattages. Numerous beverage and vending machines were also noted to exist through the buildings.

### Recommendation

Siemens recommends multiple lighting retrofits. Work would include the following:

- Retrofitting remaining 34 watt T12 lamps and magnetic ballasts with 28 watt T8 lamps and electronic ballasts.
- Installing occupancy sensors in select hallways and office areas. Power packs will be installed where necessary.
- Replace exterior lamp fixtures with Induction lamps.

- Install Vending Misers on cold drink vending machines and Snack Misers on snack vending machines. These will significantly decrease the energy consumption of vending machines while maintaining desired product temperature. Vending Misers use an infrared sensor to identify when the room is occupied. When the room is unoccupied, the Vending Miser limits the power supply to the vending machine to save energy. When the room is occupied the Vending Miser will power up the vending machine to cool the product. Additionally, the Vending Miser will periodically power up to run the compressor and cool the product. The decreased frequency of full power operation results in energy savings and fewer compressor cycles.

## Benefits to the City

- New T8 lamps and electronic ballast will be more efficient. Also, installing T8 lamps will allow for staff to be able to keep just one lamp type as stock.
- Occupancy sensors will save energy by preventing lighting from being left on when unoccupied.
- Induction lamps on the exterior of buildings and parking lots consume much less energy than metal halide or high-pressure sodium lamps. They also provide better light quality and color rendering and are rated to last for up to 100,000 hours.

## Wastewater Treatment Plant

The Garden City Wastewater Treatment Plant typically receives 2.5 to 3 MGD and the most recent upgrade took place in 2001 when the plant was expanded to a 6 MGD capacity. Four wet well pumps are used to pump influent into the headworks building. One pump is typically used at a time with a second being used during peak flow periods.

At the headworks building, large solids are removed using two separate bar screens with a grit classifier. Removed solids are stored in a ground level dump truck until they are disposed of at a landfill.

From the headworks, flow is gravity fed through the rest of the plant. Flow enters an aerated grit tank with coarse bubble diffusers that are served by 5 and 7.5 HP blowers located on the lower level of the headworks Building. Flow continues on to two (2) WesTech brand oxidation ditches. One ditch is typically used at a time and the ditch used is switched annually. The ditches are typically cleaned and maintained when not in use. Each ditch has two (2) 150HP surface aerators, one on each side, with two (2) 10HP mixers and one (1) 5HP anaerobic area mixer. Motor switchgear is located in a motor control center where variable frequency drives (VFDs) are used for soft starts. Staff reports that the motors are run at full speed.

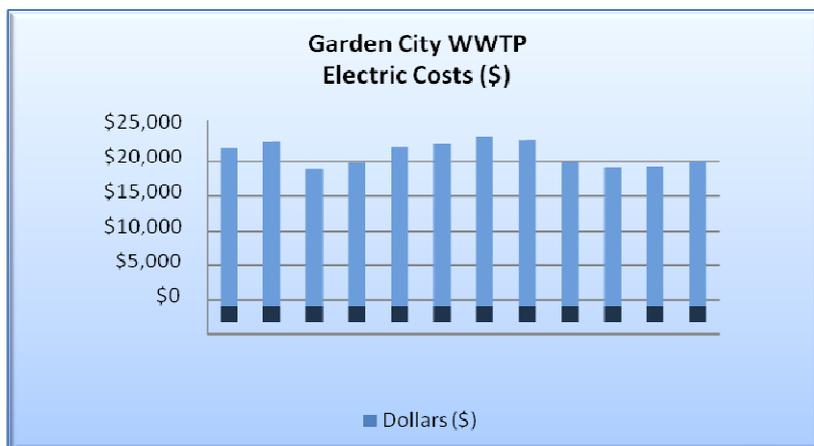
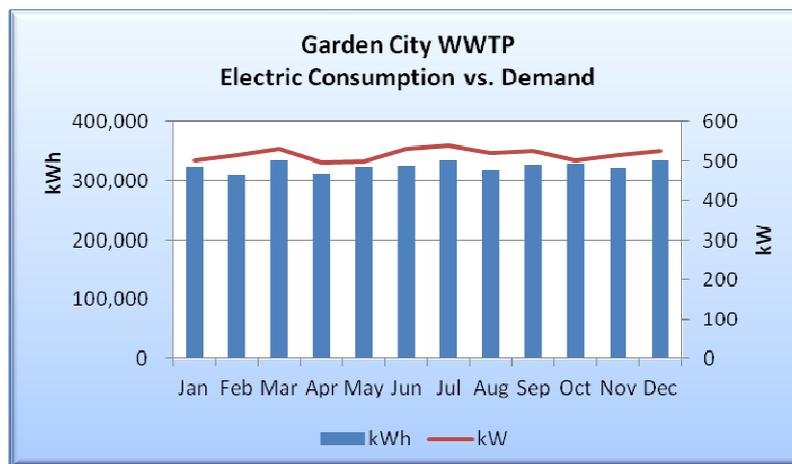
After the oxidation ditches, flow is sent through three (3) clarifies for settling. Water is then passed through a low-pressure Aquaray 40 ultraviolet (UV) treatment system. Twelve (12) modules currently exist with 40 lamps per modules. Staff report that only the two (2) modules are typically used at a time. After UV treatment, the effluent is discharged into an irrigation canal with Wheatlands Electric using part of the flow for an offsite cooling tower process.

Sludge collected from the clarifiers is sent to sludge holding tanks where three (3) 100HP Hoffman blowers are used for aeration. One blower is typically used at a time. Sludge is then sent to two (2) gravity belt thickeners where the sludge is dewatered prior to being sent to open aerobic digesters. These gravity belt thickeners are reported to operate 3 to 4 hours per day. The digesters use fine bubble diffusers and are served by four (4) 150 HP Hoffman blowers. One blower is typically used at a time and the digesters have a residence time of 30 to 40 days. After digestion, the sludge is pressed into a cake by a belt filter press and collected in a dumpster on the ground level. The belt filter press is for approximately 3 weeks per month. Sludge cake is then stored on onsite drying beds prior to land application.

Three (3) diesel generators currently provide backup power in the event of a power failure. One (1) 230kW generator serves the Headworks Building and with two (2) 750kW generator dedicated to the oxidation ditches and bio solids processing building.

### Wastewater Treatment Plant – Existing Energy Usage

Utility data for the Garden City Wastewater Treatment Plant was used to generate the following charts. These charts show that the kWh consumption and kW demand remains very constant throughout the year.



## Wastewater Treatment Plant – Rating the Plants Energy Usage

According to WEF Manual of Practice OM-9 Activated Sludge, oxidation ditch wastewater plants typically consume between 1,600 and 2,000 kWh/MG. Obviously within the sector there is significant variability in energy use based on site specific conditions. However, the typical values shown in the study provide a reasonable basis for comparison of relative energy efficiency. Based on utility and operator data, the Garden City WWTP consumes approximately 4,100 kWh/MG, nearly twice which of which was found in the WEF study.

Another way of viewing the energy performance of a wastewater treatment facility is by comparing the energy usage of the plant to other plants of similar type and size. This can be achieved by entering utility and operational data for the plant into the EPA’s Portfolio Manager Tool. This tool has options for entering building data as well as data specifically for water and wastewater treatment plants. Data provided by Garden City staff was entered into the tool and the following tables show the results of this analysis.

### Facility Space Use Summary

WWTP	
Space Type	Municipal Wastewater Treatment Plant
Average Influent Biological Demand (BOD5) Concentration	303.00
Average Effluent Biological Demand (BOD5) Concentration	5.90
Plant Design Flow Rate	6.00
Fixed Film Trickle Filtration Process	No
Nutrient Removal	No

### Energy Performance Comparison

Performance Metrics	Evaluation Periods		Comparisons		
	Current (Ending Date: 08/31/2012)	Baseline (Ending Date: 08/31/2012)	Rating of 75	Target	National Median
Energy Performance Rating	33	33	75	N/A	50
Energy Intensity					
Site (kBtu/gpd)	5	5	N/A	N/A	4
Source (kBtu/gpd)	17	17	N/A	N/A	14
Energy Cost					
\$/year	\$ 264,492	\$ 264,492	N/A	N/A	\$ 222,922
\$/mgpd/year	\$101,397.37	\$101,397.37	N/A	N/A	\$85,460.65
Greenhouse Gas Emissions					
MtCO <sub>2</sub> e/year	3,191	3,191	N/A	N/A	2,689
kgCO <sub>2</sub> e/ft <sup>2</sup> /year	N/A	N/A	N/A	N/A	N/A



## Recommendation

Siemens recommends the installation of dissolved oxygen probes in each basin in order to properly match aerator speeds with demand. The full speed of the aerators are likely matching demands appropriately at peak flow during the day, however it is believed that running at full speed during the nighttime when flows are likely much lower may be over aerating the ditches. The city may be able to save between 50 and 70% during the low flow nighttime periods by modulating the aerators speeds.

During an investment grade audit, Siemens would work with the original manufacturer of the ditches to identify the exact location that the probes would be placed. The most likely location would be just prior to the outflow weir. Siemens would take into account the settling velocity to ensure that flow speed through the ditch is maintained to avoid settling within the ditch. With VFDs already in place, installation and integration of DO probes to automatically modulate aerator speed would be a relatively simple and inexpensive improvement.

## Benefits to the City

- Energy savings from avoiding over aeration of the oxidation ditches

## ECM 4: Peak Shedding Optimization

---

### Observation

The WWTP currently has three (3) diesel generators onsite that are used for backup power generation. Two (2) 750kW generators serve the oxidation ditches and the solids processing building and one (1) 230kW generator serves the headwork building.

Location	Make	Model	kVA	kW
Headworks	Caterpillar	3306	288	230
Oxidation Ditch	Caterpillar	3412	938	750
Solids Processing	Caterpillar	3412	938	750

The City currently pays for electricity at the WWTP at a wholesale rate from Wheatlands Electric. The kW demand for the plant remains relatively constant over the course of a year and varies from 495 to 540 kW. The City is not charged based on any time of day rate structure; however it is charged approximately \$13.31 per kW for peak demand charges for each month. Demand charges account for 31% of the annually on electricity costs at the plant.

### Recommendation

Siemens recommends performing peak shedding at the plant. By performing peak shedding, the plant equipment would be run on electricity produced by the existing onsite generators during the hours of greatest peak and avoid peak demand charges.

The evaluation includes first analyzing the City's load profile to identify the times at which peak loads in the City typically take place. This peak demand for the City likely takes place on a daily

basis during the early afternoon. We will also evaluate the capability of the existing generator controls to automatically power on the existing generators each day during this peak interval, or upgrade the system if needed.

As a result, the plant would be powered by onsite generators as opposed to using electricity from the Wheatland Electric. All costs of generator fuel and any additional modifications would be considered in the cost benefit analysis.



### Benefits to the City

- Savings from eliminating the WWTPs peak demand contribution to the City's overall kW peak

## City Administration Building

### ECM 5: Programmable Thermostats

---

#### Observation

The City Administration Building currently uses residential style gas-fire furnaces with direct expansion condensing units. Most of the units have simple thermostats and it is believed the units operate 24/7 without at setback. Building systems operate continuously without relationship to current weather conditions.

#### Recommendation

Start Stop Time Optimization control is a strategy that automatically adjusts the equipment start time necessary for warmup or cooldown in response to weather conditions. Controls automatically start the HVAC equipment at the latest time necessary to achieve the set point temperature when occupants arrive.

Siemens recommends installing programmable thermostats that will allow for a temperature setback of the furnaces during unoccupied periods. Each furnace will have its own thermostat that will allow for customized operation of the office area served.

Start stop time optimization is one of several energy management strategies that not only maintains a level of savings, but delivers building performance not yet achieved –and keep it there.



## Benefits to the City

- Heating and cooling savings from matching equipment operation to occupancy.
- Operational savings from reducing annual run hours of equipment.

## ECM 6: Building Envelope Improvements

---

### Observation

Considerable air leakage exists in the Garden City Administration Building around exterior doorways and windows where weather-stripping is either absent or has degraded. Light can be seen between door cracks and some windows show small openings. Building staff report that some windows will not close and are particularly drafty.



### Recommendations

Air leakage is defined as, “the uncontrolled migration of conditioned air through the building envelope”. Caused by pressure differences due to wind, chimney (or stack) effect and mechanical systems it has been shown to represent the single largest source of heat loss or gain through the envelopes of nearly all types of buildings.



Tests carried out by the National Research Council on many types of buildings and houses have shown levels as high as 20% to 40% of heat loss could be attributed to air leakage. Beyond representing potential for energy savings, uncontrolled air leakage can affect thermal comfort of occupants, air quality through ingress of contaminants from outside, imbalance of mechanical systems, and the structural integrity of the building envelope through moisture migration.

It is typically too costly to replace all of the windows and doors. Alternatively, control of air leakage involves the sealing of gaps, cracks, and holes using appropriate materials such as polyurethane foam, caulks, and other weather stripping materials. The goal is to create a continuous plane of air-tightness to completely encompass the building envelope, including the need to “decouple” floor areas, and to “compartmentalize” components of the building in order to equalize pressure differences.

Siemens recommends installing weather-stripping on all exterior doorways. Additionally, we will investigate caulking all window gaps and roof/wall joints. For windows that will not close appropriately, Siemens would first identify and fix the malfunctioning mechanism. If the closing mechanism cannot be repaired, we would recommend replacing the window with a new fully operable unit. Additionally, we will review caulking any building penetrations and installing either panel or blown-in-place insulation in previously un-insulated areas.



## Swimming Pool

### ECM 7: Reconfiguration of Overflow Piping

---

#### Observation

The Garden City Swimming Pool is known as the world's largest outdoor municipal concrete swimming pool. It originally dates to 1922 and holds 2.2 million gallons of water. The pool is complete with water slides, lap lanes, and an adjacent children's pool area. Two (2) 50 HP pumps circulate pool water through filters and treatment equipment. One pump is believed to typically be run at a time.



According to staff, water that flows over the side is sent directly to the drain. This leads to the need for a continual addition of city water to make up for this water lost.

#### Recommendation

Siemens recommends reconfiguring the existing water overflow to return to the pool treatment system. By doing so, the City would be able to save on the amount of pool water drained that would need to be treated in the wastewater treatment plant and on the amount of raw water make up that needs to be pumped from the well.

#### Benefits to the City

- Water and sewer savings

## Lee Richardson Zoo

### ECM 8: Conversion of Electric Heating to Gas-Fired Radiant Heating

---

#### Observation

Numerous buildings and animal houses of the Zoo use electric resistance heaters. These high wattage devices contribute to a very high electrical consumption and cost during the winter months.

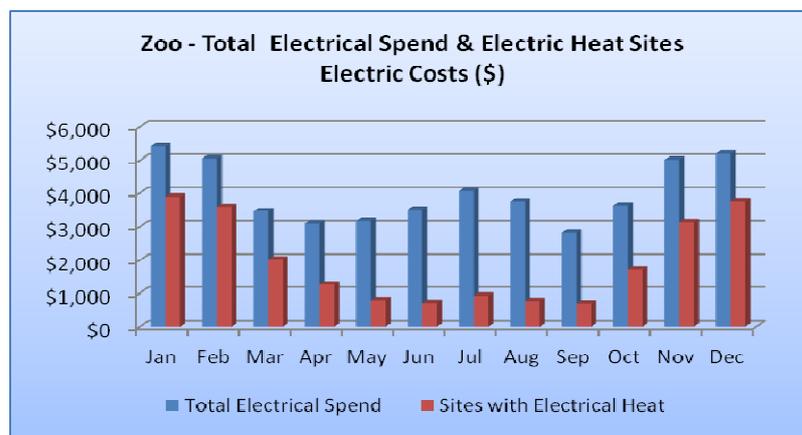
#### Recommendation

Siemens recommends replacing electric resistance heaters with gas-fired radiant heating systems. Heating with electric resistance heaters is much more expensive to operate than heaters that use natural gas. With a \$0.0729/kWh rate, this equates to approximately \$21.35/MBTU for electric heating energy.



The Zoo pays for natural gas and the City supplies electricity at no cost to the Zoo. Since it is a cost to the City for electricity, it would still be an overall savings for the conversion and the City to pay for that portion of the gas consumption. Assuming that the City pays approximately \$0.70/therm, the equivalent heating rate for using gas-fired radiant heaters is \$7.00/MTBU.

By examining the meter consumption from meters that are believed to serve electric heating systems, Siemens can approximate that the Zoo pays approximately \$14,500 annually to use electric resistance heaters. By switching these units to gas-fired radiant heaters, the Zoo could bring their heating costs in these areas down to approximately \$5,800 for an annual savings of \$8,700. In animal areas where temperature is critical, electric heaters could remain as backup.



The limiting factor in installing gas-fired heaters is of course the availability of a nearby gas supply. In some areas, it may be prohibitively expensive to install the gas piping necessary. During an investment grade audit, Siemens would evaluate each heater location individually for its economic feasibility of a retrofit.

### Benefits to the City

- Energy savings from switching to a cheaper fuel source
- Heating redundancy if electric heaters are maintained as backup

## County Administration Building

### ECM 9: Time of Day Scheduling

---

#### Observation

HVAC systems are not scheduled for performance based on demand. Maintaining thermal comfort during occupied periods is critical; however, operating HVAC equipment such as fans, chillers, boilers, and pumps during unoccupied periods is very costly. To identify and implement efficient time-of-day scheduling to minimize HVAC system operation, one must first understand what days and hours the facility is occupied and what services are needed during these periods. Traditionally, equipment serving the same building area (zone) has been scheduled as separate events by the building automation system. The problem with this approach is that equipment schedules often do not match and equipment is left operating when it could be turned off. Siemens believes that the systems in the County Administration Building are left on 24/7.

#### Recommendation

One of the most successful ways to control building energy is to schedule building systems and equipment based on building occupancy and special event schedules. Taking control of equipment scheduling is the quickest and simplest way to achieve an immediate reduction in energy usage.

Air handler scheduling saves significant electrical energy for: fans and/or pumps, cooling energy for ventilation (outdoor) air, heating energy for ventilation air and night temperature setback during hot seasons.

#### Benefits to the City

- Heating and cooling savings from matching equipment operation to occupancy.
- Operational savings from reducing annual run hours of equipment.

### ECM 10: Air-Cooled Condensing Unit Replacement

---

#### Observation

Cooling needs for the building are served by a 90 ton ground-mounted air-cooled condensing unit. The unit uses R-22 refrigerant and the staff have reported that the unit has been needed constant service. Staff report that the unit needs to be daily restarted manually. R-22 has a higher ozone depletion potential (ODP) and global warming potential (GWP) than modern refrigerants. The refrigerant was phased out for new equipment in 2010 and total production will be banned by 2020 due to its high global-warming potential (GWP). R-22 will only be available for 5 to 10 years, via recovery and reclamation. The cost of R-22 is increasing and continuing to use the chillers will greatly increase the likelihood of a costly refrigerant recharge in the event of a leak.

## Recommendation

Siemens recommends replacing the existing unit with a like sized air-cooled chiller. The new chiller would operate at more energy efficient kW/ton ratings and would use a modern refrigerant(R-134a). Work would include the following:

- Reclamation of the existing refrigerant and removal and disposal of the existing chillers
- Installation of a high efficiency, air cooled screw chiller with no-ozone depleting refrigerant. The new chiller will have a 14 SEER IPLV (integrated part load value) and will come with a one year parts and labor warranty, compressor parts warranty, spring isolators, factory startup and digital controls.
- All necessary piping modifications shall be made for installation of the new chiller.
- New side stream filter for the chilled water system.
- Isolation valves, piping specialties, system draining, flushing and refill.
- Insulation for all new chilled water piping and new pipe markers.

## Benefits to the City

- Improved energy efficiency from using a higher efficiency chiller.
- Use of modern refrigerants with no phase out schedule.
- Eliminate the need to restart the unit daily.
- Lengthened equipment life.

## Reviewed But Not Recommended – Ground Source Heat Pump Loop

### Observation

The use of a ground source heat pump system to serve multiple City and County buildings in the downtown area is a strategy that was brought up during preliminary discussions with City personnel. The buildings that were identified as candidates include the County Administration Building, City Administration Building, County Courthouse, Main Fire Station, and the Law Enforcement Center. These buildings all currently use very different means for heating and cooling. The City Administration Building and the Main Fire Station each use multiple gas-fired residential furnaces with direct expansion condensing units. The County Administration Building and Courthouse each use gas-fired hot water boilers and air-cooled chillers to provide hot and chilled water to area fan coil and air handling units. The Law Enforcement Center has a ground source well that connects to a building water loop to serve heat pumps throughout the building. A gas-fired boiler and air-cooled chiller are also used to supplement the water loop.

### Recommendation

There are multiple ground source configurations that are available for buildings but they all function by using the ground as either a heat source or sink depending on whether the building is in heating or cooling mode. Wells can be in vertical or horizontal configurations or can use ground water, as is believed to be the case in the Law Enforcement Center system. Systems can be closed systems, where a water/glycol solution is circulated through ground loops, or can be open systems, where water from a well or body of water is used. A ground source system can be used to serve a single building or a loop can be created such that multiple buildings in close proximity are served by a single loop system. It is the multiple building loop that was brought up by the City during preliminary discussions with Siemens. Systems generally require that a water distribution piping system be used throughout the building to distribute ground source tempered water to terminal devices.

A ground source system may be feasible in some capacity for some of the downtown Garden City buildings, however after preliminary review, Siemens does not believe that installing such a system would be economically viable.

We reviewed a few different scenarios in the evaluation of a potential loop or well system:

1. A single distributed loop connecting the buildings listed above with the option of creating a "utility service" to supply to nearby commercial or residential buildings.
2. A loop serving only the government buildings
3. A well system serving each building individually.

In order to qualify a ground source solution for the downtown Garden City Buildings, it is important to first look at the equipment that is currently in place. All of the equipment that exists in the Garden City buildings is in reasonable condition and based on American Society of Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE) standards, the City will likely get between 10 and 15 years of use out of the existing HVAC equipment. If the equipment in place was in need of replacement or deteriorating, the heat pump would be a good solution. However, in this case, you would be replacing equipment that has a number of good operating years left.

Secondly, it is important to consider what would be involved in installing a ground source system as the upgrades would be complex due to the current system in place. For the City Administration Building and the Fire Station, the existing furnaces would have to be removed and an all new distributed water system would have to be installed. The distribution piping in the County Administration Building and Courthouse could possibly be reused, however new heat exchanger and heat pump equipment would have to be used. To connect the buildings on a single loop, extensive below-grade distribution piping would have to be installed

Thirdly, the space available for a ground source system is a concern. Because limited open space is available adjacent to the buildings, the City would likely be limited to using vertical loop configurations. Additionally, nearby parking lots would likely have to be used as well fields. In order to use these areas, existing asphalt would have to be removed and reinstalled after wells are put in place. This would of course lead to considerable cost.

Finally, while we were unable to obtain all of the utility information for the buildings involved, we do not believe that the existing utility costs are great enough to warrant an expensive ground source solution. The limited space available for ground source loops would also likely mean that conventional boiler and chiller systems would have to be used to supplement the ground source system. As a result, the heat pump loop would not impact the full energy cost and lead to marginal energy savings.

If the existing equipment was in need of replacement, consumption was higher, geothermal incentives were available and natural gas prices were higher, a heat pump solution would likely be feasible. In this case, we have identified some other alternatives to manage the existing systems that will provide additional energy savings at a far lower initial investment by implementing the improvement measures listed in the buildings section of the document.

## Financial Analysis

Our financial focus was to ensure Garden City is able to put together a comprehensive energy management program that addresses your objectives and improvements listed in the previous section. In creating the estimate we used a conservative annual savings amount of \$181,000 to account for potentially lower \$0.63/kWh rates on the KMEA contract. Whereas, annual savings could reach \$235,000 if rates are closer to the current \$0.0729/kWh rate.

We want to set the proper expectation of this program by making very clear that these summaries are examples and do not represent actual project costs. The total savings and costs are dependent upon further investigation and which improvements are selected. It is very possible that the project may produce a higher or lower return than what is presented below.

### Financial Summary

15 year financing  
\$2,500,000 Project

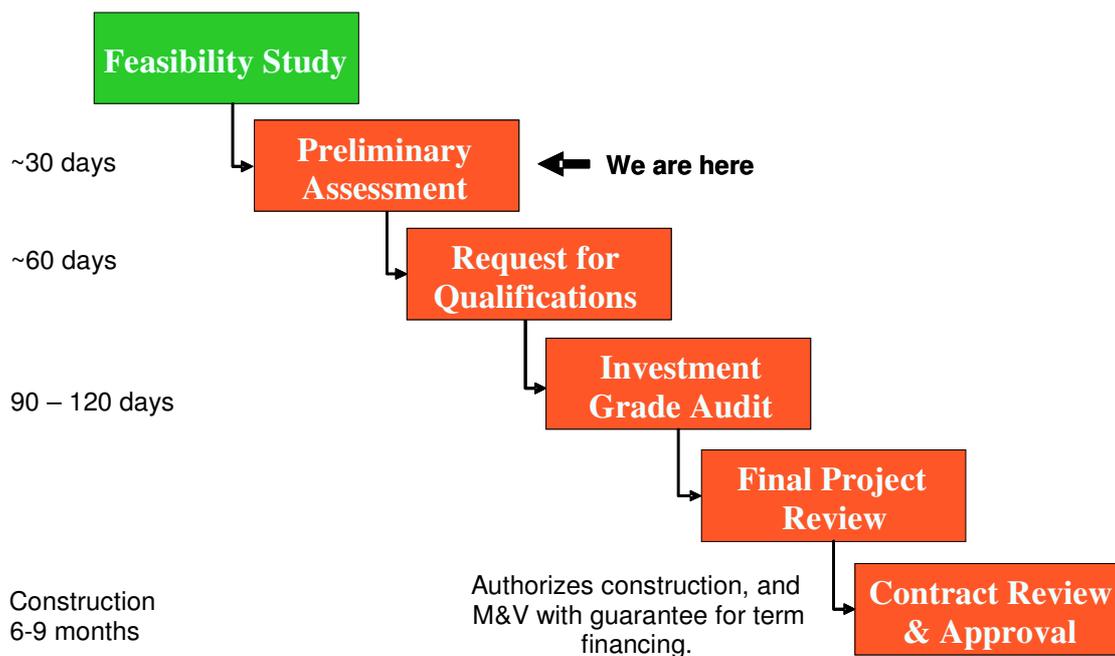
Annual Energy Savings	\$181,000
Term of Financing	15 years
Interest Rate	3%
City Down payment	\$0
Installation Term	9 months
Total Savings over Term	\$3,058,177
Total Positive Cash Flow	\$48,594

Year	Annual Energy Savings	Annual Operational Savings	Total Annual Savings	Annual Project Costs	Annual Service Costs	Total Costs	Annual Cash Flow
<b>Installation</b>	\$30,000	\$0	\$30,000	\$0	\$0	\$0	\$30,000
1	\$150,000	\$31,000	\$181,000	\$169,732	\$10,000	\$179,732	\$1,268
2	\$154,500	\$31,310	\$185,810	\$174,232	\$10,200	\$184,432	\$1,378
3	\$159,135	\$31,623	\$190,758	\$179,232	\$10,404	\$189,636	\$1,122
4	\$163,909	\$31,939	\$195,848	\$183,732	\$10,612	\$194,344	\$1,504
5	\$168,826	\$32,259	\$201,085	\$188,732	\$10,824	\$199,556	\$1,529
6	\$173,891	\$32,581	\$206,472	\$205,232	\$0	\$205,232	\$1,240
7	\$179,108	\$32,907	\$212,015	\$210,732	\$0	\$210,732	\$1,283
8	\$184,481	\$33,236	\$217,717	\$216,232	\$0	\$216,232	\$1,485
9	\$190,016	\$33,569	\$223,584	\$222,232	\$0	\$222,232	\$1,352
10	\$195,716	\$33,904	\$229,620	\$228,232	\$0	\$228,232	\$1,388
11	\$201,587	\$20,000	\$221,587	\$220,232	\$0	\$220,232	\$1,355
12	\$207,635	\$20,000	\$227,635	\$226,232	\$0	\$226,232	\$1,403
13	\$213,864	\$20,000	\$233,864	\$232,732	\$0	\$232,732	\$1,132
14	\$220,280	\$20,000	\$240,280	\$238,932	\$0	\$238,932	\$1,348
15	\$226,888	\$20,000	\$246,888	\$245,732	\$0	\$245,732	\$1,156
<b>Totals</b>	\$2,819,837	\$424,329	\$3,244,166	\$3,142,181	\$52,040	\$3,194,222	\$49,944

## Project Execution Plan

The typical timeframe for a performance contracting project is depicted below. This process shows that Garden City is currently in the Preliminary Assessment phase. The next phase is a competitive Request for Qualifications. That is followed by the Investment Grade Audit, which typically takes approximately 90 – 120 days to complete and is determined by the scope of improvements to be developed and availability of the City team to review information during key progress reviews.

Our development engineers will work closely with Garden City personnel to define the opportunities, analyze the savings potential for each opportunity, and develop the project scopes of work for each opportunity. Our project managers will assist in developing scopes of work and identifying the costs to implement the opportunity. Other team members from our Building Technologies unit and centers of excellence teams are brought in as needed for their expertise.



## Concluding Remarks

Siemens is excited about the prospect of partnering with Garden City to assist in implementing facility upgrades to improve the infrastructure while drastically reduce operating costs. Garden City's goals for this initiative are clear and Siemens is confident we can work with the City to implement innovative solutions that accomplish those goals in a quality and reliable manner.

This report and the activities that took place for its development serve as a microcosm of the approach Siemens would use on the pilot sites if selected as your partner. Although our time with the Garden City leadership and staff has been brief, it is evident that the City is taking the right steps to manage the facilities in a fiscally responsible manner in implementing as many initiatives as possible through the resources and funds available.

As the fiscal challenges continue to escalate and with the obvious commitment of the Garden City executive team, an energy conservation and sustainability program appears to be a very good fit. An annual utility and operations reduction of \$171,000 to \$235,000 through implementation of this program will make a substantial impact to those mounting fiscal challenges the City is facing this year and will continue to fend off in the coming years.

Siemens looks forward to the opportunity to participate with Garden City in this endeavor and is committed to not only helping Garden City achieve your stated goals but is confident the City can set the standard for management of operating costs that other institutions strive to achieve.

## THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City

March 19, 2013

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, March 19, 2013 with all members present except Mayor Crase. Commissioner Fankhauser opened the meeting with the Pledge of Allegiance to the Flag and Invocation. The minutes of the last meeting were approved.

Mr. Oscar Garcia, owner of Garcia Liquor, 1208 E. Fulton, was present to discuss with the Governing Body the possibility of waiving Ordinance No. 2088 and to allow him the business to add a drive-thru window. Mr. Garcia stated he would like to add a drive-thru window to help with the safety of his business. Governing Body directed City Attorney Grisell to make an amendment to the Section Code and draft an ordinance for the April 2, 2013 meeting.

Mayor Crase and City Manager Allen took their seat at the bench.

Mr. Ken Rishel had several items of concern on the process of the Request For Proposals for the property located at 125 Pine Street (formerly American Legion) including the City Manager's decision to hold a public hearing on April 2, 2013 before the City Commission, the use of the name CCS Properties, LLC, in the minutes without confirmation the entity formally existing, and alleging Commissioner Fankhauser had a conflict of interest.

Mr. Bill King discussed the Planning Commission's process over the last three months and explained how the Planning Commission came to the conclusion on the CCS Properties, LLC request.

Ms. Candice Gamino addressed the Governing Body on the issue of the waiver that CCS Properties, LLC is requesting and the reasons why they have requested the waiver.

Commissioner Fankhauser moved to approve the request from Ms. Deann Gillen, Executive Director, Beef Empire Days to waive the daily fee and the deposit for the carnival. (May 17 – May 26, 2013). Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Director of Public Works Curran provided the enclosed map for Governing Body review and information concerning the 2013 Spring Clean-up Program to be undertaken April 1 – 12, 2013.

City Manager Allen provided information from GCPD regarding an inspection of the Animal Shelter by the Kansas Department of Agriculture Division of Animal Health.

Staff provided several items of information for Governing Body review including the following: from Director of Aviation Powell the monthly enplanement report, from Finance Director Hitz the monthly financials, from Police Chief Hawkins the monthly activity report, from Community Development Director the building report, from Zoo Director Sexson the monthly zoo report, and from Assistant City Engineer Mestdagh the monthly construction update.

Meetings of note:

- ✓ March 16, 2013 - Legislative Coffee at 9:00 a.m. at St. Catherine Hospital.
- ✓ March 28, 2013 – Citizens' Academy – at Garden City Regional Airport at 6:00 p.m.
- ✓ April 4, 2013 – Citizens' Academy – at City Administrative Center at 6:00 p.m.

✓ April 20, 2013 - Legislative Coffee at 9:00 a.m. at St. Catherine Hospital.

Appropriation Ordinance No. 2336-2013A, "AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$1,870,456.67," was read and considered section by section. Commissioner Fankhauser moved to approve and pass Appropriation Ordinance No. 2336-2013A. Mayor Crase seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna                      Crase                      Dale                      Fankhauser                      Law  
 Yea                              Yea                              Yea                              Yea                              Yea

City Engineer Cottrell presented preliminary information on the need for a GO Bond issue for some of the 2013 and 2014 Capital Improvement projects.

Mayor Crase moved to defer action on projects that require debt financing until later in the budget process and to authorize staff to begin work on the Special Assessments. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna                      Crase                      Dale                      Fankhauser                      Law  
 Yea                              Yea                              Yea                              Yea                              Yea

Governing Body directed City Attorney Grisell to draft an amendment to the Standard Traffic Code to allow for micro utility trucks to be allowed to operate on city streets in Garden City with a vehicle permit issued through the City of Garden City for the next meeting on April 2, 2013.

Commissioner Cessna moved to approve and accept the bids received on February 28, 2013 from Foley's for a CAT 420F backhoe for use at the Cemetery.

Bidders	Cost	Less Govt Discount	Trade-in 1994 Backhoe	Subtotal	Alternate one	Total cost	Delivery Date	Exception & Comments
Sellers Equipment	\$119,104.00	(\$37,171.00)	(\$13,732.00)	\$68,201.00	\$1,146.00	\$69,347.00	18 weeks	2013-JCB-3cx-14 Tier 4
Foley Tractor	\$137,505.00	(\$53,198.00)	(\$7,000.00)	\$77,307.00	Included	\$77,307.00	1 week	2013-420F Cat Tier 4
Victor L Phillips	\$97,200.00		(\$18,000.00)	\$79,200.00	\$1,300.00	\$80,500.00	1-2 Weeks	2013- Case 580 SN Tier 4
Victor L Phillips	\$99,400.00		(\$18,000.00)	\$81,400.00	\$1,300.00	\$82,700.00	12 Weeks	2013- Case 580 SN Tier 4

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

Cessna                      Crase                      Dale                      Fankhauser                      Law  
 Yea                              Yea                              Yea                              Yea                              Yea

Commissioner Cessna moved to approve and authorize an agreement for traffic signal maintenance with Finney County. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna                      Crase                      Dale                      Fankhauser                      Law  
 Yea                              Yea                              Yea                              Yea                              Yea

Mayor Crase moved to appoint Ms. Diana Garcia and Mr. Rodrigo Ruvalcaba to fill two unexpired terms through December 31, 2013 on the Cultural Relations Board. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna                      Crase                      Dale                      Fankhauser                      Law  
 Yea                              Yea                              Yea                              Yea                              Yea

Commissioner Fankhauser moved to approve the following:

1. Supplement Agreement No. 1 for Agreement No. 128-12, between the city and KDOT, for the FY 2012 Federal Fund Exchange program, which is for concrete reconstruction of the south Block of Chainey Street and Rock Road.

2. KDOT Agreement No. 29-13 with the City for the FY 2014 Geometric Improvement project, which is for reconstruction and widening on Kansas Avenue from Main Street to Third Street. The Governing Body is asked to accept the agreement.
3. Governing Body consideration and approval of the selection of PEC, Wichita, KS, to perform a Water System Study for the City of Garden City.
4. Licenses:

**(2013 New)**

- a) SCKEDD.....Class D-M Mechanical

**(2013 Renewal)**

- b) Diamond Limousine Service.. Taxi/Limousine

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

Cessna	Cruse	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

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

---

David D. Cruse, Mayor

ATTEST:

---

Celyn N. Hurtado, City Clerk

**City Commission Reports**

Mayor Cruse thanked Water Superintendent Leland Cable for his years of service with the City and wished him well. Mayor Cruse stated they met with Burlington Northern and BNSF and were told they would send a detailed report from Amtrak regarding the cost, what needs to be done and when it needs to be done to keep the train service in Garden City. Mayor Cruse stated he received positive thoughts and support from the Congressional representatives on keeping the rail service in Garden City. Mayor Cruse believes there was support from former Senator Dole for the airport traffic tower staying open in Garden City. Mayor Cruse commented that over all it was a very productive trip with lots of meetings.

Commissioner Fankhauser commented on the Washington, D.C. trip and stated the group met with staffers and with former Senator Dole, Senator Roberts, Senator Moran and Congressman Huelskamp. Commissioner Fankhauser stated they had discussions on the train situation with Amtrak and BNSF and Commissioner Fankhauser doesn't see how it will work out, but they seem to think it will all be worked out by January 2016. Commissioner Fankhauser commented that it was a good trip and productive meeting overall.

Commissioner Law thanked Water Superintendent Leland Cable for his years of service and wished him well.

Commissioner Cessna thanked Captain Smith on his work with the Animal Shelter. Commissioner Cessna welcomed Steve Dyer as the new Chamber President and thanked him for attending the City Commission meeting.

Commissioner Dale thanked Captain Smith for his work with the Animal Shelter. Commissioner Dale thanked Water Superintendent Leland Cable for his years of service.

## 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.

---

David D. Crase, Mayor

ATTEST:

---

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.

## THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City

October 16, 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 16, 2012 with all members present. Commissioner Fankhauser opened the meeting with the Pledge of Allegiance to the Flag and Invocation. The minutes of the last meeting were approved.

Ms. Lois Henkle was present and voiced her concern on volume of the live music that came from Jax's Bar & Grill on October 6 until midnight.

Mr. Thomas Kaufmann, Andrew Mills Photos, presented the Mayor with a photograph of the members of the Garden Police Department's bike patrol.

Ms. Kay Gillespie was present and asked the Governing Body if a decision had been made on the material on Trap-Neuter-Return (TNR) program for feral cats that was presented at the October 2, 2012 meeting. Commissioner Cessna stated that the Police Department has not had enough time to investigate the issue and that it will be brought to the Governing Body at a later date.

Commissioner Fankhauser moved to approve and authorize the Mayor to proclaim October 16, 2012 as Linda Doll Day on the occasion of her thirtieth anniversary of service to the Lee Richardson Zoo. 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

The FAA annual inspection of Garden City Regional Airport was conducted on September 20, 2012. The inspection report was provided.

The City received notification from the Kansas Housing Resource Corporation of a \$300,000 award for a Moderate Income Housing project proposed by GC Residential Builders, LLC.

Detective Clint Brock was present and discussed the next Neighborhood Improvement Project set for October 27, 2012.

Staff provided several items of information for Governing Body review including the following: from Director of Aviation Powell, the monthly enplanement reports; from Zoo Director Sexson the monthly zoo report; from Community Development Director Kentner the building and code enforcement reports; from Public Works Director Curran the City Link Ridership report and CIP schedule; from Police Chief Hawkins the monthly police activity report; from Assistant Engineer Mestdagh the monthly construction update and from Finance Director Hitz the monthly financial reports.

Meetings of note:

- ✓ October 18, 2012 – Garfield Early Childhood Center Dedication – 4:00 p.m.
- ✓ October 18, 2012 – Third Thursday Downtown, 5:00 p.m. – 8:00 p.m.
- ✓ October 18, 2012 – Rocky Horror Picture Show at State Theatre at 8:00 p.m.
- ✓ October 20, 2012 – Boo at the Zoo
- ✓ October 21, 2012 – Grand Opening/Ribbon Cutting for the African Spurred Tortoise exhibit from 2:00 p.m. – 4:00 p.m. at the Tortoise exhibit between the aviary and elephant exhibits.
- ✓ October 23, 2012 – FCEDC Annual Board Retreat at approximately 9:00 a.m. at the City Administrative Center, 2<sup>nd</sup> Floor Meeting Room.
- ✓ October 23, 2012 – League of Kansas Municipalities 2012 Regional Supper
- ✓ October 30, 2012 – Town Hall meeting
- ✓ 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 2:00 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.

Appropriation Ordinance No. 2326-2012A, “AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$4,477,704.79,” was read and considered section by section. Commissioner Fankhauser moved to approve and pass Appropriation Ordinance No. 2326-2012A. 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

1:15 p.m. Mr. Chuck Bouilly of George K. Baum & Company, the City’s Financial Advisor, was present and reviewed with Governing Body the recommendation for accepting bids for the sale of \$925,000 in General Obligation Bonds of the City.

Ordinance No. 2568-2012, “AN ORDINANCE OF THE CITY OF GARDEN CITY, KANSAS, AUTHORIZING ISSUANCE OF THE CITY’S GENERAL OBLIGATION BONDS, SERIES B, 2012, IN THE PRINCIPAL AMOUNT OF \$925,000; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS; AUTHORIZING OTHER DOCUMENTS AND ACTS AND MAKING COVENANTS WITH RESPECT TO THE BONDS”, was read and considered section by section. Commissioner Fankhauser moved to approve Ordinance No. 2568-2012. 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. 2503-2012, “A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF GENERAL OBLIGATION BONDS, SERIES B, 2012, IN THE PRINCIPAL AMOUNT OF \$925,000, OF THE CITY OF GARDEN CITY, KANSAS, AS AUTHORIZED BY ORDINANCE NO. 2503-2012 OF THE CITY; MAKING COVENANTS AND AGREEMENTS AND AUTHORIZING CERTAIN OTHER DOCUMENTS REGARDING THE BONDS”, was read and considered section by section. Commissioner Fankhauser moved to approve Resolution No. 2503-2012. 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 Bond Purchase Agreement between George K. Baum & Co and the City of Garden City. 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

Commisison Cessna moved to approve the Post Issuance Compliance Policy. Commission 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. 2504-2012, “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”, (2315 Tonio Avenue –

white GMC Suburban) was read and considered section by section. Commissioner Doll moved to approve Resolution No. 2504-2012. 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

Resolution No. 2505-2012, “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.” (2203 N. 8th Street), was read and considered section by section. Commissioner Fankhauser moved to approve Resolution No. 2505-2012. 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. 2569-2012, “AN ORDINANCE APPROVING THE REZONING OF LAND FROM “R-R” RURAL RESIDENTIAL DISTRICT TO “R-1” SINGLE FAMILY RESIDENTIAL DISTRICT; AMENDING THE ZONING ORDINANCE, THE COMPREHENSIVE PLAN OF THE CITY, AND THE DISTRICT ZONING MAP OF THE CITY; AND REPEALING THE CURRENT ZONING ORDINANCE, COMPREHENSIVE PLAN, AND DISTRICT ZONING MAP; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS”, (the Hamptons – 2815 N. Jennie Barker Road) was read and considered section by section. Commissioner Fankhauser moved to approve Ordinance No. 2569-2012. 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

Ordinance No. 2570-2012, “AN ORDINANCE APPROVING THE REZONING OF LAND FROM “C-2” GENERAL COMMERCIAL DISTRICT TO “R-2” SINGLE FAMILY RESIDENTIAL DISTRICT; 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”, (1008 N. Main Street) was read and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2570-2012. 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. 2571-2012, “AN ORDINANCE APPROVING THE REZONING OF LAND FROM “C-2” CENTRAL BUSINESS DISTRICT TO “R-3” SINGLE FAMILY RESIDENTIAL DISTRICT; 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”, was read and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2571-2012. 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

Resolution No. 2506-2012, “A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AS TO THE NEED FOR HOUSING WITHIN THE CITY OF GARDEN CITY, KANSAS AND SETTING FORTH THE LEGAL DESCRIPTION OF

REAL PROPERTY PROPOSED TO BE DESIGNATED AS A RURAL HOUSING INCENTIVE DISTRICTS WITHIN THE CITY”, was read and considered section by section. Commissioner Law moved to approve Resolution No. 2506-2012. 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

Commissioner Cessna moved to accept and approve an offer from Marshall Woodbury for the amount of \$70,000 for the lot at Mary & Fleming Streets, adjacent to the Labrador Fire Station. Commissioner Law 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 Cessna moved to reject all proposals on new entrance signage and directed staff to create a new Request for Proposals. 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

Continuation of hearing and discussion regarding right-of-way maintenance and a nuisance violation at 2509 N. Taylor Avenue was held. This was continued from which began at the October 2, 2012 City Commission Meeting. City Counselor Grisell stated that the nuisance had been taken care of in particular, and that his review of statutes and City Code placed the responsibility of right-of-way maintenance upon the adjacent property owner, not upon the City.

The scheduled 4:00 p.m. presentation by CCS Properties LLC on their proposal received by the Governing Body on October 2nd for use of the American Legion building was rescheduled for the November 6, 2012 Governing Body meeting.

Mayor Cruse stepped down from the bench and recused himself due to his position on the Finney County Preservation Alliance Board.

Commissioner Doll moved to approve a Letter of Intent regarding RHID and CID financing with GC Windsor Developers, LLC. 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

Mayor Cruse returned to the bench.

Mayor Cruse moved to approve a Memorandum of Understanding from Siemens Industry to develop and obtain a preliminary analysis of potential energy and operation savings of City facilities. 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 a \$10,000 payment to Southwest Kansas Coalition and approved the proposal from Pinegar, Smith & Associates for lobbyist services for one year. 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 Law moved to approve the Traffic Advisory Boards recommendation to install pavement markings to visually narrow Spruce Street at its intersection with Fleming 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 Doll moved to approve and appoint Mr. Jedidiah Mayes, Mr. Keith Collins and Ms. Julie Christner to the Traffic Advisory Board for three-year terms beginning November 2013 and ending December 2016. 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

Commissioner Cessna moved to approve the following 2013 pay and benefits recommendations from the Compensation Committee. Commissioner Law seconded the motion.

- 1. Increase employee health contributions 10% (Wellness and Wellness Pass Rates):** The Compensation Committee advises continued commitment to employer and employee contribution increases until the funds are healthy. With no increase in 2013 there is a greater chance that Fund 56 will be depleted by the end of the year. Revenue will increase by \$45,616.00 in 2013. The recommended employee contribution levels(Wellness Rates) for 2013 are as follows:

<b>2012 Employee Contributions (Wellness Rates) per month/bi-weekly</b>	<b>Recommended 2013 Employee Contributions (Wellness Rates) per month/bi-weekly</b>
Single: \$71.50/\$33.00	Single: \$78.65/\$36.30
Employee plus one: \$131.09/\$60.50	Employee plus one: \$144.20/\$66.55
Employee plus two/three: \$166.84/\$77.00	Employee plus two/three: \$183.52/\$84.70
Employee plus four/five: \$202.59/\$93.50	Employee plus four/five: \$222.85/\$102.85
Employee plus six plus: \$238.34/\$110.00	Employee plus six plus: \$262.17/\$121.00

<b>2012 Wellness Pass<sup>1</sup> rates per month/bi-weekly</b>	<b>Recommended 2013 Wellness Pass rates per month/bi-weekly</b>
Single: \$30.00/\$13.85	Single: \$33.00/\$15.23
Employee plus one: \$50.00/\$23.08	Employee plus one: \$55.00/\$25.38
Employee plus two/three: \$75.00/\$34.62	Employee plus two/three: \$82.50/\$38.08
Employee plus four/five: \$100.00/\$46.15	Employee plus four/five: \$110.00/\$50.77
Employee plus six plus: \$125.00/\$57.69	Employee plus six plus: \$137.50/\$63.46

- 2. Increase employee Non-Wellness Rates by 20%:** Increase the non-wellness rates by 20% to encourage participation in the Grow Well Clinic and wellness program. Employees that select the non-wellness rate can still use the Grow Well clinic. Revenue will increase by \$3,131.88 in 2013. The recommended employee contribution (non-wellness rates) for 2013 are as follows:

<b>2012 Non-wellness rates per month/bi-weekly</b>	<b>Recommended 2013 Non-wellness rates per month/bi-weekly</b>
Single: \$107.25/\$49.50	Single: \$128.70/\$59.40
Employee plus one: \$196.63/\$90.75	Employee plus one: \$235.96/\$108.90
Employee plus two/three: \$250.26/\$115.50	Employee plus two/three: \$300.31/\$138.60

<sup>1</sup> The Wellness Pass is an option available to employees or family members who are not on the City's health insurance policy, but want to make use of the Grow Well Clinic.

Employee plus four/five: \$303.88/\$140.25	Employee plus four/five: \$364.66/\$168.30
Employee plus six plus: \$357.51/\$165.00	Employee plus six plus: \$429.00/\$198.00

3. **Increase retiree health insurance contributions by 10%.** This keeps the relationship between retiree and employee contributions the same. Revenue will increase by \$1896.00.
4. **Grow Well Clinic Sick Visits:** Employees will not need to use sick leave when visiting the clinic during working hours. The HRA Follow-Up/Wellness Tracking forms will be completed for all Grow Well Clinic sick visits. The form will be revised.
5. **2013 Pay Grades:** Increase the maximum of each grade by 2.5% in 2013. This will have a corresponding impact on the midpoint for each grade.
6. **Surency AdvantagePlus Flexible Spending Option:** The City will maintain the current flexible spending program and offer employees the option of enrolling in Surency. Employees will be responsible for paying the monthly fee. The City will pay the one time annual fee of \$200 for the organization's enrollment in the plan and the annual renewal fee of \$100.

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 authorize and appoint Ms. Stephanie Hahn to the Housing Authority for a three-year term beginning November 2013 and ending December 2016. 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

Commissioner Fankhauser moved to approve the following:

1. Governing Body accepted a utility easement from Stone Creek Development LLC on a portion of Lot 2, Block 1, Stone Creek Addition, as related to the Schulman Crossing project.
2. Governing Body accepted bids received October 9, 2012 for the 2013 Crack Sealing Project and on October 11, 2012 for the 2012 Watermain Construction project.



- h) Pro-Cut Tree Services, Inc.....Class E-SOC Specialized
- i) Towns & Sons Enterprises.....Class E-SOC Specialized
- j) A-1 Sign Source..... Class D-S1 Sign Installation
- k) Jonathan T. Tran ..... Class E-L Landlord
- l) Bounnhang Phitsanoukanh..... Class E-L Landlord
- m) Weber Refrigeration and Heating ..... Class D-M Mechanical
- n) Simpson Bros. Electric, Heat, A/C ..... Class D-M Mechanical
- o) Weber Refrigeration and Heating .....Class D-E Electrical
- p) Simpson Bros. Electric, Heat, A/C .....Class D-E Electrical
- q) Quality Electric .....Class D-E Electrical
- r) Baier Electric .....Class D-E Electrical
- s) Weber Refrigeration and Heating .....Class D-P Plumbing w/ Gas

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 Cessna 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 3:40 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	Yea	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.

---

David D. Crase, Mayor

ATTEST:

---

Celyn N. Hurtado, City Clerk

**City Commission Reports**

Commissioner Fankhauser thanked Black Hills Energy for the luncheon and presentation. Commissioner Fankhauser stated that compressed gas is something that we will see in the future and should be considered for the City’s fleet.

Commissioner Law thanked Black Hills Energy for the luncheon and presentation.

Commissioner Cessna thanked Black Hills Energy for the luncheon and presentation. Commissioner Cessna asked the status of the airport construction and lighting.

Mayor Crase thanked Black Hills Energy for the luncheon and presentation. Mayor Crase reported that he had recently flown out of Garden City and the flight was delayed due to the de-icing truck not working properly. Mayor Crase asked if purchasing a new truck is something the City needs to look into. Director of Aviation Powell stated that the FBO has a truck and a cart for de-icing. Both pieces of equipment failed, which caused the delay. Director of Aviation Powell reported that it is very abnormal for both pieces of equipment to fail and the FBO has taken precautionary measures to prevent another incident. Director Powell stated that 87% of all flights at GCRA are on schedule. Mayor Crase suggested that possibly the Fire Department handle the de-icing of the planes. Director of Aviation Powell strongly advised against the City purchasing de-icing equipment and performing de-icing duties as it would be very expensive and become a major liability for the City.

Commissioner Doll also thanked Black Hills Energy. Commissioner Doll reminded everyone of Downtown Vision's Third Thursday and the Calf Fry at the American Legion.

**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 CCS 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 CCS Properties, LLC 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, LLC .....Class D-E Electrical
  - c) Johnson Plumbing, LLC .....Class 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 Construction .....Class B General
- j) Ron Roth Construction .....Class B General
- k) S & S Enterprises .....Class B General
- l) Diamond Roofing.....Class B General
- m) Tim Fuller Construction.....Class B General
- n) Conant Construction .....Class B General
- o) Byerly Construction .....Class 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) Whartons .....Class B General
- t) Kerry Spanier Construction .....Class B General
- u) Ed Barb Construction.....Class B General
- v) Bob’s Handyman Service .....Class 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, LLC .....Class E-SOC Specialized
- bb) Continental Fire Sprinkler Company .....Class E-SOC Specialized
- cc) Klotz Sand Company, Inc. ....Class E-SOC Specialized
- dd) Sign Sources, LLC .....Class 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, LLC .....Class 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.

## THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City

February 5, 2013

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, February 5, 2013 with all members present except Commissioner Law. Commissioner Cessna opened the meeting with the Pledge of Allegiance to the Flag and Invocation. The minutes of the last meeting were approved.

Communications Specialist Freburg provided the Governing Body the 2013 Citizen's Academy brochure and application.

City Manager Allen and City Engineer Cottrell provided the Governing Body an update on the US-50/400 construction project at Schulman Avenue.

The City received the December franchise payment from AT&T in the amount of \$6,215.44 and the 4th quarter franchise payment from Black Hills in the amount of \$95,887.66.

Staff provided several items of information for Governing Body review including the following: from Finance Director Hitz the monthly financial report and yearly tax report, from Zoo Director Sexson the monthly report and from Assistant City Engineer Mestdagh the monthly construction update.

Meetings of note:

- ✓ February 3, 2013 – Retirement reception for Mary Regan at Finney County Historical Society from 2:00 p.m. – 4:00 p.m.
- ✓ February 5, 2013 – Downtown Master Plan meeting at City Administrative Center at 6:00 p.m.
- ✓ February 5–7, 2013 – Underground-Overhead Metering School at the Finney County Fairground Exhibition buildings.
- ✓ February 10, 2013 – 2013 TET Celebration at Finney County 4-H Building at 1:00 p.m.
- ✓ February 12, 2013 – City Commission Candidate Orientation – City Administrative Center, 5:30 – 7:00 p.m.
- ✓ February 16, 2013 – Legislative Coffee at 9:00 a.m. at St. Catherine Hospital.
- ✓ February 20, 2013 – Chamber Breakfast at the Golf Club at Southwind at 7:30 a.m. – presentation by American Airlines.
- ✓ February 28, 2013 – Governing Body Retreat at Finnup Center at 8:30 a.m.
- ✓ March 7, 2013 – Citizens' Academy – at City Administrative Center at 6:00 p.m.
- ✓ March 14, 2013 – Western Kansas Congressional Reception in Washington, D.C.
- ✓ March 14, 2013 – Citizens' Academy – at Municipal Courtroom at 6:00 p.m.
- ✓ March 16, 2013 - Legislative Coffee at 9:00 a.m. at St. Catherine Hospital.
- ✓ March 28, 2013 – Citizens' Academy – at Garden City Regional Airport at 6:00 p.m.
- ✓ April 4, 2013 – Citizens' Academy – at City Administrative Center at 6:00 p.m.
- ✓ April 20, 2013 - Legislative Coffee at 9:00 a.m. at St. Catherine Hospital.

Appropriation Ordinance No. 2333-2013A, "AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$5,198,709.52," was read and considered section by section. Commissioner Cessna moved to approve and pass Appropriation Ordinance No. 2333-2013A. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Absent

Pursuant to City Commission action on January 2, 2013 to pursue a power supply agreement with the Kansas Municipal Energy Agency (KMEA) for wholesale power for the City of Garden City, KMEA and City staff drafted a Resolution and a Preliminary Power Purchase Agreement for Governing Body consideration and approval. This is the first step in developing a long term power supply agreement effective December 31, 2013.

Resolution No. 2521-2013, “A RESOLUTION OF THE CITY OF GARDEN CITY, KANSAS, AUTHORIZING THE EXECUTION OF A PRELIMINARY POWER PURCHASE AGREEMENT, DATED AS OF FEBRUARY 5, 2013, BETWEEN THE CITY OF GARDEN CITY, KANSAS AND THE KANSAS MUNICIPAL ENERGY AGENCY RELATING TO THE PURCHASE OF ELECTRICITY BY THE CITY FROM THE KANSAS MUNICIPAL ENERGY AGENCY FOR SALE OR USE BY THE CITY; AND MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH,” was read and considered section by section. Commissioner Cessna moved to approve Resolution No. 2521-2013. Mayor Crase seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Absent

The wholesale power supply rate increase(s) received from the Wheatland Electric Cooperative, require electrical rate adjustments of approximately 10% for all rate classes within Garden City.

Ordinance No. 2580 -2013, “AN ORDINANCE ESTABLISHING AND AMENDING RATES FOR ELECTRIC SERVICE IN THE CITY OF GARDEN CITY, KANSAS; AMENDING CURRENT CODE SECTIONS 90-302, 90-303, 90-304, 90-305 AND 90-306; REPEALING CURRENT CODE SECTIONS 90-302, 90-303, 90-304, 90-305 AND 90-306; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS,” was read and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2580-2013. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Absent

Ordinance No. 2581-2013, “AN ORDINANCE ESTABLISHING FEES FOR UTILITY SERVICES; AMENDING CURRENT CODE SECTIONS 90-84 AND 90-88; REPEALING CURRENT CODE SECTIONS 90-84 AND 90-88; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS,” was read and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2581-2013. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Absent

Director of Public Utilities Muirhead requests Governing Body consideration and approval of annexation of the Wastewater Treatment Plant and an adjacent City owned parcel. This is a non-contiguous annexation of property owned by the City.

Ordinance No. 2582 -2013, “AN ORDINANCE ANNEXING LAND TO THE CITY OF GARDEN CITY, FINNEY COUNTY, KANSAS, PURSUANT TO K.S.A 12-520(2),” was read and considered section by section. Commissioner Fankhauser moved to approve Ordinance No. 2582-2013. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Dale	Fankhauser	Law
--------	-------	------	------------	-----

Yea                      Yea                      Yea                      Yea                      Absent

The Kansas Department of Transportation is soliciting Transportation Enhancement project requests for FY 2013. The Governing Body previously authorized two applications, East US-50/400 landscaping and a Kansas Avenue ped/bike path. Drafts of the Kansas Avenue applications provided for review. A Resolution authorizing the applications is required.

Resolution No. 2522- 2013, “A RESOLUTION DECLARING THE ELIGIBILITY OF THE CITY OF GARDEN CITY, KANSAS TO SUBMIT APPLICATIONS TO THE KANSAS DEPARTMENT OF TRANSPORTATION FOR USE OF TRANSPORTATION ENHANCEMENT FUNDS SET FORTH BY THE FEDERAL TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY FOR PROJECTS IN GARDEN CITY AND AUTHORIZING THE CITY ENGINEER TO SIGN THE APPLICATIONS,” was read and considered section by section. Commissioner Cessna moved to approve Resolution No. 2522-2013. Commissioner Dale seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Absent

Bernard Chappel, Glen Woods Trust and RBC-LLC requested annexation of a 25.36 acre tract in the Southwest corner of Mary Street and Jenny Barker Road for Chappel Heights First Addition. As this is a non-contiguous annexation, authorization from the County Commission to proceed has been obtained.

Ordinance No. 2583-2013, “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 Cessna moved to approve Ordinance No. 2583-2013. Mayor Crase seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Absent

Ordinance No. 2584-2013, “AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS, ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH,” (GC Residential Builders, LLC Project) was read and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2584-2013. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Absent

Commissioner Cessna moved to approve a Memorandum of Understanding with Mark Pamplin for the State Theater. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Absent

Community Development Director Kentner provided an update to the Governing Body regarding the matter of first floor residential use in the Central Business District. This matter was taken to the Planning Commission in relation to the proposal from CCS Properties, LLC for the American Legion building.

Commissioner Fankhauser moved to have staff take the issue of revising and amending the City of Garden City Zoning Regulations, regarding allowing Residential Units on the First Floor within “C-3” Central Business District back to the Planning Commission and

have the issue presented at the next City Commission meeting on March 5, 2013. Commissioner Dale seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna                      Crase                      Dale                      Fankhauser                      Law  
 Yea                      Yea                      Yea                      Yea                      Absent

Governing Body tabled the issue of CCS Properties, LLC, requesting dedication of 12 parking stalls in the Public Parking lot at 8th & Pine for their proposal for conversion of the American Legion building into apartments to a later commission meeting.

Commissioner Cessna moved to approve and accept the annual report prepared by Great Plains Development, Inc. on behalf of the City's economic development revolving loan program. Mayor Crase seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna                      Crase                      Dale                      Fankhauser                      Law  
 Yea                      Yea                      Yea                      Yea                      Absent

Commissioner Fankhauser moved to approve the distribution of 2013 AFAC funds recommended by the members of the Alcohol Fund Advisory Committee.

	Agency	Amount Requested		Amount Granted
1	25th Judicial District Community Corrections & Rehabilitation Services	\$18,000		\$13,000
2	25th Judicial District Youth Services	\$20,000		\$20,000
3	Area Mental Health Center	\$15,800		\$10,800
4	Big Brothers Big Sisters of Finney & Kearny Counties	\$25,000		\$20,000
5	City on a Hill	\$18,000		\$3,000
6	Garden City Family YMCA	\$13,000		\$5,000
7	Garden City Razzles	\$2,000		\$0
8	Real Men Real Leaders	\$4,860		\$2,400
9	Salvation Army	\$26,800		\$7,800
10	Southeast Asian Mutual Assistance Association (SEAMAA)	\$10,500		\$0*
11	Spirit of the Plains, CASA Inc.	\$12,500		\$10,000
12	Summer Playground Program	\$5,500		0*

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

Cessna                      Crase                      Dale                      Fankhauser                      Law  
 Yea                      Yea                      Yea                      Yea                      Absent

Commissioner Cessna moved to approve the distribution of 2013 Community Grant funds recommended by the members of the Alcohol Fund Advisory Committee.

	Organization	Amount Requested		Amount Recommended
1	Alta Brown Elementary School Library	\$2,000		\$1,000
2	Big Brothers Big Sisters	\$25,000		\$0*
3	Community Day Care	\$10,000		\$7,000
4	Communities In Schools	\$4,000		\$2,500
5	Community Mexican Fiesta	\$2,000		\$0
6	Families Together, Inc.	\$867		\$800
7	Finney County Public Library	\$4,000		\$4,000
8	Friends of Lee Richardson Zoo	\$2,000		\$500
9	Garden City Downtown Vision	\$2,500		\$1,000
10	Girl Scouts of the Kansas Heartland	\$5,000		\$2,500
11	Habitat for Humanity	\$5,000		\$5,000
12	Miles of Smiles	\$6,000		\$1,000

13	Salvation Army	\$22,755		\$0*
14	Senior Center	\$3,000		\$3,000
15	SEAMAA	\$11,000		\$4,000
16	Summer Playground Program	\$5,500		\$5,000
17	Western KS American Red Cross	\$4,000		\$700
	<b>TOTAL</b>	<b>\$114,622</b>		<b>\$38,000</b>

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

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Absent

Commissioner Cessna moved to approve the distribution of 2013 Arts Grant funds recommended by the members of the Arts Grant Selection Committee.

	Organization	Amount Requested		Amount Recommended
1	Alta Brown After School Art Club	\$1,407.23		\$0
2	Garden City Arts	\$15,000		\$6,000
3	Garden City Downtown Vision	\$5,000		\$0
4	Ryan Steel	\$7,000		\$4,000
5	Sandhill Arts Association	\$5,500		\$4,800
6	Southwest Kansas Live on Stage	\$1,500		\$1,500
7	String Academy of the Plains	\$1,500		\$0
8	Tumbleweed Festival	\$3,000		\$3,000
	<b>TOTAL</b>	<b>\$39,907.23</b>		<b>\$19,300</b>

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

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Absent

Mayor Crase moved to appoint Ms. Gwen Tietgen to the Police/Citizen Advisory Board to represent the Citizen At Large beginning February 2013 and ending December 2015. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Absent

Commissioner Cessna moved to appoint Ms. Loretta DelaRosa, Mr. Brian Nelson and Mr. Matt Kirchoff to the Landmarks Commission beginning February 2013 and ending December 2015. Mayor Crase seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Absent

Commissioner Cessna moved to approve the following:

1. Governing Body consideration and approval of the proposed Pole Attachment agreement between the City of Garden City, Kansas and Cox Communications and authorization for the Mayor and City Clerk to execute the contract attached hereto.
2. Governing Body consideration and approval of bids received on January 18, 2013 for the purchase of metal clad switchgear for substation #10 and authorization for the Mayor and City Clerk to execute the agreement.

3. Governing Body consideration and acceptance of bids received February 1, 2013 for sitework at Substation No. 10 and authorization for the Mayor and City Clerk to execute the contracts.
4. Governing Body consideration and approval for the purchase of (4) 2013 Ford Police Interceptors from Burtis Motors.
5. Governing Body consideration and approval of the service through Stroh Cleaners for cleaning and alterations for Police uniforms.
6. Quit Claim Deed from Joel Cole transferring Space 5, Lot 38, Zone H of Valley View Cemetery to the City of Garden City.
7. Quit Claim Deed from Heir of Lester O. &/or Rita C. Heinemann transferring Spaces 3 and 4, Lot 232, Zone A of Sunset Memorial Gardens to St. James Lutheran Church.
8. Quit Claim Deed from Marilyn Kaye Lightner transferring Spaces 5, 6, 7, and 8, Lot 53, Zone H of Valley View Cemetery to Donna Mastin.
9. Quit Claim Deed from Johnny L. &/or Anita M. Dunlap transferring Space 1, Lot 33, Zone: J of Valley View Cemetery to the City of Garden City.
10. Permission for Randy &/or Lori Becker to reserve Space 5, Lot 77, Zone J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
11. Permission for Wanda Smith to reserve Space 7, Lot 128, Zone K of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
12. Permission for Robert D. Marez to reserve Space 2, Lot 69, Zone J of Valley View Cemetery for the consideration of \$50.00 for the period of 1 year.
13. Licenses:

**(2013 New)**

- a) J&K Project Management .....Class A General
- b) N8's Construction.....Class C General
- c) McPherson Concrete Storage Systems, Inc..... Class E-SOC Specialized Other

**(2013 Renewal)**

- d) Janet Doll Goldsmith..... Precious Metal Dealer's
- e) Mariscos Puerto Nuevo .....Cereal Malt Beverage
- f) Hillcrest Development, Inc.....Class A General
- g) Bockelman Construction, LLC.....Class B General
- h) DV Construction.....Class B General
- i) Grimsley's Painting & Remodeling .....Class B General
- j) Nemechek Construction .....Class B General
- k) Pyramid Plumbing.....Class B General
- l) Western Kansas Baptist Association .....Class B General
- m) The House Doctor.....Class C General
- n) Caro's Electric, LLC..... Class D-E Electrical
- o) Black Hills/Kansas Gas Utility Company ..... Class D-E Electrical
- p) A&J Sheet Metal .....Class D-M Mechanical
- q) Comfort Specialists Heating & Cooling, Inc.....Class D-M Mechanical
- r) Black Hills/Kansas Gas Utility Company .....Class D-M Mechanical
- s) Arntt Plumbing .....Class D-P Plumbing w/ Gas
- t) Black Hills/Kansas Gas Utility Company ..... Class D-P Plumbing w/ Gas
- u) BT Plumbing .....Class D-P Plumbing w/ Gas
- v) Platinum Plumbing, LLC..... Class D-P Plumbing w/ Gas
- w) Pyramid Plumbing .....Class D-P Plumbing w/ Gas
- x) Wray Roofing, Inc .....Class D-R Roofing
- y) BT Plumbing .....Class E-BF Backflow Device Tester
- z) Pyramid Plumbing.....Class E-BF Backflow Device Tester

- aa) Anderson Concrete ..... Class E-SOC Specialized Other
- bb) Cliff's Lawn Sprinkler Service..... Class E-SOC Specialized Other
- cc) Dirks Earthmoving Company..... Class E-SOC Specialized Other
- dd) E&L Lawn Care. .... Class E-SOC Specialized Other

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

Cessna	Cruse	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Absent

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

---

David D. Cruse, Mayor

ATTEST:

---

Celyn N. Hurtado, City Clerk

**City Commission Reports**

Commissioner Law - absent

Commissioner Cessna - none

Commissioner Dale commented that it's a lot different sitting at the bench and stated there are a lot of good things going on in the City and he is enjoying it.

Mayor Cruse thanked staff and city employees for all they do.

Commissioner Fankhauser stated the WINS Grow Well Clinic seems to be working and saving money for the city. Commissioner Fankhauser commented that it was good to hear.

**THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS**

City of Garden City

March 5, 2013

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, March 5, 2013 with all members present. Commissioner Dale opened the meeting with the Pledge of Allegiance to the Flag and Invocation. The minutes of the last meeting were approved.

Representative John Doll was present and gave an update on recent legislative issues.

Mr. Joe Rainman, 1005 Lyle Street, addressed the Governing Body on the issue of rusty water in the water lines in the area of Theron Street.

Commissioner Cessna moved to approve the Mayor to proclaim March 7, 2013 as John Doll Day. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Cessna moved to approve the Mayor to proclaim the week of March 5th – 12th, 2013 as Garden City High School Wrestling Championship Week. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Cessna moved to approve the Mayor to proclaim March 5, 2013 as Michael Prieto Day. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Cessna moved to approve the Mayor to proclaim March 6, 2013 as Tevin Briscoe Day. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

The City received the 4th quarter franchise payment from Cox Communications in the amount of \$56,931.16 and from AT&T the January 2013 franchise payment in the amount of \$6,653.75.

The Kansas Chapter of American Public Works Association has announced that the KDOT/City/County partnership project at the K-156/Mary Street/Jennie Barker Road intersection has been selected as the Transportation Project of the Year, less than \$5 million and will be advanced for national consideration.

Staff provided several items of information for Governing Body review including the following: from Finance Director the monthly City/County sales tax report, from Public Works Director Curran the City Link ridership report and from Assistant City Engineer Mestdagh the construction update.

Meetings of note:

- ✓ March 7, 2013 – Citizens’ Academy – at City Administrative Center at 6:00 p.m.

- ✓ March 12, 2013 – Downtown Master Plan – City Administrative Center at 6:00 p.m.
- ✓ March 14, 2013 – Western Kansas Congressional Reception in Washington, D.C.
- ✓ March 14, 2013 – Citizens’ Academy – at Municipal Courtroom at 6:00 p.m.
- ✓ March 15, 2013 – Who’s Your Paddy Baked Potato Bar – Downtown Vision, 11 a.m. – 2:00 p.m. and 5 p.m. – 8 p.m.
- ✓ March 16, 2013 - Legislative Coffee at 9:00 a.m. at St. Catherine Hospital.
- ✓ March 28, 2013 – Citizens’ Academy – at Garden City Regional Airport at 6:00 p.m.
- ✓ April 4, 2013 – Citizens’ Academy – at City Administrative Center at 6:00 p.m.
- ✓ April 20, 2013 - Legislative Coffee at 9:00 a.m. at St. Catherine Hospital.

Appropriation Ordinance No. 2335-2013A, “AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$3,135,288.91,” was read and considered section by section. Commissioner Dale moved to approve and pass Appropriation Ordinance No. 2335-2013A. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Resolution No. 2523-2013, “A RESOLUTION EXPRESSING SUPPORT FOR THE CONSTRUCTION OF AFFORDABLE MULTI-FAMILY APARTMENT UNITS TO BE LOCATED ON AN APPROXIMATELY 7 ACRE SITE ON THE WEST SIDE OF CAMPUS DRIVE, IN THE CITY OF GARDEN CITY, KANSAS,” was read and considered section by section. Commissioner Fankhauser moved to approve Resolution No. 2523-2013. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Ordinance No. 2587 -2013, “AN ORDINANCE AMENDING THE ZONING REGULATIONS FOR THE CITY OF GARDEN CITY, KANSAS; ADOPTING NEW ZONING REGULATIONS TO REGULATE GROUND LEVEL RESIDENTIAL UNITS IN THE “C-3” CENTRAL BUSINESS DISTRICT; AMENDING ZONING REGULATION SECTIONS 16.030; AMENDING ORDINANCE NO. 2528-2011; REPEALING IN THEIR ENTIRETY CURRENT ZONING REGULATION SECTIONS 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 deny Ordinance No. 2587-2013. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Dale	Fankhauser	Law
Yea	Nay	Yea	Nay	Yea

The Ordinance Failed. The Governing Body advised Mrs. Candice Gamino, CCS Properties, LLC, to file a waiver application with the Community Development Department.

The Sunflower Foundation is accepting applications for another round of walking trail grants. The City’s December 2012 application was not approved by the Foundation. City Engineer Cottrell has provided a memorandum outlining some possible projects for Governing Body consideration. Commissioner Cessna moved to staff preparing the Sunflower Foundation grant application for Wiley Park Walking Path Phase with an additional pathway at Garden City High School. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Fankhauser moved to appoint Mr. Marcus Ramos to the Garden City Recreation Commission for a 3-year term effective February 2013 – February 2017. Mayor Crase seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna                      Crase                      Dale                      Fankhauser                      Law  
Yea                              Yea                              Yea                              Yea                              Yea

Commissioner Cessna moved to appoint Mr. Storm Mosher to the Police/Citizen Advisory Board for a 3-year term effective February 2013 – February 2016. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna                      Crase                      Dale                      Fankhauser                      Law  
Yea                              Yea                              Yea                              Yea                              Yea

Commissioner Dale moved to approve the following:

1. Governing Body consideration acceptance of bids received February 28, 2013 for the Automatic Irrigation System Renovation at Buffalo Dunes, and authorization for the Mayor and City Clerk to execute the contracts.

SUBSTATION # 10 SITEWORK										
BIDDER	BASE BID	Alternate # 1	Alternate # 2	Alternate # 3	Alternate # 4	Alternate # 5	Alternate # 6	GRAND TOTAL	RECOMMENDED	COMMENT
Engineer's Estimate	\$ 1,861,100.00									
Landscape Unlimited, LLC Lincoln NE	\$ 1,419,000.00	\$ 9,000.00	\$ (33,000.00)	\$ (60,000.00)	\$ (10,000.00)	\$ 2,500.00	\$ 12,500.00	\$ 1,340,000.00	\$ 1,433,000.00	LOW
T & A Turf & Irrigation, LLC Elmwood NE	\$ 1,635,000.00	\$ 5,200.00	\$ (30,840.00)	\$ (80,000.00)	\$ (15,000.00)	\$ 1,500.00	\$ -	\$ 1,515,860.00	\$ 1,626,700.00	
Leibold Irrigation, Inc. East Dubuque IA	\$ 1,650,000.00	\$ 12,000.00	\$ (31,000.00)	\$ (80,000.00)	\$ (16,000.00)	\$ 15,750.00	\$ 45,000.00	\$ 1,595,750.00	\$ 1,706,750.00	
Tanto Irrigation, LLC Elmsford NY	\$ 1,797,000.00	\$ 20,000.00	\$ (29,790.00)	\$ (93,860.00)	\$ (30,000.00)	\$ 3,675.00	\$ 25,430.00	\$ 1,692,455.00	\$ 1,816,105.00	
Formost Construction Co. Temucula CA	\$ 1,845,081.00	\$ 14,000.00	\$ (32,970.00)	\$ (230,000.00)	\$ (77,050.00)	\$ 11,000.00	\$ 60,000.00	\$ 1,590,061.00	\$ 1,853,031.00	

2. Governing Body consideration and acceptance of bids received February 28, 2013 for a Crafcro Super Shot Crack sealing melter from Paving Maintenance Supply.

Bidders	Cost	Less Gov't Discount	Trade-In 1995 CimLine	Total Amount	Delivery Date	Exceptions & Comments
Paving Maintenance Supply – Pat Stivers	\$45,000.00	(\$8,165.00)	(\$1,000.00)	\$35,835.00	3-4 weeks	Crafcro Super Shot
Sellers Equipment – Larry Allen	\$55,390.00	(\$11,267.00)	(\$3,870.00)	\$40,253.00	6 weeks	Cimeline 150
Carter Waters	NO BID					
Concrete Accessories	NO BID					

3. Governing Body consideration and acceptance of bids received February 28, 2013 for a Fairway Mower from Professional Turf Product.

Bidders	Cost	Less Gov't Discount	Trade –In	Total Amount	5 Annual Payments total	Delivery Date	Exceptions & Comments
Professional Turf Product – Egregg Snyder	\$56,327.19	(\$16,867.47)	(\$1,500.00)	\$37,959.72	\$41,918.90	4-6 weeks	Toro 5410-D
Van Wall Equipment – Steve White	\$45,416.00	(\$4,541.00)	(\$2,000.00)	\$38,875.00	\$42,280.90	4 weeks	JD 7500
MTI Distributing – Matt Arnzen	\$56,558.01	(\$11,808.42)	(\$1,000.00)	\$43,749.59	\$48,312.65	3 weeks	Toro 5410-D
Reinders	\$56,327.19	(\$12,000.00)	(\$250.00)	\$44,077.19	\$48,674.40	6 weeks	JD 7500

4. Licenses:

(2013 New)

- a) Lin R. Rogers Electrical Contractors, Inc..... Class D-E Electrical
- b) Faith Technologies ..... Class D-E Electrical
- c) Excel Lighting and Sign ..... Class D-SI Sign Installation
- d) Ron’s Sign Company ..... Class D-SI Sign Installation
- e) Spencer Contracting Company ..... Class E-SOC Specialized Other

(2013 Renewal)

- f) APAC Kansas, Inc.....Class A General
- g) Roger Schmidt .....Class B General
- h) Roger Schmidt. .... Class E-SOC Specialized Other

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

Cessna	Crase	Dale	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

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

\_\_\_\_\_  
David D. Crase, Mayor

ATTEST:

\_\_\_\_\_  
Celyn N. Hurtado, City Clerk

**City Commission Reports**

Commissioner Dale congratulated the 6A State Champion wrestlers and stated it was good to see the young men that represented Garden City and it was a great thing to see that they maintained an average 3.2 grade point average. Commissioner Dale also congratulated the coaches, parents and teachers of these young men.

Mayor Crase thanked Representative John Doll and commended him for his continued efforts to give back to the community.

Commissioner Fankhauser congratulated the 6A State Champion Wrestling Team and stated this is something that doesn’t happen every day. Commissioner Fankhauser commented that former Garden City resident, Victor Ortiz was going to be appearing on the TV show, “Dancing with the Stars” and stated maybe we could invite him back if he wins the contest.

Commissioner Law congratulated the wrestling team on their 6A State Championship and the maintaining an average grade point average of 3.2.

Commissioner Cessna congratulated the wrestling team on their hard work and effort in achieving the 6A State Championship. Commissioner Cessna stated it proves that there we have great students both athletically and academically and a great school district. Commissioner Cessna stated the sales tax report is looking good and hopefully we can keep an upward trend with that.

# Petitions



877.530.5275  
www.kcsl.org

March 25, 2013

Celyn Hurtado  
City Clerk  
City Office Garden City  
301 N. 8<sup>th</sup> Street  
Garden City, KS 67846

RE: Proclaim April 2013 as Child Abuse Prevention Month  
Kansas Children's Service League and Spirit of the Plains, CASA

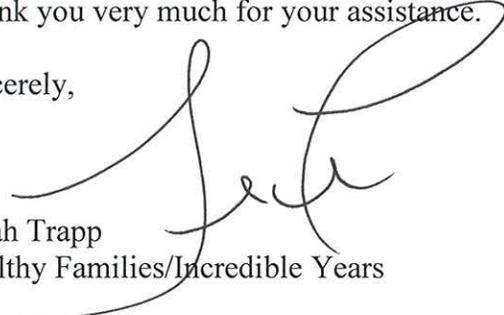
Dear Ms. Hurtado,

Enclosed please find a City and County Proclamation for April 2013 as Child Abuse Prevention Month. Lori Jacobs, Spirit of the Plains and I would like to submit a request to be placed on the agenda for the City Commission meeting on April 2<sup>nd</sup>.

Should you have any questions or require additional information, do not hesitate to contact me at 620.276.3232 x1105 or [strapp@kcsl.org](mailto:strapp@kcsl.org).

Thank you very much for your assistance.

Sincerely,

  
Sarah Trapp  
Healthy Families/Incredible Years

## ***Proclamation***

- WHEREAS,** children are key to the state's future success, prosperity and quality of life and, while children are our most valuable resource, they are also our most vulnerable; and
- WHEREAS,** children have a right to be safe and to be provided an opportunity to thrive, learn and grow; and
- WHEREAS,** child abuse and neglect can be prevented by supporting and strengthening Kansas' families, thus preventing the far-reaching effects of maltreatment, providing the opportunity for children to develop healthy, trusting family bonds; and consequently, building the foundations of communities; and
- WHEREAS,** we must come together as partners so that the voices of our children are heard by all and we are as a community extending a helping hand to children and families in need; and
- WHEREAS,** by providing safe, stable and nurturing relationships for our children, free of violence, abuse and neglect, we can ensure that Kansas' children will grow to their full potential as the next generation of leaders, helping to secure the future of this state and nation;

**NOW, THEREFORE,** I, David D. Crase, Mayor of the City of Garden City, Kansas do hereby proclaim April 2013 as

### **Child Abuse Prevention Month**

in Garden City and call upon all citizens, community agencies, religious organizations, medical facilities, and businesses to increase their participation in our efforts to prevent child abuse, thereby strengthening the communities in which we live.

Signed and sealed this 2<sup>nd</sup> day of April, 2013.

---

David D. Crase, Mayor

Attest:

---

Celyn N. Hurtado, City Clerk

## **PROCLAMATION**

WHEREAS, Mr. Russ Tidwell has been honored by the National Federation of State High School Associations as the 2012-13 Outstanding Speech/Debate/Theater Educator; and

WHEREAS, Mr. Tidwell has served as an educator for 19 years and was awarded the Crystal Apple in 2012; and

WHEREAS, Mr. Tidwell has guided numerous Debate & Forensics students to State and National championships, producing at least one National Finalist; and

WHEREAS, Mr. Tidwell has achieved status as a Triple Diamond NFL coach;

NOW, THEREFORE, I, David D. Crase, as Mayor of the City of Garden City, Kansas, hereby proclaim April 2, 2013 as

### **RUSS TIDWELL DAY**

in this community and urge all our residents to join in honoring faithful and dedicated service to the school district and this community.

SIGNED this 2<sup>nd</sup> day of April, 2013.

---

DAVID D. CRASE, Mayor

ATTEST:

---

CELYN N. HURTADO, City Clerk

# Report of the City Manager

**KS**

Kansas, Garden City Municipal Fee (AT&T)

**Reporting Period:** February 1, 2013 to February 28,  
2013

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:** 03/15/2013

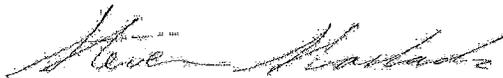
Total Fee Due:	<b>\$6,529.16</b>
Adjustments:	<b>\$0.00</b>
Uncollectibles:	<b>\$0.00</b>
Admin Fees:	<b>\$0.00</b>

**Net Fee Amount to be Remitted:** **\$6,529.16**

**Remit To:**

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

**Tax Payer:**



Steven Shashack, Assistant Vice President - Tax

3/13/2013

**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

3/13/2013

**Date**

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



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

March 12, 2013

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

Dear Mr. Allen,

Cox Communications announces the following channel changes:

On or after Monday, April 22, the following Cox cable channels will officially launch, although they will be available as a Special Preview on or after Thursday, March 21:

- MLB / NHL Sports Pay-Per-View HD (GAME 1-9) – channels 2791-2799
- NBA / MLS Sports Pay-Per-View HD (TEAM 1-9) – channels 2780-2788

A subscription to Cox Advanced TV Plus service is required for MLB / NHL Sports Pay-Per-View HD (GAME 1-9) and NBA / MLS Sports Pay-Per-View HD (TEAM 1-9).

On or after Tuesday, April 16, the following Cox cable channel will be removed:

- Halogen – channel 216

We are truly grateful for the opportunity to serve your community. If you have any questions regarding these changes, please contact me at (785) 215-6720 or [coleen.jennison@cox.com](mailto: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.

# Staff Reports

CITY OF GARDEN CITY, KANSAS  
ANALYSIS OF COUNTY-WIDE SALES TAX RECEIPTS

MONTH RECEIVED	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
JANUARY	110,613	98,895	82,749	119,104	99,080	87,049	90,999	89,620	90,890	96,504	112,365	136,559	194,148	172,402	201,675	215,987
FEBRUARY	116,101	102,071	135,771	115,633	119,867	107,746	112,817	106,162	108,918	117,464	120,392	112,708	168,090	206,332	201,136	213,048
MARCH	76,790	57,317	111,517	94,385	89,945	83,994	93,138	83,528	84,800	91,096	111,384	127,434	176,275	176,089	187,616	198,757
APRIL	106,447	123,837	110,045	92,941	86,892	88,516	82,176	88,156	88,367	97,920	97,076	105,529	136,058	140,393	176,191	
MAY	68,320	97,870	111,720	98,017	94,809	97,270	92,019	96,607	100,809	103,484	113,955	102,518	173,875	182,165	217,621	
JUNE	101,351	82,439	99,148	93,362	101,379	98,922	86,040	82,884	99,561	98,793	107,235	110,225	174,577	192,468	197,406	
JULY	111,185	110,519	111,647	91,208	99,915	97,573	91,205	88,888	95,381	109,492	130,863	126,193	163,203	175,188	199,698	
AUGUST	99,497	103,623	113,844	98,717	96,327	91,715	97,295	101,836	104,308	99,317	123,221	103,580	180,595	178,778	209,006	
SEPTEMBER	80,911	99,996	84,773	99,232	88,585	102,820	94,038	87,159	93,570	106,941	133,521	111,381	174,612	178,054	180,008	
OCTOBER	91,376	107,914	129,697	106,658	102,705	97,918	90,696	105,259	101,146	112,166	117,796	108,343	174,202	189,062	203,819	
NOVEMBER	82,002	82,861	103,094	97,348	82,869	78,619	89,706	95,946	94,231	107,500	117,428	111,973	153,378	174,342	208,611	
DECEMBER	73,954	75,058	97,466	89,406	101,296	96,993	94,616	88,792	94,570	109,693	114,846	160,409	161,622	196,711	182,159	
TOTAL RECEIPTS	<u>1,118,546</u>	<u>1,142,399</u>	<u>1,291,473</u>	<u>1,196,011</u>	<u>1,163,668</u>	<u>1,129,136</u>	<u>1,114,745</u>	<u>1,114,837</u>	<u>1,156,551</u>	<u>1,250,370</u>	<u>1,400,082</u>	<u>1,416,852</u>	<u>2,030,635</u>	<u>2,161,984</u>	<u>2,364,946</u>	<u>627,792</u>
PERCENTAGE CHANGE	8.60%	2.13%	13.05%	-7.39%	-2.70%	-2.97%	-1.27%	"FLAT"	3.74%	8.11%	11.97%	1.20%	43.32%	6.47%	9.39%	

\*REFLECTS HERE & THEREAFTER THE NET AMOUNT OF COUNTY-WIDE SALES TAX.  
CITY REIMBURSES TO COUNTY THE DEDICATED 1/4 CENT FOR FAIRGROUNDS PROJECT.

(1) REFLECTS HERE & THERE AFTER INCREASE IN COUNTY TAX FROM .75¢ TO 1¢

CITY OF GARDEN CITY, KANSAS  
ANALYSIS OF CITY SALES TAX RECEIPTS

MONTH RECEIVED	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
JANUARY	407,469	383,636	310,710	390,595	379,780	309,257	357,335	335,673	351,457	351,627	409,255	529,129	415,161	432,278	483,869	508,705
FEBRUARY	440,061	360,909	447,336	389,764	444,123	419,884	434,310	423,853	416,061	444,506	465,707	415,062	416,555	509,745	497,844	514,511
MARCH	273,056	191,835	371,146	344,152	321,705	304,720	346,371	316,320	317,599	338,956	418,336	461,822	432,675	426,585	438,777	468,745
APRIL	380,780	467,188	364,979	334,588	303,909	313,029	317,571	318,835	321,431	358,967	361,119	388,668	328,743	328,309	409,253	
MAY	241,167	343,692	377,482	356,202	340,131	354,013	345,880	351,143	372,027	382,562	426,812	362,989	430,701	442,882	502,577	
JUNE	358,841	284,831	344,293	341,573	336,435	356,920	340,240	319,314	364,552	363,536	398,458	413,934	423,173	471,595	457,884	
JULY	408,343	382,217	361,811	331,627	359,143	329,005	338,923	330,628	350,754	394,947	456,516	469,538	402,144	431,189	453,965	
AUGUST	311,866	365,112	369,837	350,737	342,529	322,875	376,955	371,521	377,510	372,473	456,809	373,995	433,641	420,914	490,394	
SEPTEMBER	303,113	364,871	304,050	363,139	324,385	366,794	362,024	323,475	341,558	388,244	463,398	421,706	415,115	433,117	424,160	
OCTOBER	374,010	362,872	449,981	382,926	368,395	357,624	341,725	369,193	365,725	408,881	446,179	411,421	425,392	450,833	468,586	
NOVEMBER	320,162	319,267	332,271	355,951	296,743	287,373	339,384	337,133	351,892	352,723	435,767	402,883	390,433	412,877	474,976	
DECEMBER	271,436	270,677	327,755	323,048	381,904	364,126	338,971	338,058	356,317	396,872	432,701	461,792	412,973	481,207	424,131	
TOTAL RECEIPTS	<u>4,090,304</u>	<u>4,097,107</u>	<u>4,361,650</u>	<u>4,264,300</u>	<u>4,199,181</u>	<u>4,085,619</u>	<u>4,239,689</u>	<u>4,135,146</u>	<u>4,286,883</u>	<u>4,554,294</u>	<u>5,171,057</u>	<u>5,112,939</u>	<u>4,926,706</u>	<u>5,241,531</u>	<u>5,526,416</u>	<u>1,491,961</u>
PERCENTAGE CHANGE	10.72%	0.17%	6.46%	-2.23%	-1.53%	-2.70%	3.77%	-2.47%	3.67%	6.24%	13.54%	-1.12%	-3.64%	6.39%	5.44%	

**CONSIDERATION OF  
APPROPRIATION ORDINANCE**

# Ordinances & Resolutions



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

INSPECTIONS  
620-276-1120

[inspection@garden-city.org](mailto:inspection@garden-city.org)

CODE COMPLIANCE

620-276-1120

[code@garden-city.org](mailto:code@garden-city.org)

PLANNING AND  
ZONING

620-276-1170

[planning@garden-city.org](mailto:planning@garden-city.org)

CITY ADMINISTRATIVE  
CENTER

301 N. 8<sup>TH</sup>

P.O. BOX 998

GARDEN CITY, KS

67846-0998

620.276.1170

FAX 620.276.1173

[www.garden-city.org](http://www.garden-city.org)

# Memo

**To:** City Commission  
**From:** Kaleb Kentner  
**CC:** File  
**Date:** 2/27/2013  
**Re:** The home at 705 Taylor is unsafe, unfit, and dilapidated.

---

**ISSUE:** The home at 705 Taylor is unsafe, unfit, and dilapidated.

**BACKGROUND:**

May 13, 2011- Neighbor called and complained of the foul order coming from home. Seven dogs living with Emma Curnette with no utilities. Also says house is infested with bugs and they are spreading to neighbors houses. Owner of house, Steve Burgess, was contacted.

May 23, 2011- Keith Thomas sent letter to Mr. Burgess about the dilapidated structure, numerous dogs living in the residence, the house being infested with insects and the odor from the house and that the electricity and water were shut off to the property on 03/17/2011.

July 2, 2012- Officer Wasielewski stopped by with a disk of pictures that were taken at 705 Taylor during a 911 call. Pictures are enclosed with this memo.

July 5, 2012- A letter was sent to Mr. Burgess giving 30 days to clean up the property.

December 16, 2012- Electrical cord being used to power an RV overloaded and caused a fire in the garage, further damaging the property.

December 18, 2012- Electric meter was pulled from the house to prevent Ms. Emma Curnette from continuing to live in the RV in the back yard.

January 28, 2013 – A second letter was sent to Mr. Burgess giving until February 28, 2013 to abate the following violations:

1. Damaged roof
2. Fire damaged garage
3. Accumulation of debris, garbage, combustible materials and similar materials or condition inside and outside of the house
4. Dangerous conditions to human life and detrimental to health
5. Damage to the house which makes it unsafe for human use or habitation; or
6. Demolition of the structure

February 28, 2012 Inspection was made and pictures were taken.

**Alternatives:**

1. Owner repair or demolish the structure and clean up the yard.
2. Governing body cause the structure to be demolished and lot clean up.

**Recommendation:** Governing body to cause the structure to be demolished and removed with all the items in the front and back yard.

**Fiscal Note:** None at this time

Report of Findings for the property at 705 Taylor affecting health and safety or that endanger life or limb, property and the public welfare:

1997 Uniform Housing Code Section 1001.2,11  
General dilapidation or improper maintenance

1997 Uniform Housing Code Section 1001.3,6  
Members of ceilings, roof, ceiling and roof supports, or other horizontal members that sag, split or buckle due to defective material or deterioration





**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION FIXING A TIME AND PLACE AT WHICH THE OWNER, OWNER'S AGENT, ANY LIENHOLDER OF RECORD AND ANY OCCUPANT OF THE STRUCTURE MAY APPEAR AND SHOW CAUSE WHY THE STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED, OR DEMOLISHED AND REMOVED, PURSUANT TO SECTION 18-80 ET SEQ. OF THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.**

**WHEREAS**, the Governing Body of the City of Garden City has found that there exists within the City structures which are unsafe, unfit or dangerous for human use or habitation because of conditions caused by dilapidation, deterioration, disrepair, or casualty and that such conditions are adverse to the general welfare of the City in that they have a blighting influence on adjoining properties, neighborhoods, and the City as a whole, or are injurious to the health, safety, and welfare of the residents of the City and,

**WHEREAS**, the enforcing officer(s) has found an unsafe, unfit or dangerous structure existing as a result of dilapidation, deterioration, disrepair, or casualty does exist at:

705 Taylor

(See attached Report of Findings with supporting exhibits.)

**NOW THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Garden City, Kansas that a hearing is hereby set for May 21, 2013, at 2:00 pm in the afternoon in the Commission Room at the City Administrative Center, 301 N. Eighth Street, Garden City, Kansas and any owner, owner's agent, any lienholder of record and any occupant is hereby notified to appear and show cause why the structure should not be condemned and ordered repaired, or demolished and removed.

**PASSED AND APPROVED** by the Governing Body of the City of Garden City, Kansas, on this 2<sup>nd</sup> day of April, 2013.

\_\_\_\_\_  
**David D. Crase, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**Celyn N. Hurtado, CITY CLERK**

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE CITY OF GARDEN CITY TO ENTER INTO A MUNICIPAL LEASE/PURCHASE AGREEMENT FOR POLICE VEHICLES AND CEMETERY EQUIPMENT.**

I, Celyn N. Hurtado, do hereby certify that I am the duly elected, or appointed and acting City Clerk of the City of Garden City, an agency duly organized and existing under the laws of the State of Kansas (the "Lessee"), and that the following resolution has been presented to and duly adopted by the Governing Body at a meeting duly and regularly held and convened in accordance with applicable law on the 2<sup>ND</sup> day of March, 2013.

**WHEREAS**, the City is entering a State and Municipal Lease/Purchase Agreement ("Lease"), with Commerce Bank for the financing of equipment for the City.

The equipment to be financed is as follows:

Police Patrol vehicles	\$96,640
Cemetery backhoe loader	\$77,307

**NOW THEREFORE, BE IT RESOLVED**, that the Lessee be, and hereby is, authorized to enter into the Lease with Commerce Bank.

The following officials of the Lessee be, and hereby are, authorized, empowered and directed to sign on its behalf the Lease and any addenda, schedules, notes, UCC financing statements or other instruments issued under the provision of the Lease and any other instrument or document which may be necessary or expedient in connection with agreement upon or fulfillment of the provision of the Lease.

<u>Title</u>	<u>Printed Name</u>	<u>Signature</u>
<u>City Manager</u>	<u>Matthew C. Allen</u>	_____
<u>Mayor</u>	<u>David D. Crase</u>	_____

The City intends to issue the lease pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, this Lease be and hereby is designated a "qualified tax-exempt obligation" includable within the ten million dollars (\$10,000,000) of the aggregate issues designated as "qualified tax-exempt obligations" for the calendar year within which this Lease is entered into.

**IN WITNESS WHEREOF**, this resolution was adopted by the City on the 2<sup>nd</sup> day of March, 2013.

**Lessee: The City of Garden City, Kansas**

\_\_\_\_\_  
David D. Crase, Mayor

**ATTEST:**

\_\_\_\_\_  
Celyn N. Hurtado, CITY CLERK

**ORDINANCE NO. \_\_\_\_\_-2013**

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF GARDEN CITY, KANSAS; AUTHORIZING THE OPERATION OF MICRO UTILITY TRUCKS; AMENDING SECTION 86-2 OF THE CODE OF ORDINANCES OF THE CITY AND SECTION 114.2 OF THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF 2012 (STANDARD TRAFFIC ORDINANCE); AMENDING ORDINANCE NO. 2557-2012; REPEALING EXISTING CODE 86-2, AND ORDINANCE 2557-2012 AS THEY SPECIFICALLY APPLY TO SECTION 114.2 OF THE STANDARD TRAFFIC ORDINANCE; 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.** Section 86-2 of the Code of Ordinances of the City of Garden City, Kansas, and Section 114.2 of the Standard Traffic Ordinance, are hereby amended to read as follows:

Sec. 114.2 Unlawful Operation of a Micro Utility Truck.

- (a) It shall be unlawful for any person to operate a micro utility truck on any interstate highway, federal highway, or state highway.
- (b) Operation of a micro utility truck is authorized within the corporate limits of the city, subject to the requirements of this section.
- (c) No micro utility trucks shall be operated on any public highway or street within the city unless the person operating the micro utility truck complies with section 192 of the Standard Traffic Ordinance pertaining to a driver's license.
- (d) No person shall operate a micro utility truck without complying with the requirements of section 200 of the Standard Traffic Ordinance pertaining to motor vehicle liability insurance.
- (e) A person operating a micro utility truck shall comply with all sections of the Standard Traffic Ordinance which pertain to operation of a motor vehicle.
- (f) No micro utility truck shall be operated on any public highway or street, unless the micro utility truck complies with the equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated and amendments thereto.
- (g) No person shall operate a micro utility truck without first registering it with the Garden City Police Department (GCPD), and obtaining a registration plate from the GCPD. The registration plate shall be displayed on the micro utility truck at all times the micro utility truck is operated on any public highway or street in the city. The micro utility truck registration and plate program shall be administered pursuant to policies and procedures, including assessment of any required fees, established by the GCPD.

- (h) The provisions of subsection (a), shall not prohibit a micro utility truck from crossing a federal or state highway. (K.S.A. Supp. 8-15,106)

**SECTION 2.** That Code Section 86-2 of the Code of Ordinances of the City of Garden City, Kansas, as previously existing and amended, be and the same is hereby repealed, to be replaced as specified in this ordinance, and all sections of Ordinance No. 2557-2012 not specifically amended or revised herein shall remain in full force and effect.

**SECTION 3.** This ordinance shall be in full force and effect on May 1, 2013, and 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 2nd day of April, 2013.

\_\_\_\_\_  
DAVID D. CRASE, Mayor

ATTEST:

\_\_\_\_\_  
CELYN N. HURTADO, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
RANDALL D. GRISELL  
City Counselor

**ORDINANCE NO. \_\_\_\_\_-2013**

AN ORDINANCE REGULATING SALE, DISPENSING, OR DELIVERY OF ALCOHOLIC LIQUORS IN THE CITY OF GARDEN CITY, KANSAS; REPEALING CURRENT CODE SECTION 6-138; 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.** Section 6-138, "Drive-up windows prohibited", of the Code of Ordinances of the City of Garden City, Kansas, is hereby repealed.

**SECTION 2.** This ordinance shall be in full force and effect 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 2nd day of April, 2013.

\_\_\_\_\_  
DAVID D. CRASE, Mayor

ATTEST:

\_\_\_\_\_  
CELYN N. HURTADO, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
RANDALL D. GRISELL  
City Counselor

**ORDINANCE NO. \_\_\_\_\_-2013**

AN ORDINANCE SETTING THE DAY AND TIME OF REGULAR MEETINGS OF THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS; AMENDING CURRENT CODE SECTION 2-32; REPEALING EXISTING CODE SECTION 2-32, 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.** Code Section 2-32 of the Code of Ordinances of the City of Garden City, Kansas, is hereby amended to read as follows:

**Sec. 2-32. - Time, place; adjourned, special meetings.**

- (a) *Regular meetings.* The governing body shall have regular meetings on the first and third Tuesdays of each month beginning at 1:00 p.m. in the commission chamber at the city administrative center, or at a place so designated by the governing body at the previous regular meeting. Should there be a fifth Tuesday in a month, or should a regular meeting day be a designated city holiday, or there be a need to reschedule a regular meeting for some other reason, the governing body shall determine the rescheduled meeting day, time, and place at a prior regular meeting.
- (b) *Adjourned meetings.* Adjourned meetings of the governing body may be held at such time and place as the governing body may determine.
- (c) *Special meetings.* Special meetings may be held at any time upon a call signed by the majority of the governing body.

**SECTION 2.** Code Section 2-32 of the Code of Ordinances of the City of Garden City, Kansas, as previously existing and amended, be and the same is hereby repealed, to be replaced as specified in this ordinance.

**SECTION 3.** 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 2nd day of April, 2013.

\_\_\_\_\_  
DAVID D. CRASE, Mayor

ATTEST:

---

CELYN N. HURTADO, City Clerk

APPROVED AS TO FORM:

---

RANDALL D. GRISELL  
City Counselor

# Old Business



COMMUNITY  
DEVELOPMENT  
DEPARTMENT

SERVING  
GARDEN CITY  
HOLCOMB  
AND  
FINNEY COUNTY

620-276-1170

**INSPECTIONS**

620-276-1120

[inspection@garden-city.org](mailto:inspection@garden-city.org)

**CODE COMPLIANCE**

620-276-1120

[code@garden-city.org](mailto:code@garden-city.org)

**PLANNING AND  
ZONING**

620-276-1170

[planning@garden-city.org](mailto:planning@garden-city.org)

**CITY ADMINISTRATIVE**

CENTER

301 N. 8<sup>TH</sup>

P.O. BOX 998

GARDEN CITY, KS

67846-0998

PH 620.276.1170

FAX 620.276.1173

[www.garden-city.org](http://www.garden-city.org)

# Memo

**To:** City Commission  
**From:** Kaleb Kentner  
**CC:** File  
**Date:** March 26, 2013  
**Re:** GC2013-22 Waiver to "C-3" Residential Uses Regulations for 125 W. Pine Street at the Request of CCS Properties, LLC.

**Issue:** A request by CCS Properties, LLC for the City to waive the regulation against ground floor residential uses in the "C-3" Central Business District.

**Background:** In response to an RFP issued by the City, CCS Properties, LLC has submitted a proposal for a proposed renovation of the old American Legion building located at 125 W. Pine Street that would convert the building into two and three bedroom apartments. The proposal was accepted and CCS Properties, LLC was given permission to pursue whatever variances may have been needed to complete the project.

The "C-3" Central Business District regulations permit residential uses only above ground level. The building does not have a true ground level because it is a split level building. However, if no waiver is granted, only the higher of the two levels would be able to be converted to apartments as that level is the only one above ground level. The other is considered a garden level, or below ground level.

Should the Commission approve of the waiver, no additional waiver for parking would be necessary as there are no parking requirements for uses in the "C-3" District. The applicant has, however, previously requested the City dedicate parking spaces in the public parking lot south of the building across Pine Street for tenant use. To date, no action has been taken on that request.

At their March 21, 2013, meeting, the Planning Commission came to a general consensus against approval of the waiver. The case was not submitted to the Planning Commission for a formal vote. A previous case requesting an amendment to the "C-3" District regulations to allow ground level residential uses with a Conditional Use Permit received a negative recommendation from the Planning Commission and as a result was not approved by the Governing Body.

**ALTERNATIVES:**

1. Approve the waiver of the Code prohibiting first floor residential at this location within the "C-3" District. Do not dedicate parking as requested either through formal direction or no action (which would preserve the Commission's current stance on the matter from the February 5<sup>th</sup> regular meeting). This would require the Gamino's to consider and respond to the Commission at an upcoming meeting their interest in continuing to pursue this project.
2. Approve the waiver of the Code prohibiting first floor residential at this location within the "C-3" District. Approve the Gamino's request to dedicate parking twelve parking stalls in the public lot across from the building on Pine Street.
3. Deny the waiver of the Code prohibiting first floor residential at this location within the "C-3" District. Staff would then seek the Commission's direction on whether they wanted to begin a new process by which to dispose of the former American Legion building, or hold off until some future date.

**RECOMMENDATION:** Staff is unable to recommend approval of the waiver. However, should the Governing Body approve the waiver Staff recommends that the Governing Body also address the request for dedicated parking and approve the waiver only contingent upon a signed Development Agreement.



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

**INSPECTIONS**

620-276-1120

[inspection@garden-city.org](mailto:inspection@garden-city.org)

**CODE COMPLIANCE**

620-276-1120

[code@garden-city.org](mailto:code@garden-city.org)

**PLANNING AND  
ZONING**

620-276-1170

[planning@garden-city.org](mailto:planning@garden-city.org)

**CITY ADMINISTRATIVE**

CENTER

301 N. 8<sup>TH</sup>

P.O. Box 998

GARDEN CITY, KS

67846-0998

PH 620.276.1170

FAX 620.276.1173

[www.garden-city.org](http://www.garden-city.org)



Case Number: GC2013-22  
Applicant: CCS Properties, Candace Gamino  
Address: 125 W. Pine  
Request: Waiver for Ground level Residential Units





## MEMORANDUM

**TO:** Governing Body  
**FROM:** Matt Allen, City Manager  
**DATE:** March 27, 2013  
**RE:** 2013-2014 Goals

---

### CITY COMMISSION

DAVID D. CRASE,  
Mayor

ROY CESSNA

MELVIN DALE

DAN FANKHAUSER

CHRIS LAW

MATTHEW C. ALLEN  
City Manager

MELINDA A. HITZ, CPA  
Finance Director

RANDALL D. GRISELL  
City Counselor

### Issue

Attached is a draft copy of the 2013-2014 City Commission Goals. Staff respectfully request Governing Body consideration and approval of these goals.

### Background

At the annual retreat held February 28, 2013, members of the Governing Body and City Commission Candidates met for the purpose of drafting a set of goals on which City staff should focus throughout the remainder of 2013 and early 2014.

Following a series of activities intended to provide Governing Body members with additional information and background, Governing Body members identified the issues that comprise the 2013-14 City Commission Goals.

### Alternatives

**Option 1:** Consider and approve the 2013-14 City Commission Goals as they currently appear.

**Option 2:** Consider and modify the 201-14 City Commission Goals and either approve them with modifications or request that staff bring them to a future meeting for additional consideration.

**Option 3:** Consider and reject the 2013-14 Goals and request staff to reconvene and modify the Goals in order to better meet your specific directives.

### Recommendation

Staff recommends members of the Governing Body consider Option 1, to consider and approve the 2013-14 City Commission Goals as they currently appear.

### Financial Impact

None

CITY ADMINISTRATIVE  
CENTER  
301 N. 8<sup>TH</sup>  
P.O. Box 998  
GARDEN CITY, KS  
67846-0998  
620.276.1160  
FAX 620.276.1169  
[www.garden-city.org](http://www.garden-city.org)

# 2013-2014 City of Garden City Strategic Objective Plan

**ACTION STEPS**

**DEPARTMENTS**

**STATUS**

## GOAL: Support Economic Development Activities

Remain focused on Schulman Crossing retail development project		
Examine the feasibility of a convention center/ indoor facility for entertainment		
Establish rail spur to Garden City Regional Airport to stimulate multi-modal development of the industrial park area		
Stay ahead on infrastructure for growth		
Increase the quantity of quality living units in Garden City		
Explore feasibility of developing an Eastern Bypass		
Develop a marketing plan for retail areas		

**GOAL: Examine Community Facility Needs**

Continue expansion and maintenance of sidewalks/trails		
Explore feasibility of a public/private shooting range		
Support public art		
Install message boards in entryways and other high traffic areas		
Rehabilitate brick streets in Downtown Area		
Examine the feasibility of an indoor/covered multi-use, multi-court, facility for year round sporting events		

**GOAL: Support Regionalism**

Maintain Southwest Kansas Coalition Relationship		
Support policies that enhance water quality/quantity/stewardship		

# New Business

# ***MEMORANDUM***

**TO:** GOVERNING BODY

**FROM:** Steve Cottrell

**DATE:** 20 March 2013

**RE:** KDOT APPLICATIONS – FY 2015 & 2016

## **ISSUE**

We have received application materials from KDOT for the FY 2015 KLINK and FY 2016 Geometric Improvement programs. The Governing Body is asked to consider and select projects.

## **BACKGROUND**

KLINK projects must be on the highway system and are funded on a 50/50 basis, with a state maximum of \$200,000. Our FY 2014 KLINK is on Kansas Avenue from 400 ft. west of Center to 200 ft. east of Center. If an adjacent segment of Kansas Avenue is selected, we would likely combine the FY2014 and 2015 projects into a single project in late 2014 or 2015. This section of Kansas was widened by adding a half lane on each side and the original 4-lane pavement is needed replacement.

Geometric Improvement projects must also be on the highway system and are funded on an 85/15 basis, with a state maximum of \$850,000. Our FY 2015 GI application was not selected; our FY 2014 Geometric Improvement project is the widening and reconstruction of Kansas Avenue from Main to Third.

## **ALTERNATIVES:**

### **FY 2014 KLINK APPLICATION**

- Kansas Avenue from 200 feet east of Center to Anderson.
- Kansas Avenue from 350 ft. west of Belmont to 400 ft. west of Center.

### **FY 2016 GEOMETRIC IMPROVEMENT APPLICATION**

- Kansas Avenue from Third to Belmont: widening to 5-lanes would provide a 5-lane roadway form Third east through the new Kansas Avenue/Mary Street/Jennie Barker Road intersection. (unsuccessful FY 2015 application)
- Taylor Avenue from 5-Points north to Olive: widening on the west side to 53 foot back to back (4-12 foot lanes) to replace the current 44 foot wide roadway. (most recently applied for in 2006)

## **RECOMMENDATION**

Direction from the Governing Body is requested, to allow staff to submit applications by the May 10<sup>th</sup> deadline. KDOT anticipates that approved projects will be announced by years end.



## **Engineering Department**

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

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

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



**FISCAL**

Traditionally, the City share of such projects has been funded with a Major Trafficway Bond, with the first debt service payments occurring in 2015 and/or 2016. The State share of a KLINK project is generally borrowed from the community trust Fund, until KDOT reimbursement is made; we hope to get KDOT approval for the City to directly let and administer Geometric Improvements and other KDOT funded projects this spring.

A handwritten signature in blue ink that reads "Steve Cottrell". The signature is written in a cursive style.

**Engineering  
Department**

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

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

CITY ADMINISTRATIVE  
CENTER  
301 N. 8<sup>TH</sup>  
P.O. BOX 998  
GARDEN CITY, KS  
67846-0998  
620.276.1130  
FAX 620.276.1137  
[www.garden-city.org](http://www.garden-city.org)

# ***MEMORANDUM***

**TO:** GOVERNING BODY

**FROM:** Steve Cottrell

**DATE:** 20 March 2013

**RE:** KDOT FUND EXCHANGE PROGRAM

## ISSUE

KDOT has requested applications for the 2013 fund exchange program, where we can exchange the federal funds for state funds and have more flexibility with projects. Staff is requesting direction from the Governing Body relating to an application for state funding.

## BACKGROUND

This is the third year of the fund exchange program, which replaced the old STP project rotational process. The federal to state funds exchange rate is 90% and a local match is not required. After a State and City fund exchange agreement is executed, the project is developed as a standard city project – we design and let the project to bid, award a construction contract, and start the work. On a monthly basis, we invoice KDOT for reimbursement of our expenses.

The City is required to use the state funds for specific types of road or bridge improvement projects. Acceptable projects include, but are not limited to, the following:

- Roadway construction, reconstruction, or rehabilitation.
- Pavement preservation including mill/overlay, sealing, patching, or crack sealing.
- Safety improvements including traffic signals or installation of turn lanes.
- Construction or reconstruction of sidewalks, ADA ramps, or pedestrian signals.
- Replacement of deteriorated curb and gutter.
- Storm sewer repairs to restore or enhance positive drainage.
- Bridge construction, replacement, rehabilitation, repair, or removal.

The state funds may be used for all phases of a project – design engineering, right-of-way acquisition, utility relocations, construction, and construction inspection. Funds can be “stockpiled” for up to three years, to cover more expensive projects. Applications are due by April 29<sup>th</sup>. KDOT has only received federal funds for the first half of FFY 2013; they will request applications later in the year when the remainder of FFY 2013 funds have been distributed.



## **Engineering Department**

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

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

CITY ADMINISTRATIVE  
CENTER  
301 N. 8<sup>TH</sup>  
P.O. BOX 998  
GARDEN CITY, KS  
67846-0998  
620.276.1130  
FAX 620.276.1137  
[www.garden-city.org](http://www.garden-city.org)



**Engineering  
Department**

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

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

In FFY 2011, the Garden City was eligible for \$395,410 in federal funds and the final total for 2012 was \$225,924. After completion of our 2011 project for sidewalk construction and street reconstruction, and the estimated \$321,700 for the 2012 projects, we have a carryover balance of \$59,058.

KDOT estimates that Garden City would be eligible for \$116,866 in the first half of FFY 2013, or \$105,180 in state exchange funds, which makes \$164,238 in state funds available now.

In the 2013 – 2019 Capital Improvement Program, there are several street reconstruction projects for Governing Body consideration. Since the available funding has decreased since the first year, the Capital Improvements Committee does not recommend using any of the 2013 fund exchange program for additional sidewalks, especially in light of the \$250,000 Safe Routes to School project.

Local Street Reconstruction Program – a multi-year program proposed to begin in 2013. The following streets are in the worst condition:

- Rebel Road, north of Labrador Boulevard \$117,500
- Shamus Street, north of Labrador Boulevard \$117,150

ALTERNATIVES

- 1) Submit an application for Rebel Road, north of Labrador Boulevard.
- 2) Submit an application for Shamus Street, north of Labrador Boulevard.
- 3) Defer application for these funds until later in the year when the second half distribution is made.

RECOMMENDATION

Direction from the Governing Body is requested. Staff will prepare the necessary application for submittal to KDOT prior to the April 29<sup>th</sup> deadline.

FISCAL

The fund exchange program can allow the City to avoid debt financing or do additional projects. The City will have to borrow funds from the Community Trust Fund until repaid by monthly reimbursements from KDOT.

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

Dwight D. Eisenhower State Office Building  
700 S.W. Harrison Street  
Topeka, KS 66603-3745

Mike King, Secretary  
Ronald J. Seitz, P.E., Chief



Phone: 785-296-3861  
Fax: 785-296-2079  
Hearing Impaired - 711  
publicinfo@ksdot.org  
<http://www.ksdot.org>

Sam Brownback, Governor

BLP Memo 13-06

MEMO TO: City Council/Commission  
City of Garden City

DATE: March 13, 2013

SUBJECT: Federal Funds Distribution/Federal Fund Exchange 2013

The federal fund exchange program is a voluntary program that allows a local public agency (LPA) to trade all or a portion of its federal fund allocations in a specific federal fiscal year with the Kansas Department of Transportation (KDOT) in exchange for state transportation dollars or with another LPA in exchange for their local funds. The exchange rate for the program is \$0.90 of state funds for every \$1.00 of local federal obligation authority exchanged. State funds will be paid on a reimbursement basis as the LPA incurs costs.

Participation in the program is optional. An eligible LPA may choose to exchange its federal funds or it may use the funds to develop a federal-aid project following the established procedures. The Program Guidelines and necessary documents are located at [www.ksdot.org/burlocalproj](http://www.ksdot.org/burlocalproj). For your convenience the Request to Exchange Federal Funds Form is attached. **Please remember to return the Request by April 29, 2013, if you decide to exchange or bank your federal funds.**

**Currently available (October 1, 2012 to March 31, 2013) to your city to apply to a federal-aid project or exchange during Federal Fiscal Year 2013 is \$116,866.41. Please see page two (2) for detailed information.**

We appreciate your participation in the federal-aid/federal fund exchange program for local public agencies. Please contact Sondra Clark or me at 785-296-3861 if you have any questions regarding this program or if you need assistance in completing the Request to Exchange Federal Funds form.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald J. Seitz".

Ronald J. Seitz, P.E., Chief  
Bureau of Local Projects

cc: Office of City Engineer  
Jim L. Kowach, P.E., Director, Division of Engineering and Design  
Chris Herrick, P.E., Director, Division of Planning and Development  
Dennis Slimmer, P.E., Chief, Bureau of Transportation Planning  
File

Following is a summary of the dollars available at this time to the City of Garden City for transportation related projects:

Estimated Six (6) month Federal Obligation Authority Distribution (new federal dollars through 03/31/13)	\$116,866.41
Current Federal Obligation Authority Available to Exchange (90% of Distribution)	\$105,179.77
Current Federal Obligation Authority Available (to apply to federal-aid projects)	\$116,866.41



**KANSAS  
MUNICIPAL  
UTILITIES**

101 ½ N. Main • McPherson, KS 67460  
620.241.1423 ph • 620.241.7829 fx  
email - [kmu@kmunet.org](mailto:kmu@kmunet.org) • [www.kmunet.org](http://www.kmunet.org)

March 1, 2013

Matt Allen, City Manager  
City of Garden City  
P.O. Box 998  
Garden City, KS 67846

Dear Matt:

As a member of Kansas Municipal Utilities (KMU), your city/utility has the opportunity to participate in planning and defining the direction for your state association which is dedicated to advancing the interests of municipal utilities in Kansas. KMU and its member utilities are working together for the advancement and protection of municipally-owned utilities and the citizens, businesses and industries that they serve.

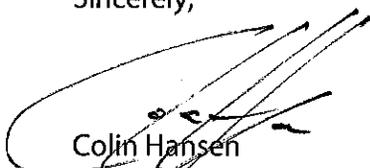
KMU will be moving forward on the priority interests of its membership over the next several years. With KMU being a member-driven organization, it is important to have the input and involvement of the full membership. Many of these decisions may come with a price tag that could affect dues and/or fees for service.

The KMU Board of Directors has asked that every municipal member of KMU participate in the Annual Business Meeting of the association. The Annual Business Meeting will be held in conjunction with the KMU Annual Conference at the Hyatt Regency in Wichita (400 W. Waterman) on Friday, May 10, 2013, at 9:30 a.m. Although not required, each delegate (and alternate) is encouraged to register and attend the full conference.

Every KMU member community has the opportunity to appoint one voting delegate and an alternate to conduct the business of the association. Enclosed is a form for each KMU member to name its voting delegate and an alternate to represent your community and its utilities in the affairs of the association at the KMU Annual Business Meeting. After approval of the voting delegate and alternate by the governing body of your city/utility, the form is to be returned to KMU by April 15, 2013.

Only through member involvement can KMU be successful. We would like to thank your city and its utilities for your continued support as we work to leverage our municipal utility resources through KMU for the benefit of our communities and the owner-consumers that we serve.

Sincerely,



Colin Hansen  
KMU Executive Director

*Enclosure*



KANSAS  
MUNICIPAL  
UTILITIES

**Designation of Voting Delegate  
to the  
2013 Annual Meeting of Kansas Municipal Utilities**

\_\_\_\_\_ (city/utility)  
hereby designates the following individuals as a Voting Delegate and Alternate Voting Delegate to the Annual Meeting of Kansas Municipal Utilities to be conducted in Wichita, Kansas on May 10, 2013.

- Voting Delegate: \_\_\_\_\_ (name)  
\_\_\_\_\_ (title)
- Alternate Voting Delegate: \_\_\_\_\_ (name)  
\_\_\_\_\_ (title)

(The Alternate Voting Delegate will only vote in the absence of the Voting Delegate at the Annual Meeting of Kansas Municipal Utilities)

The individual(s) named above have been approved by the governing body at a meeting conducted on \_\_\_\_\_ (date).

ATTEST:

\_\_\_\_\_ (city clerk/board secretary)

\_\_\_\_\_ (date)

**Please return by April 15, 2013 to:**

Kansas Municipal Utilities  
101 ½ N. Main Street  
McPherson, KS 67460

# **MEMORADUM**

**TO:** City Commission

**DATE:** March 20, 2013

**FROM:** Kelly Stevenson, Cemetery Sexton

**RE:** Bellevue Mausoleum Proposal Adjustment

---

## **ISSUE**

The Commission has been asked to consider adjusting the Bellevue Mausoleum agreement to accommodate unforeseen expenses incurred by the owner of the mausoleum and to consider the addition of another project. This project is at the request of the mausoleum owner.

## **BACKGROUND**

In June 2012, Cemetery Staff presented a proposal to the City Commission regarding the installation of an eight-person mausoleum in Valley View Cemetery. The proposal allowed the mausoleum owner to install the mausoleum, landscape the area around it and pay for two cemetery fencing projects. The purchase price agreed upon and approved by the City Commission was \$27,000 minus the cost of the fencing projects, which were estimated to be \$10,700. After the completion of the mausoleum and the fencing projects, the purchase price was not to fall below \$17,000.

Cemetery staff agreed to install an irrigation system around the mausoleum and plant grass seed in the remaining area east of the landscaped portion. After the project began, the owner offered to install the irrigation and to sod the remaining area east of the mausoleum at no cost to the Cemetery. Once the fencing projects were completed, the owner informed Staff that the fencing costs were approximately \$4,000 higher than the estimated amount of \$10,700. Upon review, it was determined that the initial estimate was based on Capital Improvement Project figures that were 3-4 years old and did not take into account the costs of the smaller fencing project.

After the completion of the mausoleum, landscaping and fencing, the owner of the mausoleum expressed interest in relocating a gas meter located on the southeast corner of the landscaped area. The owner expressed concern about aesthetics and offered to relocate the gas meter to the Cemetery's north shop building. The gas meter relocation is a future Capital Improvement

Project. This relocation is another step to enhance the aesthetics of the Cemetery's Main Street entrance. Plans are being made to install a gate at the Main Street entrance which would require the gas meter to be moved. The cost of this relocation would be \$13,500, and the mausoleum owner has offered to pay for the expense.

Staff has had discussions with the mausoleum owner about a compromise on the mausoleum purchase price (\$17,000) due to the extra costs involved with the fencing, irrigation system, additional sod and the gas meter relocation.

### **ALTERNATIVES**

1. Let all the additional costs be placed on the responsibility of the owner.

Purchase price:	\$27,000
Fencing Projects:	-\$14,460
Irrigation Installation:	-\$ 4,000
Gas Meter Relocation:	<u>-\$13,500</u>
Balance	<b>\$ 4,960</b>
Actual balance due	\$17,000

(Commission approved the purchase price not to fall below **\$17,000**)

2. Reduce the amount due by the additional costs incurred by the owner.

Purchase price:	\$27,000
Fencing Projects:	-\$14,460
Irrigation Installation:	-\$ 4,000
Gas Meter Relocation:	<u>-\$13,500</u>
Balance	<b>\$ 4,960</b>
Balance Due	\$0

### **RECOMMENDATIONS**

Staff recommends Alternative 2. With this alternative, the mausoleum owner would owe a balance of \$0.00 on the purchase price. Relocation of the gas meter as well as the irrigation installation would have cost the City of Garden City an estimated \$17,500. Since the owner is willing to take on these expenses, Staff recommends that they be applied to the final purchase price of \$17,000, leaving a balance of \$0.00.

## FISCAL

The proposed adjustment will save the City any out-of-pocket expense on irrigation installation, fence installation, sod installation, and gas meter relocation.

Estimated project costs:	\$14,460 (fencing costs)
	\$ 4,000 (irrigation installation)
	\$ 1,500 (sod)
	<u>\$ 13,500</u> (gas meter relocation)
Total estimated expenses:	\$ 33,460
Purchase Price:	- <u>\$ 27,000</u>
Estimated savings:	\$ 6,460



---

To: Governing Body  
From: Rachelle Powell  
Date: March 25, 2013  
RE: Passenger Facility Charges (PFC)

---

**Issue**

Governing Body consideration and authorization of Garden City Regional Airport to impose and use Passenger Facility Charges set at \$4.50.

**Background**

The Passenger Facility Charge (PFC) program allows commercial service airports to asset a fee against enplaning passengers for the purpose of funding Federal Aviation Administration (FAA) approved airport projects at the airport. Commercial service airports may request authority to assess a PFC of \$1, \$2, \$3, \$4 or \$4.50 on revenue passengers enplaned at the airport.

Airports electing to impose a Passenger Facility Charge (PFC) may use the revenues for one or more of the following:

- Pay all or part of the allowable cost of an FAA approved project
- Pay debt service and financing costs associated with bond issuance
- Combine PFC funds with Federal Grant funds (e.g. AIP) to accomplish an approved project
- Apply PFC funds to pay non-federal share of the cost of projects funded under the Federal airport grant program

In order to be considered as an approved project, proposals must meet certain eligibility criteria, as outlined in Federal Regulation 14 CFR Part 158. Section 158.15 states that projects must address one or more of the following:

- Preserve or enhance safety, security or capacity of the national air transportation system
- Reduce noise or mitigate noise impacts resulting from an airport;
- Present opportunities to enhance competition between or among air carriers.

Essentially, the work must be eligible for FAA Airport Improvement Program (AIP) grants. The proposed impose and use application would include fifteen (15) completed AIP projects.

Project #	Title	Description	City Share
17	Security Enhancements	Security Fence and equipment	\$ 4,854
18	Rehabilitate Runway	Reconstruct RWY 17-35	\$ 164,427
19	SRE Broom	Snow removal equipment - broom attachment	\$ 409
20	Design Rehabilitate Runway & Taxiway lighting	Design of Taxiway A and installation of ATC lighting system	\$ 16,087
22	Rehabilitate Taxiway	Widening taxiway A from 35' to 50' Phase I	\$ 120,528
23	Install Runway Vertical/Visual Guidance System	Installation of REILS	\$ 2,440
24	Rehabilitate Taxiway	Design of Taxiway A Phase II	\$ 4,377
25	ARFF Vehicle	1500 galloon ARFF Truck	\$ 32,801
26	ARFF Building	ARFF building	\$ 51,003
27	Rehabilitate Taxiway	Construction - widening taxiway A from 35' to 50' Phase II	\$ 97,478
28	Rehabilitate Taxiway	Construction - widening taxiway A from 35' to 50' Phase III	\$ 29,724
29	Rehabilitate Taxiway	Construction - widening taxiway A from 35' to 50' Phase IV	\$ 90,741
30	Rehabilitate Taxiway	Construction - widening taxiway A from 35' to 50' Phase V	\$ 81,542
31	Airport Master Plan	Airport Master Plan	\$ 29,182
32	Wildlife Fence Phase I	Wildlife fence installation phase I	\$ 45,035
<b>Total PFC to collect</b>			<b>\$770,628</b>

Upon approval to impose and use Passenger Facility Charges the City of Garden City will:

- Advertise the information to the public and allow a 30-day comment period
- Schedule a consultation meeting with air carriers. Air carriers will have 30-days to agree or disagree with the proposed Passenger Facility Charge
- Submit formal Impose and Use Passenger Facility Charge application to the Federal Aviation Administration following the aforementioned 30-day comment period

Once approved by the FAA, the air carriers are given 30-days to prepare for collection of the Passenger Facility Charge. The air carriers begin collection on the effective date and remit PFC revenue monthly to the airport. Of the \$4.50 collected, the air carriers currently keep \$0.11 to defray administration costs and the airport receives \$4.39.

The airport and the air carriers must maintain specific records regarding PFC revenues. A quarterly report is prepared by the airport and submitted to each collecting air carrier and the Federal Aviation Administration showing revenue received, interest earned, and PFC expenditures of the quarter. The report also shows cumulative amounts, the amount of Passenger Facility charges committed to each approved project. Air carriers submit quarterly reports to the airport showing the total PFC revenue collected refunds to passengers, amounts withheld for compensation, and the dates and amounts of monthly remittance.

When the amount of a Passenger Facility Charge revenue collected plus earned interest reaches the allowable cost of all projects, or upon reaching the charge expiration date, the authority to collect Passenger Facility Charges expires and the air carriers must stop collecting them. The Federal Aviation may also terminate PFC authority if the City violates the terms of the approval or if work on an approved project is not begun within two years of project approval. The proposed Passengers Facility Charge authority is anticipated to expire in 2022.

**Alternatives**

1. Authorize the Garden City Regional Airport to Impose and Use Passenger Facility Charge set at \$4.50 and authorize the City Manager to execute the Passenger Facility Charge application.
2. Authorize the Garden City Regional Airport to proceed with the required process to implement Passenger Facility Charge, which includes public notice and air carrier meetings. Upon completing the aforementioned, present the Passenger Facility Charge application for approval.
3. Deny authorization of the Garden City Regional Airport to Impose and Use Passenger Facility Charge set at \$4.50 and denial of the City Manager to execute the Passenger Facility Charge application.
4. Deny authorization of the Garden City Regional Airport to Impose and Use Passenger Facility Charge set at \$4.50 and direct staff to modify the proposal.
5. Table the proposal for more discussion.

**Recommendation**

1. Authorize the Garden City Regional Airport to Impose and Use Passenger Facility Charge set at \$4.50 and authorize the City Manager to execute the Passenger Facility Charge application.

**Fiscal Note**

The 2012 Airport Master Plan, Financial Plan chapter recommended implementation of Passenger Facility Charges. The Passenger Facility Charge does not require any financial expenditure. Revenues received will be used to pay the City's cost of Airport Improvement Projects (AIP) previously completed at the airport.



Buffalo Dunes

# Memo

To: Matt Allen, City Manager & Governing Body of Garden City, Ks.  
From: Caleb Woods, President of the Golf Advisory Board  
CC: Cole Wasinger and Toby Witthuhn  
Date: 3/28/2013  
Re: Recommendation to the Golf Advisory Board

---

Dear City Commissioners-

The Golf Advisory Board would like to recommend Scott Ackerman for an appointment to the Golf Advisory Board. Thanks in advance for your consideration.

Caleb Woods

Golf Advisory Board President

**GARDEN CITY IS MY TOWN TOO!**

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

NAME: Scott Ackerman HOME PHONE: 620-805-6660

ADDRESS: 103 Nottingham Ct, GCK WORK PHONE: 620-275-5375

E-MAIL ADDRESS: ackfive@rocketmail.com

OCCUPATION (if employed): Optometrist

PLACE OF EMPLOYMENT: Hopkins, Hopkins and Ackerman Optometrists LLC

HOW LONG HAVE YOU BEEN A RESIDENT OF GARDEN CITY? 23 Years

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

I have golfed at Buffalo Dunes for years and would enjoy being a part of that program.

OTHER APPLICABLE EXPERIENCE: \_\_\_\_\_

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

- |                                                           |                                                  |
|-----------------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Airport                          | <input type="checkbox"/> Lee Richardson Zoo      |
| <input type="checkbox"/> Alcohol Fund Advisory Board      | <input type="checkbox"/> Parks & Tree            |
| <input type="checkbox"/> Building Safety Board of Appeals | <input type="checkbox"/> Planning Commission     |
| <input type="checkbox"/> Cultural Relations               | <input type="checkbox"/> Police/Citizen          |
| <input checked="" type="checkbox"/> Golf                  | <input type="checkbox"/> Recreation Commission   |
| <input type="checkbox"/> Environmental Issues Board       | <input type="checkbox"/> Traffic Committee       |
| <input type="checkbox"/> Landmarks Commission             | <input type="checkbox"/> Youth Council           |
| <input type="checkbox"/> Local Housing Authority          | <input type="checkbox"/> 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

# Consent Agenda

AGREEMENT FOR  
CONSTRUCTION ARCHITECTURAL/ENGINEERING SERVICES

**Project No. 28 TE-0359-01 (TEA T035(901))**

**Garden City**

**Finney County**

**THIS AGREEMENT**, made as of \_\_\_\_\_, 2013, between the City of Garden City, Kansas (CITY) and TREANOR ARCHITECTS, P.A., 1715 SW Topeka Blvd. Topeka KS 66612 (ARCHITECT). CITY intends to construct the HISTORIC WINDSOR HOTEL TE GRANT PROJECT.

**WITNESSETH:**

**WHEREAS**, the FEDERAL GOVERNMENT through its Department of Transportation and the Federal Highway Administration (FHWA), pursuant to Title 23, U.S. Code, has established a program of Federal-Aid to the states designated as the Transportation Enhancement Program, with a general purpose to increase the safety and capacity of roads in the United States, and

**WHEREAS**, the City desires to accomplish this Project in accordance with regulations prescribed by the FHWA and the Kansas Department of Transportation (KDOT).

**NOW, THEREFORE**, the CITY and ARCHITECT in consideration of their mutual covenants herein agree in respect to the performance of professional services by ARCHITECT and the payment for those services by CITY as set forth below.

**SECTION 1 - BASIC SERVICES OF ARCHITECT**

**1.1. General.** ARCHITECT shall provide for CITY professional architecture services for the WINDSOR HOTEL Transportation Enhancement project for the on-site inspection, testing, and contract administration. The scope listed below defines the work to be completed in preparing construction plans for the roadway improvements.

The ARCHITECT warrants it is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency; has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past three years; does not have a proposed debarment pending; and has not been indicted, convicted, or had a civil judgment rendered against (it) by a court of competent jurisdiction in any manner involving fraud or official misconduct within the past three years.

**1.2. Construction Services.** The services performed by the ARCHITECT are generally described as follows:

A. The ARCHITECT agrees to:

- (1) Attend all conferences or reviews designated by the CITY or required under the terms of the Agreement. KDOT and FHWA may participate in any conference at their discretion.

- (2) Designate a Project Manager who shall serve as the ARCHITECT'S Field Supervisor. The Project Manager will meet CITY or KDOT's certification policy and report and transmit Project activity documents to CITY Engineer's Office. The Project Manager and other Inspector(s) will inspect all work done and material furnished. Such inspection may extend to all or any part of the work and to the preparation of the materials to be used. The Project Manager will not be authorized to alter or waive the provisions of the Specifications or the Construction Contract Proposal. The Project Manager will not be authorized to issue instructions contrary to the Plans and Specifications, or to act as foreman for the Contractor, however, the Project Manager shall have the authority to reject work or materials until any questions at issue can be referred to and be decided by the CITY Engineer.
- (3) Assign a sufficient number of Inspector(s) to the Project to perform the services required under the Agreement, in a timely manner to avoid delay to the Contractor.
- (4) Become familiar with the standard practices of the CITY and KDOT, the Contract Documents (Specifications, Contract Proposal, Special Provisions and Plans), and the Contractor's proposed schedule of operations prior to beginning field services to be performed under the Agreement.
- (5) Perform the ARCHITECT'S field operations in accordance with accepted safety practices.
- (6) Furnish all equipment required to accomplish the ARCHITECT'S services, and to check or test it prior to use on the Project.
- (7) Provide for ARCHITECT personnel such transportation, supplies, materials and incidentals as are needed to accomplish the services required under the Agreement.
- (8) Undertake the following:  
Transmit orders from CITY to the Contractor and provide guidance in the proper interpretation of the Specifications and Plans.

Perform or provide construction surveys and measurements needed by the Contractor (unless provided for in the contract where contractor construction staking is to be performed as a bid item by the Contractor) and perform measurements and surveys that are involved in the determination of final pay quantities.

Inspect all phases of construction operations to determine the Contractor's compliance with Contract Documents and to reject such work and materials which do not comply with the Contract Documents until any questions at issue can be referred to and be decided by the CITY Engineer.

Take field samples and/or test materials to be incorporated in the work, and reject those not meeting the provisions of the Contract Documents until any questions at issue can be referred to and be decided by the CITY Engineer.

Make certain that test report records or certificates of compliance for materials tested off the Project site and required prior to the incorporation in the work have been received.

Keep such daily diaries, logs and records as are needed for a complete record of the Contractor's progress, including Project Manager and Inspector's diaries.

Measure and compute all materials incorporated in the work and items of work completed, and maintain an item account record.

Provide measurement and computation of pay items.

Prepare and submit, or assist in preparing, such periodic, intermediate and final reports and records as may be required by the CITY or KDOT and as are applicable to the Project, which may include:

- a. Progress Reports
- b. Weekly statement of working days
- c. Notice of change in construction status
- d. Report of field inspection of material
- e. Test report record
- f. Contractor pay estimates
- g. Pile driving data
- h. Piling record
- i. Final certification of materials
- j. Explanation of quantity variation
- k. Statement of contract time
- l. Other records and reports as required by the Project

Review, or assist in reviewing, all Contractor submittals of records and reports required by the KDOT, as applicable to the Project, which may include:

- a. Requests for partial and final payment
- b. Other reports and records as required by the individual Project

- (9) Prepare and submit, if desired by the ARCHITECT, partial payment invoices for services rendered by the ARCHITECT, but not to exceed one submittal per month.
- (10) Collect, properly label or identify, and deliver to the KDOT all original diaries, logs, notebooks, accounts, records, reports and other documents prepared by the ARCHITECT in the performance of the Agreement, upon completion or termination of the Agreement.
- (11) Return, upon completion or termination of the Agreement, all manuals, contract documents, guides, written instruction, unused forms and record keeping books, and other documents and materials furnished by the KDOT. The ARCHITECT shall be responsible for replacing lost documents or materials at the price determined by the KDOT.
- (12) Prepare and submit a certification of Project completion.
- (13) Prepare and submit a final payment voucher for services rendered by the ARCHITECT.

- (14) The ARCHITECT agrees compliance with all of the foregoing shall be considered to be within the purview of this Agreement and shall not constitute a basis for additional or extra compensation.
- (15) Should the CITY or KDOT deem it necessary for the ARCHITECT to render additional Construction Inspection Services for review of agreement items, conditions, claims or litigation matters after completion of this Agreement, the ARCHITECT agrees to cooperate and render such requested Construction Engineering Inspection Services. Such Construction Inspection Services shall be paid for in the amount and manner mutually agreed upon by the CITY and the ARCHITECT.

### **SECTION 3 - CITY'S RESPONSIBILITIES**

CITY shall do the following so as not to delay the services of ARCHITECT:

**3.1.** Designate a person to act as CITY'S representative with respect to the services to be rendered under this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define CITY'S policies and decisions with respect to ARCHITECT'S services for the Project.

**3.2.** Assist ARCHITECT by placing at ARCHITECT'S disposal all available information pertinent to the Project, including previous reports and any other data relative to design or construction of the Project.

**3.3.** Coordinate the utility relocation or adjustment process necessary for construction of the project, utilizing plans and other data furnished by ARCHITECT that defines the limit and extent of construction.

**3.4.** Provide, through the Field Engineer and the District staff, such assistance and guidance to the ARCHITECT as may be reasonably necessary to perform and complete the Agreement in conformance with standard construction engineering practices of the CITY and KDOT.

**3.5.** Bear all costs incident to compliance with the requirements of this Section 3.

### **SECTION 4 – GENERAL CONSIDERATION**

**4.1.** The ARCHITECT shall cooperate fully with the CITY, KDOT, local, state and federal agencies including the FHWA, the general public, utilities, private consultants, and contractors when so requested by the CITY or KDOT.

**4.2.** Conferences as may be necessary for the Construction Inspection Services under this Agreement shall be scheduled between the ARCHITECT, the CITY, and the KDOT. These conferences may include an onsite review of the Project.

**4.3.** Delays caused through no fault of the ARCHITECT may be cause for extension of time in completion of the work. Time extensions may be granted by CITY upon reasonable claim and justification by the ARCHITECT and when necessary, approval has been given by the FHWA. Granted time extensions may also be cause for consideration of adjustments in payment where approved by CITY and KDOT in a supplemental agreement.

**4.4.** The provisions of this Section and the various rates of compensation for ARCHITECT'S services provided for elsewhere in this Agreement have been agreed to in anticipation of the orderly and continuous progress of the Project through completion of the Construction Phase. ARCHITECT'S obligation to render services hereunder will extend for a period which may reasonably be required. If specific periods of time for rendering services are set forth or specific dates by which services are to be completed are provided and if such dates are exceeded through no fault of ARCHITECT, all rates, measures and amounts of compensation provided herein shall be subject to equitable adjustment.

**4.5.** Written orders regarding the Construction Inspection Services to be performed will be given by the CITY. Orders that do not change the scope of Construction Inspection Services in this Agreement, but increase or decrease the quantity of labor or materials or the expense of the Construction Inspection Services, shall not annul or void this Agreement.

**4.6.** The ARCHITECT must proceed with the Construction Inspection Services as directed by furnishing the necessary labor, equipment, materials, and professional Construction Inspection Services to complete the Construction Inspection Services within the time limits specified in schedules or as adjusted by agreement of the Parties.

**4.7.** If in the ARCHITECT'S opinion such work orders involve Construction Services not included in the terms or scope of this Agreement, the ARCHITECT must notify the CITY in writing of this opinion if extra compensation is desired.

**4.8.** If in the ARCHITECT'S opinion such work orders would require the discarding or redoing of Construction Inspection Services which was based upon earlier direction or approvals, the ARCHITECT must notify the CITY in writing of this opinion, and that extra compensation is desired. Such notification by the ARCHITECT to the CITY shall include the justification for extra compensation and the estimated amount of additional fee requested.

**4.9.** The CITY will review the ARCHITECT'S submittal for extra compensation and, if acceptable, a supplement to this Agreement will be executed. The ARCHITECT shall only proceed with the Construction Inspection Services for extra work upon prior written authorization by the CITY, which will be followed up with the execution of the supplemental agreement.

## **SECTION 5 - PAYMENTS TO ARCHITECT, COST PLUS A FIXED FEE METHOD OF PAYMENT**

**5.1.** The ARCHITECT will be paid the supported actual salaries and direct costs by the CITY for the completed Construction Inspection Services rendered under this Agreement as set forth on the PROPOSAL FOR CONSTRUCTION ARCHITECTURAL/ENGINEERING SERVICES, attached as EXHIBIT A. The ARCHITECT will be paid for extra work, if any, at the compensation therefore set forth in an approved supplement to this Agreement covering such work. The extra work will be paid for separately and in addition to the foregoing amount listed in the attached PROPOSAL, Specific Construction Provisions. Payment shall be full compensation for Construction Inspection Services performed or rendered and for all labor, material, supplies, equipment and incidentals necessary to complete the work.

**5.2.** CITY shall pay ARCHITECT for Additional Services rendered as follows:

**5.2.1.** For Additional Services of ARCHITECT'S principals and employees engaged directly on the Project and rendered on the basis of ARCHITECT'S Director Labor Costs, plus Reimbursable Expenses in accordance with the fee schedule in Exhibit A.

**5.2.2.** For services and Reimbursable Expenses of independent professional associates and consultants employed by ARCHITECT to render Additional Services the amount billed to ARCHITECT.

**5.3.** ARCHITECT shall submit statements at monthly intervals for Basic and Additional Services rendered. CITY shall make monthly payments within 10 working days in response to ARCHITECT'S statements.

**5.4.** In the event of termination by CITY under paragraph 7.1 upon the completion of any phase of the Basic Services, progress payments due ARCHITECT for services rendered through such phase shall constitute total payment for such services. In the event of such termination by CITY during any phase of the Basic Services, ARCHITECT also will be reimbursed for the charges of independent professional associates and consultants employed by ARCHITECT to render Basic Services, and paid for services rendered during that phase on the basis of ARCHITECT'S Costs, plus Reimbursable Expenses, in accordance with the fee schedule in Exhibit A for services rendered during that phase to date of termination by ARCHITECT'S principals and employees engaged directly on the Project. In the event of any such termination, ARCHITECT will be paid for all unpaid Additional Services that had been previously authorized in writing by CITY.

**5.5.** Records of ARCHITECT'S Direct Labor Costs pertinent to ARCHITECT'S compensation under this Agreement will be kept in accordance with generally accepted accounting practices. Copies will be made available to CITY on request.

### **5.6. Definitions.**

Direct Labor Costs used as a basis for payment mean salaries and wages, basic and incentive, overhead and profit, paid to all ARCHITECT'S personnel engaged directly on the

Project, including, but not limited to, engineers, surveyors, designers, draftsmen, specification writers, estimators, other technical and business personnel; and includes indirect payroll related costs or fringe benefits.

Reimbursable Expenses mean the actual expenses incurred by ARCHITECT or ARCHITECT'S independent professional associates or consultants, directly or indirectly in connection with the Project, such as expenses for: transportation and subsistence incidental thereto; reproduction of reports, Drawings, Specifications, expenses incurred for highly specialized equipment, and similar project-related items.

## **SECTION 6 - MISCELLANEOUS PROVISIONS**

**6.1.** The ARCHITECT agrees all Construction Inspection Services performed under this Agreement shall be done in accordance with the current rules and guidelines developed for the current KDOT Construction Inspection Services and in accordance with the current version of the Standard Specifications for State Road and Bridge Construction with Special Provisions, and any necessary Project Special Provisions with the rules and regulations of the Federal Highway Administration pertaining thereto.

The ARCHITECT agrees no variations in the Construction Inspection Standards will be permitted except by written concurrence from the CITY or KDOT to the ARCHITECT.

**6.2.** The CITY may, by written notice and without invalidating this Agreement, make changes in the Construction Contract, the Standard Specifications, the Special Provisions, the Project Special Provisions and the Plans resulting in the revision or abandonment of Construction Inspection Services already performed by the ARCHITECT or resulting in work by the ARCHITECT not contemplated in this Agreement.

Claims by the ARCHITECT for compensation for Construction Inspection Services resulting from such revisions shall be submitted and processed in accordance with Section 4 of this Agreement.

**6.3.** All data provided to the ARCHITECT by CITY or KDOT is the sole property of CITY or KDOT and is intended for use on this Project only. Any data provided shall not be disclosed to anyone outside the ARCHITECT'S firm without the express, written permission of CITY or KDOT. Upon completion or termination of this Agreement, all Manuals, Contract documents, guides, written instructions, unused forms and record-keeping books, and other written data and information furnished to the ARCHITECT by the CITY for the performance of this Agreement, and all survey notes, diaries, reports, records and other information and data collected or prepared by the ARCHITECT in the performance of this Agreement shall be properly arranged and delivered to the CITY, and shall become the property of the CITY.

**6.4.** All documents prepared by the ARCHITECT pursuant to this Agreement are instruments of service in respect of this Project. They are not intended or represented to be

suitable for reuse by the CITY or others on extensions of this Project or on any other project. Any reuse without written verification or adaptation by the ARCHITECT for the specific purpose intended will be at the CITY'S sole risk and without liability or legal exposure to the ARCHITECT. Any such verification or adaptation by the ARCHITECT will entitle the ARCHITECT to further compensation at rates to be agreed upon by the ARCHITECT and CITY.

**6.5.** The ARCHITECT and the CITY understand and agree the Construction Contract, the Standard Specifications, the Special Provisions, the Project Special Provisions, the Plans, Exhibits, and Special Attachments are all essential documents of this Agreement and are hereby incorporated by reference into this Agreement and are a part thereof.

**6.6.** The ARCHITECT and any subcontractors to the ARCHITECT agree to maintain for inspection and audit by the CITY, the KDOT, and the FHWA all books, documents, papers, accounting records and other evidence pertaining to all costs incurred under this Agreement and to make such materials available at their respective offices at all reasonable times during the life of this Agreement and for three (3) years from the date of the final federal payment to the KDOT and subsequently to the CITY under this Agreement, and to furnish copies thereof if requested.

## **SECTION 7 - GENERAL CONSIDERATION**

**7.1. Termination.** The obligation to provide further services under this Agreement may be terminated by either party upon thirty days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party.

**7.2. Reuse of Documents.** All documents including Drawings and Specifications prepared or furnished by ARCHITECT (and ARCHITECT'S independent professional associates and consultants) pursuant to this Agreement are instruments of service in respect of the Project and ARCHITECT shall retain an ownership and property interest therein whether or not the Project is completed. CITY may make and retain copies for information and reference in connection with the use and occupancy of the Project by CITY and others; however, such documents are not intended or represented to be suitable for reuse by CITY or others on extensions of the Project or on any other project. Any reuse without written verification or adaptation by ARCHITECT for the specific purpose intended will be at CITY'S sole risk and without liability or legal exposure to ARCHITECT, or to ARCHITECT'S independent professional associates or consultants. Any such verification or adaptation will entitle ARCHITECT to further compensation at rates to be agreed upon by CITY and ARCHITECT.

### **7.3. Insurance.**

**7.3.1. Commercial General Liability:** The ARCHITECT shall provide public liability insurance coverage in an amount no less than \$500,000 covering the liability of the ARCHITECT on an occurrence basis. The insurer must be acceptable to the CITY.

**7.3.2. Automobile Liability:** The ARCHITECT shall provide coverage protecting the ARCHITECT against claims for bodily injury and/or property damage arising out of the ownership or use of any owned, hired and/or non-owned vehicle. Required minimum limits: \$500,000 each accident, or a combined total of \$1,000,000.

**7.3.3. Workers Compensation:** Before beginning work, the ARCHITECT shall furnish to the CITY satisfactory proof that he has taken out, for the period covered by the work under this contract, full workers' compensation coverage as required by state law for all persons who he may employ directly in carrying out the work contemplated under this contract, and shall hold the CITY free and harmless for all personal injuries of all persons who the ARCHITECT may employ directly.

**7.3.4. Professional Liability - Errors and Omissions:** The ARCHITECT shall provide Architects or ARCHITECTS Professional Liability Insurance with limits not less than \$1,000,000, covering the liability of the ARCHITECT. The insurer must be acceptable to the CITY. In the event coverage provided is claims made coverage, the insurance shall be maintained for a period of not less than three (3) years after completion of the contract or in lieu thereof purchase of tail coverage (extended reporting period) under which the CITY shall be afforded protection.

**7.3.5. Certificate(s) of Insurance:** Certificate(s) of Insurance acceptable to the CITY shall be provided when the contract between the CITY and the ARCHITECT is executed. These certificates shall contain a provisions that coverage that is afforded under the policies will not be cancelled until at least thirty (30) days prior written notice has been given to the CITY and acknowledged.

**7.3.6. Notice of Claim:** The ARCHITECT, upon receipt of notice of any claim in excess of \$1,000 in connection with this contract shall promptly notify the CITY, providing full details thereof, including an estimate of the amount or loss of liability.

**7.3.7. Indemnification Clause**

The ARCHITECT agrees to indemnify and save harmless the CITY, its officials, servants, officers, directors and employees from and against all expenses and judgments for personal injury or death or damage to property where, and to the extent caused by the ARCHITECT'S negligent acts, errors or omissions.

**7.4. Controlling Law.** This Agreement is to be governed by the law of the State of Kansas.

**7.5. Successors and Assigns.**

**7.5.1.** CITY and ARCHITECT each is hereby bound and the partners, successors, executors, administrators and legal representatives of CITY and ARCHITECT (and to the extent permitted by paragraph 7.5.2 the assigns of CITY and ARCHITECT) are hereby bound to the other party to this Agreement and to the partners, successors, executors, administrators and legal representatives (and said assigns) of such other party, in respect of all covenants,

agreements and obligations of this Agreement.

**7.5.2.** Neither CITY nor ARCHITECT shall assign, sublet or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Agreement without the written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent ARCHITECT from employing such independent professional associates and consultants as ARCHITECT may deem appropriate to assist in the performance of services hereunder.

**7.5.3.** Nothing under this Agreement shall be construed to give any rights or benefits in this Agreement to anyone other than CITY and ARCHITECT, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of CITY and ARCHITECT and not for the benefit of any other party.

**7.4. HOLD HARMLESS CLAUSE.** The ARCHITECT hereby expressly agrees to indemnify, hold harmless and save the CITY, the KDOT, and their authorized representatives from any and all costs, liabilities, expenses, suits, judgments and damages to persons or property or claims of any nature whatsoever arising out of or in connection with the provisions or performance of this Agreement by the ARCHITECT, its agents, employees, or subcontractors which may result from negligent acts, errors, or omissions from the ARCHITECT'S operation in connection with the Construction Engineering Inspection Services to be performed hereunder.

**7.5.** This Agreement constitutes the entire agreement between CITY and ARCHITECT and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified or canceled by a duly executed written instrument.

*The balance of this page left intentionally blank*

**IN WITNESS WHEREOF**, the parties hereto have made and executed this Agreement as of the day and year first above written.

**CITY OF GARDEN CITY, KANSAS**

\_\_\_\_\_  
STEVEN F. COTTRELL, PE, CITY ENGINEER

\_\_\_\_\_  
DAVID D. CRASE, MAYOR

ATTEST:

\_\_\_\_\_  
CELYN N. HUTADO, CITY CLERK

**TREANOR ARCHITECTS, P.A.**

\_\_\_\_\_  
TITLE

ATTEST:

\_\_\_\_\_  
TITLE

PROPOSAL FOR CONSTRUCTION ARCHITECTURAL/ENGINEERING SERVICES  
(Fixed Fee)

The consulting architectural/engineering firm of **Treanor Architects, P.A.** with offices located at 1715 SW Topeka Blvd., Topeka, Kansas, hereinafter referred to as the CONSULTANT has reviewed the information transmitted by Steve Cottrell with the City of Garden City, Kansas, hereinafter referred to as the LPA. Based on this information, the CONSULTANT submits the following proposal:

1. The LPA has requested a proposal for construction architectural and engineering services from the CONSULTANT for the on-site observation and contract administration for the above noted project.
2. The LPA desires the services provided by the CONSULTANT to be in accordance with regulations prescribed by the Federal Highway Administration (FHWA) and the Secretary of Transportation of the State of Kansas, hereinafter referred to as the SECRETARY.
3. The LPA has stated that it XX does \_\_\_\_\_ does not desire federal participation in the cost of the construction engineering services for this project.
4. The services performed by the CONSULTANT will be as per terms of an Agreement prepared by the SECRETARY and generally be described as follows:
  - A. The CONSULTANT agrees to:
    - (1) Attend all conferences designated by the KDOT, or required under the terms of the Agreement.
    - (2) Designate a Project Architect/Engineer/Project Manager who shall serve as the CONSULTANT'S Field Supervisor. The Project Architect/Engineer/Project Manager will report and transmit Project activity documents to KDOT's Construction Office. The Project Architect/Engineer/Project Manager and other KDOT Certified Inspector(s) will observe all work done and material furnished. Such observation may extend to all or any part of the work and to the preparation of the materials to be used. The Project Architect/Engineer/Project Manager will not be authorized to alter or waive the provisions of the Specifications or the Construction Contract Proposal. The Project Architect/Engineer/Project Manager will not be authorized to issue instructions contrary to the Plans and Specifications, or to act as foreman for the Contractor, however, the Project Architect/Engineer/Project Manager shall have the authority, with LPA's approval, to reject work or materials until any questions at issue can be referred to and be decided by the KDOT Field Engineer. The use of non-certified inspector(s) for this project will is approved.

- (3) Assign a sufficient number of licensed professionals to the Project to perform the services required under the Agreement, in a timely manner to avoid delay to the Contractor.
- (4) Become familiar with the standard practices of the KDOT, the Contract Documents (Specifications, Contract Proposal, Special Provisions and Plans), and the Contractor's proposed schedule of operations prior to beginning field services to be performed under the Agreement.
- (5) Perform the CONSULTANT'S field operations in accordance with accepted safety practices.
- (6) Furnish all equipment required to accomplish the CONSULTANT'S services.
- (7) Provide for CONSULTANT personnel such transportation, supplies, materials and incidentals as are needed to accomplish the services required under the Agreement.
- (8) Undertake the following:

Transmit orders from KDOT to the Contractor and provide guidance in the proper interpretation of the Specifications and Plans.

Observe the phases of construction to determine the Contractor's compliance with Contract Documents and to report such work and materials which do not comply with the Contract Documents to KDOT and the LPA.

Make certain that test report records or certificates of compliance for materials tested off the Project site and required prior to the incorporation in the work have been received.

Keep such logs and records as needed for a record of the Contractor's progress.

Prepare and submit, or assist in preparing, such periodic, intermediate and final reports and records as may be required by the KDOT and as are applicable to the Project, which may include:

- a. Progress Reports
- b. Weekly statement of working days
- c. Notice of change in construction status
- d. Report of field inspection of material
- e. Test report record
- f. Contractor pay estimates
- g. Final certification of materials
- h. Statement of contract time
- i. Other records and reports as required by the Project

Review, or assist in reviewing, all Contractor submittals of records and reports required by the KDOT, as applicable to the Project, which may include:

- a. Requests for partial and final payment
  - b. Other reports and records as required by the individual Project
- (9) Prepare and submit, if desired by the CONSULTANT, partial payment invoices for services rendered by the CONSULTANT, but not to exceed one submittal per month.
  - (10) Collect, properly label or identify, and deliver to the KDOT all logs, notebooks, accounts, records, reports and other documents prepared by the CONSULTANT in the performance of the Agreement, upon completion or termination of the Agreement.
  - (11) Prepare and submit a certification of Project completion.
  - (12) Prepare and submit a final payment voucher for services rendered by the CONSULTANT.
  - (13) Prepare and deliver (when Project is completed) one copy of major changes to the plans (by letter) to the KDOT.
5. The services performed by the SECRETARY will be as per terms of an Agreement prepared by the SECRETARY and generally be described as follows:
- A. The KDOT agrees to:
    - (1) Make available to the CONSULTANT sufficient copies of the contract documents, shop drawings, plan revisions, written instructions and other information and data considered by the KDOT to be necessary to enable the CONSULTANT to perform the services under this Agreement for the Project to the same standards required of the KDOT's personnel.
    - (2) Provide for the use of the CONSULTANT a sufficient supply of the logs, record keeping books and reporting forms considered by the KDOT to be necessary for the CONSULTANT to perform the services under this Agreement to the same standards required of the KDOT's personnel.
    - (3) Designate a Field Engineer (Metro Engineer, Field Engineering Administrator and/or Area Engineer). The Field Engineer will delegate to a construction office the overseeing of the Project where a Construction Engineer/Construction Coordinator will be assigned to monitor and coordinate all Project related activity to assure compliance with applicable Federal and State requirements of services performed under this Agreement and all construction activities performed under the Contract Documents.
    - (4) Provide, through the Field Engineer and the District staff, such assistance and guidance to the CONSULTANT as may be reasonably necessary to perform and

complete the Agreement in conformance with standard construction engineering practices of the KDOT.

- B. The KDOT reserves the right to assign and charge to the Project such KDOT personnel as may be needed.

6. The CONSULTANT will save the LPA and SECRETARY and their authorized representatives harmless from costs, liabilities, expenses, suits, judgments and damages to persons or property caused by the CONSULTANT, its agents, employees or subcontractors which may result from negligent acts, errors, mistakes or omissions from the CONSULTANT'S operation in connection with the services to be performed hereunder.

7. The CONSULTANT will make all documents and accounting records pertaining to the cost of the services for the Project available at the CONSULTANT'S office to representatives of the LPA, SECRETARY, FHWA or any authorized representative of the Federal Government for audit for a period of three (3) years after the date of final payment.

8. The CONSULTANT will comply with all federal, state and local laws and ordinances applicable to the services to be performed.

9. The cost plus net fee total cost proposal proposed by the CONSULTANT for the performance of services is supported on "Attachment 1". The CONSULTANT will request reimbursement of actual costs in conformity with approved FHWA cost principals and not to exceed the upper limit of compensation. The fees proposed are as follows:

- A. A Net Fee amount of \$63,840.

- B. Other \_\_\_\_\_  
\_\_\_\_\_

10. The CONSULTANT will provide architectural/engineering services outside those set forth above, or for changes in criteria. Any payments authorized under this paragraph must be approved by the SECRETARY in a supplemental agreement.

11. The CONSULTANT may request a partial payment each month. It is understood that the accumulated partial payments shall not exceed ninety-five percent (95%) of the total fee earned prior to the final approval by the LPA and/or the SECRETARY. Final payment to the CONSULTANT should be made within ninety (90) days after receipt of proper billing and final approval by the LPA and/or the SECRETARY.

12. The CONSULTANT'S accounting system, cost records and overhead factors may have to be reviewed by the SECRETARY'S Bureau of Fiscal Services at the time a three (3) party agreement is prepared by the SECRETARY.

13. It is understood by the CONSULTANT that if the CONSULTANT does not have a Project Architect/Engineer/Project Manager when the Project is ready to let, the Project may be withdrawn from a letting and any agreement executed as a result of this proposal may be cancelled.

14. The CONSULTANT certifies the actions of all representatives of the firm will be in compliance with the prescribed "Code of Conduct" solicitation and execution of contract Federal regulations.

15. The above proposal indicates our interpretation of the services desired by the LPA, and the CONSULTANT will be happy to meet and discuss any or all items of this proposal.

Respectfully submitted,

K. Vance Kelley  
CONSULTANT (Title)

K. Vance Kelley, AIA Principal

2/12/13  
Date

**SUPPORTING DATA SHEET FOR ESTIMATE OF ENGINEERING FEES**  
**Construction Administration**

28 TE-0359-01  
 TEA T035(901)  
 Historic Preservation of Windsor Hotel  
 The City of Garden City, Kansas

<b>(I) DIRECT PAYROLL</b>				
POSITION TITLE	RATE	EST HOURS	AMOUNT	TOTAL (SUBTOTAL)
Treanor Project Manager	200	72	14400	
Treanor Staff	90	97	8730	
DGM Engineer Project Manager	110	64	7040	
DGM Engineer Project Engineer	85	162	13770	
The Architect Project Manager/On-Site Observation	106	150	15900	
Treanor Project Manager Donation	200	88	17600	
			SUBTOTAL(I)	77440
<b>(II) GENERAL and ADMINISTRATIVE OVERHEAD (    %) X SUBTOTAL (I)</b>				Incl.
<b>(III) SUBTOTAL (Sum of I and II)</b>				77440
<b>(IV) NET FEE</b>				
<b>(V) DIRECT EXPENSES (TRAVEL, MATERIALS, POSTAGE AND CONSULTANTS)</b>	RATE	DAYS/MILES/ OTHER	AMOUNT	
Travel (6 DGM Visits/3 Treanor Visits)			4000	
Telephone			0	
			SUBTOTAL(V)	4000
<b>(VI) COST (TOTAL FOR JOB ITEMS III+IV+V)</b>				<b>81440</b>
<b>(VI) COST (TOTAL FOR JOB ITEMS III+IV+V) LESS DONATION</b>				<b>63840</b>

# Windsor TE Construction Architectural/Engineering Proposal

Breakdown includes anticipated tasks, hours necessary to complete the work, and hourly rates.

Description of Work	TA Project Staff	TA Principal in Charge*	DGM Engineers	The Architect	Expenses		
<u>Primary Work</u>							
1) Review of Shop Drawings	20	4	16	10			(25 Sections Arch of which 9 Struct)
2) On Site Pre-Construction Meeting	16	16	18	8			
3) RFI's/ASI's	24	16	40	20			
4) On Site - 2-3x Weekly				96			
5) On Site Close-Out	16	16		8			
6) Pay Requests	5	4		8			
7) Additional On Site CA Services	16	16	115.2				
<hr/>							
Total	97	72	189.2	150			
Rate	\$90	\$200	\$110	\$106	\$500 per 2		
<b>Treanor Architects</b>	\$8,730	\$14,400			\$2,000	\$25,130	39%
<b>DGM Engineer</b>			\$20,812		\$2,000	\$22,812	36%
<b>The Architect - Bruce Glass</b>				\$15,900		\$15,900	25%
Total						\$63,842	100%
Construction Budget							

\* Spreadsheet calculations do not include 88 hours of work to be performed by the Treanor Architects Pricipal and donated to the City of Garden City

**KANSAS DEPARTMENT OF TRANSPORTATION**

Special Attachment  
To Contracts or Agreements Entered Into  
By the Secretary of Transportation of the State of Kansas

NOTE: Whenever this Special Attachment conflicts with provisions of the Document to which it is attached, this Special Attachment shall govern.

THE CIVIL RIGHTS ACT OF 1964, and any amendments thereto,  
REHABILITATION ACT OF 1973, and any amendments thereto,  
AMERICANS WITH DISABILITIES ACT OF 1990, and any amendments thereto,  
AGE DISCRIMINATION ACT OF 1975, and any amendments thereto,  
EXECUTIVE ORDER 12898, FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY  
POPULATIONS AND LOW INCOME POPULATIONS 1994, and any amendments thereto,  
49 C.F.R. Part 26.1 (DBE Program), and any amendments thereto

**NOTIFICATION**

The Secretary of Transportation for the State of Kansas, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964 (78 Stat. 252), §504 of the Rehabilitation Act of 1973 (87 Stat. 355) and the Americans with Disabilities Act of 1990 (42 USC 12101), the Age Discrimination Act of 1975 (42 USC 6101), the regulations of the U.S. Department of Transportation (49 C.F.R., Part 21, 23, and 27), issued pursuant to such Act, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations (1994), and the DBE Program (49 C.F.R., Part 26.1), hereby notifies all contracting parties that, the contracting parties will affirmatively ensure that this contract will be implemented without discrimination on the grounds of race, religion, color, gender, age, disability, national origin, or minority populations and low income populations as more specifically set out in the following “Nondiscrimination Clauses”.

**CLARIFICATION**

Where the term “Consultant” appears in the following “Nondiscrimination Clauses”, the term “Consultant” is understood to include all parties to contracts or agreements with the Secretary of Transportation of the State of Kansas.

**Nondiscrimination Clauses**

During the performance of this contract, the Consultant, or the Consultant’s assignees and successors in interest (hereinafter referred to as the “Consultant”), agrees as follows:

- 1) Compliance with regulations: The Consultant will comply with the regulations of the U.S. Department of Transportation relating to nondiscrimination in its federally-assisted programs and codified at Title 49, Code of Federal Regulations, Parts 21, 23 and 27, (hereinafter referred to as the “Regulations”). The Regulations are herein incorporated by reference and made a part of this contract.
- 2) Nondiscrimination: The Consultant, with regard to the work performed by the Consultant after award and prior to the completion of the contract work, will not discriminate on the grounds of race, religion, color, gender, age, disability, national origin or minority populations and low income populations in the selection and retention of subcontractors, including in the procurements of materials and leases of equipment. The Consultant will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- 3) Solicitations for Subcontractors, including Procurements of Material and Equipment: In all solicitations, either competitive bidding or negotiation made by the Consultant for work to be performed under a subcontract including procurements of materials and equipment, each potential subcontractor or supplier shall be notified by the Consultant of the Consultant’s obligation under this contract and the Regulations relative to nondiscrimination on the grounds of race, religion, color, gender, age, disability, national origin or minority populations and low income populations.

- 4) Information and Reports: The Consultant will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and the Secretary of the Transportation of the State of Kansas will be permitted access to the Consultant's books, records, accounts, other sources of information, and facilities as may be determined by the Secretary of Transportation of the State of Kansas to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Consultant is in the exclusive possession of another who fails or refuses to furnish this information, the Consultant shall so certify to the Secretary of Transportation of the State of Kansas and shall set forth what efforts it has made to obtain the information.
- 5) Employment: The Consultant will not discriminate against any employee or applicant for employment because of race, religion, color, gender, age, disability, or national origin.
- 6) Sanctions for Noncompliance: In the event of the Consultant's noncompliance with the nondiscrimination provisions of this contract, the Secretary of Transportation of the State of Kansas shall impose such contract sanctions as the Secretary of Transportation of the State of Kansas may determine to be appropriate, including, but not limited to,
  - (a) withholding of payments to the Consultant under the contract until the Consultant complies, and/or
  - (b) cancellation, termination or suspension of the contract, in whole or in part.
- 7) Disadvantaged Business Obligation
  - (a) Disadvantaged Business as defined in the Regulations shall have a level playing field to compete for contracts financed in whole or in part with federal funds under this contract.
  - (b) All necessary and reasonable steps shall be taken in accordance with the Regulations to ensure that Disadvantaged Businesses have equal opportunity to compete for and perform contracts. No person(s) shall be discriminated against on the basis of race, color, gender, or national origin in the award and performance of federally-assisted contracts.
  - (c) The Consultant, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Consultant shall carry out applicable requirements of 49 C.F.R. Part 26 in the award and administration of Federally-assisted contracts. Failure by the Consultant to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate.
- 8) Executive Order 12898
  - (a) To the extent permitted by existing law, and whenever practical and appropriate, all necessary and reasonable steps shall be taken in accordance with Executive Order 12898 to collect, maintain, and analyze information on the race, color, national origin and income level of persons affected by programs, policies and activities of the Secretary of Transportation of the State of Kansas and use such information in complying with Executive Order 12898.
- 9) Incorporation of Provisions: The Consultant will include the provisions of paragraphs (1) through (8) in every subcontract, including procurements of materials and equipment, unless exempt by the Regulations, order, or instructions issued pursuant thereto. The Consultant will take such action with respect to any subcontract or procurement as the Secretary of Transportation of the State of Kansas may direct as a means of enforcing such provisions including sanctions for noncompliance: PROVIDED, however, that, in the event a Consultant becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Consultant may request the State to enter into such litigation to protect the interests of the State.

### CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

"The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 06-12), which is attached hereto, are hereby incorporated in this contract and made a part thereof."

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

1. **Terms Herein Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.
2. **Kansas Law and Venue:** This contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this contract shall reside only in courts located in the State of Kansas.
3. **Termination Due To Lack Of Funding Appropriation:** If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges-hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least 30 days prior to the end of its current fiscal year, and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to 90 days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of the State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.
4. **Disclaimer Of Liability:** No provision of this contract will be given effect that attempts to require the State of Kansas or its agencies to defend, hold harmless, or indemnify any contractor or third party for any acts or omissions. The liability of the State of Kansas is defined under the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.).
5. **Anti-Discrimination Clause:** The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001 et seq.) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111 et seq.) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101 et seq.) (ADA) and to not discriminate against any person because of race, religion, color, sex, disability, national origin or ancestry, or age in the admission or access to, or treatment or employment in, its programs or activities; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) if it is determined that the contractor has violated applicable provisions of ADA, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.

Contractor agrees to comply with all applicable state and federal anti-discrimination laws.

The provisions of this paragraph number 5 (with the exception of those provisions relating to the ADA) are not applicable to a contractor who employs fewer than four employees during the term of such contract or whose contracts with the contracting State agency cumulatively total \$5,000 or less during the fiscal year of such agency.

6. **Acceptance Of Contract:** This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.
7. **Arbitration, Damages, Warranties:** Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State or its agencies have agreed to binding arbitration, or the payment of damages or penalties. Further, the State of Kansas and its agencies do not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages available to the State of Kansas or its agencies at law, including but not limited to the implied warranties of merchantability and fitness for a particular purpose.
8. **Representative's Authority To Contract:** By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.
9. **Responsibility For Taxes:** The State of Kansas and its agencies shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.
10. **Insurance:** The State of Kansas and its agencies shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this contract, nor shall this contract require them to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101 et seq.), the contractor shall bear the risk of any loss or damage to any property in which the contractor holds title.
11. **Information:** No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101 et seq.
12. **The Eleventh Amendment:** "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."
13. **Campaign Contributions / Lobbying:** Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.

# Other Entities Minutes

**Garden City Recreation Commission  
Minutes  
Monday, February 25, 2013**

**I. Call Meeting to Order**

Chairperson Greg Hands call the meeting to order at 5:20 p.m. GCRC Board members present were David DuVall, Maria Hardwick, Anna Urrutia and Holly Chandler. GCRC Staff present was Superintendent John Washington, Assistant Superintendent Donna Gerstner, Arts Director Brian Seagraves and Finance Director Terri Hahn.

**II. Approval of Agenda**

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

**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 January 28, 2013**
- **Financial Reports for January 2013**
- **Staff reports for February 2013**
- **Participation Reports**

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

**IV. Superintendents Report**

- **Projects-Big Pool Spray ground** – Waiting for opening in April or May. Remember equipment was delayed due to being made overseas. Landscaping still needs to be done.
- **Tangeman Sports Complex** – Moved scoreboards to center field, two (2) PA booths, roofs and doors need to be finish. Landscaping needs to be done, City of Garden City fixed drainage problem around the playground equipment. Talley Trail is tied in with Tangeman Sports Complex.
- **CIP's** – CIP's have gone to the City Manager for review.

**V. New Business**

- a) **Finance Director Terri Hahn is requesting for approval to destroy old records and Fixed Assets for 2012.** - Finance Director Terri Hahn is requesting for approval to destroy old records. They are:

2002 Bank Statements, checking and Savings, Cancelled Checks and Deposits January-December.  
Payroll check Register January thru December  
Payroll Vouchers January thru December  
Payroll Register January-December  
Earnings Reports, KPERS, KS Withholdings, Sales Tax, EFTPS, Pledging, Quarterly Reports January-December  
General Journal January-December  
General Ledger January-December  
Vendor Ledgers January-December

- 2003 Accounts Payable Checks January-December  
W2's and 1099's
- 2004 Bank Statements, Checking and Savings, Cancelled Checks and  
Deposits January-December  
W2's and 1099's
- 2005 Payroll Vouchers January-December  
Account Payables Vouchers January-August  
Account Payables Vouchers August-December  
Payroll Earnings January-December  
Payroll Registers January-December  
Payroll Check Register January-December  
Quarterly Reports, KPERs, KS Withholding, EFTPS, Pledging,  
Sales Tax January-December  
Cash Receipts January-December  
Duplicate Purchase Orders (Yellow Copies) January-December  
Account Payables with copies of checks January-December  
Check Registers January-December  
Bank Statements, Checking and Savings, Cancelled Checks &  
Deposits January-December
- 2010 Concessions Inventory January-December  
Cash Receipts January-March  
Cash Receipts April-June  
Cash Receipts July-October  
Cash Receipts November-December

Motion by Maria Hardwick to approve the list of GCREC February 2012 Records to be destroy, seconded by Anna Urrutia. Motion carried with all in favor.

Finance Director Terri Hahn handed out copies of the Fixed Assets to be deleted and/or Changed depreciation date to February 28, 2012. Items are:

<b>Buy Date</b>	<b>Item</b>	<b>Dept.</b>	<b>Depreciates Date</b>
04/02/02	Jacobsen 926 Groom Master	Capital	03/31/12 Change date & delete
05/01/02	Tractor John Deere 4510 utility	Maint	04/29/12 Change date & delete
05/20/02	Hot Dog grill bun warmer	Conc	05/18/12 Change date & delete
06/06/02	Hot Dog grill bun warmer	Conc	06/04/12 Change date & delete
12/19/02	Body Composition Scale	Wellness	12/17/12 Change date & delete
12/27/02	CrossTrainer Precor C956	Wellness	12/25/12 Change date & delete
12/31/02	Recware Registration & League	Admin	12/29/12 Change date & delete
01/02/03	Paint Line Machine	Maint	12/31/12 Change date & delete
01/02/03	Trailer 1999	Maint	12/31/12 Change date & delete
01/21/03	Monitors LCD Screens Flat	Admin	01/19/13 Change date & delete
01/28/03	Metal Cabinets (4)	Maint	01/26/13 Change date & delete
02/08/03	Camera Digital	Admin	02/06/13 Change date & delete
02/19/03	Transceiver Kenwood	Maint	02/17/13 Change date & delete

<u>Buy Date</u>	<u>Item</u>	<u>Dept.</u>	<u>Depreciates Date</u>
02/21/03	Pitching machine used	Sports	02/19/13 Change date & delete
03/18/03	Painter Line	Maint	03/16/13 Change date & delete
04/07/03	Display Boards w/locks	Capital	04/05/13 Change date & delete
04/08/03	Coin Counter electric	Admin	04/06/13 Change date & delete
04/08/03	Counter bank note	Admin	04/06/13 Change date & delete
04/22/03	Time clock	Maint	04/20/13 Change date & delete
05/15/03	Flat Bed & brake controller	Maint	05/13/13 Change date & delete
01/01/04	Fencing	Maint	12/30/13 Change date & delete
01/01/04	Scraper 8' Husky	Maint	12/30/13 Change date & delete
10/01/06	Dog Park	Capital	09/29/16 Change date & delete
01/23/07	Floor Covering	Capital	01/23/12 Delete
04/19/07	Mower, Jacobsen 9016	Maint	04/19/12 Change date & delete
08/18/07	Postage Meter w/Scale	Admin	06/18/12 Change date & delete
12/18/07	Sun Shades	Pool	12/18/12 Change date & delete
12/20/07	Cross Trainer Precor 546	Wellness	12/20/12 Change date & delete
12/20/07	Treadmill Precor C9561	Wellness	12/20/12 Change date & delete
02/12/08	Fitness Bikes Expresso 4	Wellness	02/10/13 Change date & delete
03/12/08	Fitness Bikes Expresso 4	Wellness	03/11/13 Change date & delete
01/01/09	QuickBooks account software	Admin	01/01/12 Change date & delete
06/05/09	Phillps HeartStart Defibrillator	Admin	03/05/12 Change date & delete
06/17/19	Basketball goals 4	Sports	03/17/12 Change date & delete
06/22/12	Surveillance System Pool	Pool	03/22/12 Change date & delete
07/13/12	Adjust Poly Board System 2	Sports	04/13/12 Change date & delete
11/20/10	Lockers 2 sets	Wellness	11/19/15 Change date & delete

Motion by Maria Hardwick to change date to February 2012 and delete from Fixed Asset List, the motion is seconded by Anna Urrutia. Motion carried with all favor.

- b) Staff requesting discussion on usage of the Finney County Expo building as a Sports Facility.**-John explained that he has been visiting with Finney County about the Expo Building being used as a sports facility. Going back two (2) years, there are seven (7) events that can still use the building. The building can be used for futsal, indoor tennis, and indoor soccer. John wanting a motion from the Board to continue exploring the options. Motion by Holly Chandler to approve John to continue exploring options on the Expo Building. The motion is seconded by Maria Hardwick. Motion carried with all in favor.
- c) Storage for Arts and Sports located at 106 N 3<sup>rd</sup> St.** - John found a building at 106 N 3<sup>rd</sup> St. to use for storage for the arts and sports. The building is own by KNB, LLC.
- d) Brian Seagraves will discuss Clifford Hope Auditorium agreement between USD 457, City of Garden City and the Garden City Recreation Commission.**-Since the City of Garden City gave the State Theater to Mark Pamplin, Arts Director Brian Seagraves has been looking into other options. He will be out of the State Theater by May. Brian and John visiting with USD 457 about managing Clifford Hope Auditorium. They are working on a formal proposal for ten (10) years. Brian wanting a motion to go forward

on this proposal. Motion by Maria Hardwick to move forward on the proposal for Clifford Hope Auditorium, seconded by Holly Chandler. Motion carried with all in favor.

**e) Donna Gerstner will present for discussion the new pool rental rates for 2013.-**

Assistant Superintendent Donna Gerstner has been working on new pool rental rates for 2013. They are:

**Pool Rental Information**

Deposit \$100

Wading Pool Rate \$80 per hour, suggested increase \$100 per hour (includes three (3) guards and manager) our cost \$84 (includes staff and 30% admin charge per hour).

Slides Rate \$80 per our suggested increase \$100 per hour (includes one (1) guard, two (2) slide attendants and manager) our cost \$84 (includes staff and 30% admin charge per hour).

Spray Park -\$100 per hour. Added to the pool this year. Our cost \$35 (includes a manager and 30% admin).

Entire pool based on 100 participants \$200 per hour suggested increase \$270 per hour, added spray park (includes ten (10) guards, two (2) slide attendants and one (1) manager) Slides, Wading Pool, Deep End, Shallow end, Spray Park. Our cost is \$250 (includes staff and 30% admin charge).

**Combo Package:**

Wading Pool and Shallow end-\$150 (Manager and six (6) guards) our cost \$139 (includes staff and 30% admin fee).

Wading Pool and Spray Park \$150 (Manager and three (3) guards) our cost \$84 (includes staff and 30% admin).

Wading Pool, Spray Park, Shallow end \$175 (Manager and six (6) guards) our cost \$139 (includes staff and 30% admin).

Slides, Wading Pool, Shallow end, \$175 (Manager and seven (7) guards, two (2) attendants) our cost \$158 (includes staff and 30% admin).

Slides, Wading Pool, Shallow end and Spray Park \$200 (Manager and seven (7) guards, two (2) attendants) our cost \$158 (includes staff and 30% admin).

Costs structure is set by number of areas using and actual cost. Example: if you are using three (3) areas the cost is \$175, two (2) areas is \$150 and one (1) area \$100.

All rentals based on one hundred (100) participants over all at pool, over one hundred (100) \$2.00 extra per person charged and more guards are brought in. All rentals are during closed hours only. Staff is paid time and a half for rentals. Reservations must be ten (10) days in advance to secure guards.

Birthday Parties during Open Hours-Spray Park is shared by public. Parties get a reserved table for three (3) hours, entrance for ten (10) people, small drink and snack from concession stand. \$80.00

Swim Meet-\$3 per swimmer per day. They provide Lifeguards and equipment. Concessions we get 30% of gross if they run a stand. Pool is closed on day for swim meets.

Motion by David DuVall to approve the pool rental rates and to be able to negotiate on the swim meets rates, seconded by Maria Hardwick. Motion carried with all in favor.

- f) **Approval of the 2013-2017 Recreation Board Member.** – Motion by Holly Chandler to approve Marcus Ramos for approval with the City of Garden City Commissioner for GCREC Board Member, seconded by Maria Hardwick. Motion carried with all in favor.

**VI. Old Business**

- VII. Executive Session – (Applies only if requested by Staff and/or a Board Member)**  
**Recreation Board will go into executive session at \_\_\_\_ for the purpose of discussing (personnel and/or real property). The Recreation Board will reconvene into open session at \_\_\_\_\_.**

John asked to go into executive session for fifteen (15) minutes for the purpose of discussing personnel and/or real property. Motion by David DuVall to go into executive session for fifteen (15) minutes for the purpose of discussing personnel and/or real property, seconded by Maria Hardwick. Motion carried with all in favor.

Went into executive session at 6:07 pm.

Out of executive session at 6:20 pm

No action taken.

**Garden City Recreation Commission Questions and Comments**

**VIII. Adjournment**

Motion by David DuVall to adjourn meeting, seconded by Maria Hardwick. Meeting adjourned at 6:25 pm.

Terri Hahn  
Secretary

Approved March 25, 2013



# GARDEN CITY RECREATION

## REVISED AGENDA - Garden City Recreation

Regular Meeting

Monday – March 25, 2013 @ 5:15 p.m.

Garden City Recreation Center, 310 N. 6<sup>th</sup> Street

---

**I. Call Meeting To Order – Welcome --Marcus Ramos**

**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.

- Minutes of Regular Meeting February 25, 2013
- Financial Reports for February 2013
- Staff Reports for March 2013
- Participation Reports February 2013

**IV. Superintendents Report**

- Citizens Academy – Is being held on April 11, 2013
- 2014 Budget Start's process in April and May.
- Mid-West Regional Conference Deadwood, SD April 13<sup>th</sup> – 17<sup>th</sup>
- Superintendents Vacation

**V. New Business**

- a) Jared Rutti Sports Director is requesting for approval of purchase the 2013 BB/SB Equipment Bids.
- b) Jared Rutti Sports Director is requesting for approval the 2013 Baseball/Softball T-shirt Bid.
- c) Jared Rutti Sports Director, would like for consideration a change in Facility Rental Fee Structure
- d) Jared Rutti Sports Director is proposing a late fee charge for recreational (sports) programs.
- e) Donna Gerstner Assistant Superintendent requesting Board Representative for Playground Program, United Way Funding Presentation, April 18th, 8:40pm, St Catherine Hospital, Classroom B.
- f) Approval for purchase of over seeder from Western Irrigation.

**VI. Old Business**

- VII. Executive Session – (Applies only if requested by Staff or a Board Member)** Recreation Board will go into executive session at \_\_\_\_\_p.m, for the purpose of discussing personnel and/or real property. The Recreation Board will reconvene into open session at \_\_\_\_\_p.m.

GARDEN CITY RECREATION COMMISSION QUESTIONS & COMMENTS

**VIII. ADJOURNMENT**

**Next Meetings**

*April 29, 2013*

*Activity Center @ 5:30pm*

*310 N. 6<sup>th</sup> Street, Room 112*