

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
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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
	TOTAL	\$114,622		\$38,000

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
	TOTAL	\$39,907.23		\$19,300

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 ManagementClass 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 NuevoCereal 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 & RemodelingClass B General
- j) Nemechek ConstructionClass B General
- k) Pyramid Plumbing.....Class B General
- l) Western Kansas Baptist AssociationClass 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 MetalClass D-M Mechanical
- q) Comfort Specialists Heating & Cooling, Inc.....Class D-M Mechanical
- r) Black Hills/Kansas Gas Utility CompanyClass D-M Mechanical
- s) Arntt PlumbingClass D-P Plumbing w/ Gas
- t) Black Hills/Kansas Gas Utility Company Class D-P Plumbing w/ Gas
- u) BT PlumbingClass D-P Plumbing w/ Gas
- v) Platinum Plumbing, LLC..... Class D-P Plumbing w/ Gas
- w) Pyramid PlumbingClass D-P Plumbing w/ Gas
- x) Wray Roofing, IncClass D-R Roofing
- y) BT PlumbingClass 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.