

THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City

May 7, 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, May 7, 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 with one correction.

Commissioner Dale moved to not approve the request from Mr. Ryan Cornett for a waiver of the noise ordinance on June 1, 2013 from 7:00 p.m. to midnight at Fulton Street Pub for an outdoor event with live music and uphold the City Manager's decision for a waiver to the noise ordinance from 7:00 p.m. – 11:00 p.m. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Law moved to approve the request from Angelica Castillo Chappel, Garden City Community Fiesta Association pursuant to Code Section 6-35, to sell beer and other cereal malt beverages under a temporary CMB license on public property at Stevens Park on Saturday, September 14, 2013 from 6:00 p.m. to 9:00 p.m. and for temporary closure of Heroes Way. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Cessna moved to approve the request from Cathy McKinley, 2013 Local Leadership Kansas, pursuant to Code Section 6-35, to sell beer and other cereal malt beverages under a temporary CMB license, on public property at the Finnup Center on Wednesday, May 29, 2013 in case of inclement weather. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Law moved to approve the request from Lindsey Becker & Rodney Wadel for a waiver to the noise ordinance on June 6-8, 2013 and June 28-29, 2013 from 8:00 p.m. to midnight at Jax Sports Grille, 1907 E. Mary Street for outside music concerts, the concerts will be held in an enclosed tent. Mayor Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Nay	Yea	Yea	Yea

Commissioner Dale moved to approve and authorize staff to prepare a petition for a cost share project as requested by Bruce & Beverly Schmitz Glass for streetscape improvements at the southwest corner of Seventh and Laurel streets for the redevelopment of the McAllister building. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Cessna moved to approve a request from Iglesia Pentecostal Jesucristo to extend City sewer and water, with special assessments for the sewer, subject to an annexation agreement. Staff was directed to investigate a larger benefit district for the sewer project with the property owners to the north on the east side of Eighth Street.

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

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Cessna moved to approve and authorize the Mayor to proclaim the week of May 5 -11, 2013 as Public Service Recognition Week. Commissioner Dale seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Law moved to approve and appoint Honorable Peter J. Ramirez to serve as a Garden City representative on the 25th Judicial District Community Corrections Advisory Board. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Cessna moved to approve and authorize the Mayor to proclaim May 12-18, 2013 as National Peace Officers Week. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

The City's K-156/Mary Street/Jennie Barker Road Intersection project was awarded the Project of the Year Award in the category of Transportation (Less Than \$5 Million) by the Kansas Chapter of American Public Works Association. Director of Public Works Sam Curran accepted the award at this week's Spring Conference in Lawrence. Also present were representatives of the project engineer, Wilson and Company, and the project contractor, Smoky Hill. The Awards Committee specifically cited the project's improvement to the traffic safety of the intersection as well as the coordination required between the City, Finney County and KDOT.

The Governing Body recognized and congratulated the graduates of the 2013 Garden City Citizens' Academy class. Members of the Governing Body and the public were invited to attend the Graduation Ceremony for the Citizens' Academy held directly following the City Commission meeting, in the Large Meeting Room.

City Manager Allen reported that the City Prosecutor's Office will be physically relocating from the office on Pine Street to the Law Enforcement Center. The consolidation of duties allows all of the personnel to fit in the space allocated to the City in the Municipal Court area of the Law Enforcement Center. This will be completed on or before May 14, 2013. The City does have an active lease on the current building on Pine Street that runs through the end of the year. The City will work with the building owner to transition the building to a new tenant sooner if possible.

The City has received the March 2013 franchise payment in the amount of \$6,291.95 from AT&T and from Black Hills Corporation the first quarter 2013 franchise payment in the amount of \$188,449.78.

Staff provided the following item of information for Governing Body review from Finance Director Hitz, the monthly City and County sales tax report.

Meetings of note:

- ✓ May 10-11, 2013 – League of Kansas Municipalities, Governing Body Institute in Topeka, Kansas.

- ✓ May 17 – 19, 2013 – Garden City Recreation Commission’s “Clue: The Musical” at the State Theater.
- ✓ May 31 – June 9, 2013 – Beef Empire Days – “Beef....The Taste of Tradition!”
- ✓ August 8, 2013 – SHRM of SWKS – 5th Annual HR Workshop, 8:00 a.m. – 4:00 p.m.
- ✓ September 14, 2013 – 87th Garden City Community Mexican Fiesta
- ✓ September 21, 2013 – FallFest 2013 featuring Art in the Park, Knights of Columbus’ OktoberFest, Doxie Derby & Nasduck 500 Duck Races – 8:30 a.m. to 3:00 p.m.
- ✓ October 10, 2013 – Cultural Relations Diversity Dinner.

Appropriation Ordinance No. 2339-2013A, “AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$3,534,679.03,” was read and considered section by section. Commissioner Dale moved to approve and pass Appropriation Ordinance No. 2339-2013A. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Ordinance No. 2591-2013, “AN ORDINANCE REGULATING FENCING IN THE CITY OF GARDEN CITY, KANSAS; AMENDING THE ZONING REGULATIONS FOR THE CITY OF GARDEN CITY, KANSAS; AMENDING ZONING REGULATION SECTION 22.110; REPEALING IN ITS ENTIRETY CURRENT ZONING REGULATION SECTION 22.110; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS,” was read and and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2591-2013. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Ordinance No. 2592-2013, “AN ORDINANCE REZONING LAND FROM “L-R” LOW DENSITY 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,” (Chappel Heights Subdivision), was read and and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2592-2013. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Doll moved to approve the preliminary and final plats of Chappel Heights Subdivision. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Ordinance No. 2593-2013, “AN ORDINANCE REGULATING LOT DIMENSIONS FOR “R-2” SINGLE FAMILY RESIDENTIAL AND “R-3” MULTIPLE FAMILY RESIDENTIAL DISTRICTS IN THE CITY OF GARDEN CITY, KANSAS; AMENDING THE ZONING REGULATIONS FOR THE CITY OF GARDEN CITY, KANSAS; AMENDING ZONING REGULATION SECTIONS 6.040 AND 7.040; REPEALING IN THEIR ENTIRETY CURRENT ZONING REGULATION SECTIONS

6.040 AND 7.040; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS,” was read and and considered section by section. Commissioner Law moved to approve Ordinance No. 2593-2013. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Ordinance No. 2594-2013, “AN ORDINANCE REZONING LAND FROM “C-2” GENERAL COMMERCIAL DISTRICT TO “I-2” MEDIUM INDUSTRIAL 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” (Gian Property), was read and and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2594-2013. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Fankhauser moved to approve the preliminary and final plats for Gian Property. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Doll left the bench.

Resolution No. 2526-2013, “A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH PROPOSED DISTRICT; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING,” (East Cambridge Square Phase 2), was read and and considered section by section. Commissioner Cessna moved to approve Resolution No. 2526-2013. Commissioner Dale seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Abstained	Yea	Yea

Commissioner Doll returned to her place at the bench.

Ordinance No. 2595-2013, “AN ORDINANCE AUTHORIZING THE CITY OF GARDEN CITY, KANSAS TO CONSTRUCT CERTAIN IMPROVEMENTS TO PUBLIC FACILITIES AND SYSTEMS IN THE CITY AND AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY TO PAY COSTS THEREOF,” was read and and considered section by section. Commissioner Law moved to approve Ordinance No. 2595-2013. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Cessna moved to approve and authorize additional funding to the Southwest Kansas Coalition to continue to help underwrite expenses related to federal lobbying efforts on behalf of the Southwest Chief. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Lona DuVall, President and representatives from Finney County Economic Development Corporation were present to review the quarterly report and to submit their annual request for funding for 2014.

Dr. Beverly Schmitz Glass, Executive Director of Downtown Vision, Inc. and board members Nicole Lucas and Shonda Collins were present to review the quarterly report and to submit their annual request for funding for 2014.

Commissioner Cessna moved to approve the request to expand the OL-1 District and expand the OL-2 District south in the city limits to include all property within the bypass not currently included in the Neighborhood Revitalization Plan (NRP). Mayor Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Mayor Fankhauser moved to approve a contract for services with Mayer Specialty Services, LLC in the amount not to exceed \$35,000 for rehabilitation services on approximately 171 vertical feet of 4 foot diameter manhole structures. Commissioner Dale seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Bond Counsel Mary Carson and Financial Advisor Chuck Bouilly have started work on the Special Assessments being levied this year.

Commissioner Cessna moved to approve the Final Cost Certificates and the Assessment Rolls. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Cessna moved to approve and schedule a Public Hearing for 2013 at 2:00 p.m., May 21, 2013. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Cessna moved to approve and authorized the proposed 2013 General Obligation bonds, with the Buffalo Dunes Golf Course irrigation project for 15 years and the Electric and Water projects for 10 years. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
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Yea Yea Yea Yea Yea

Public Works Director Curran reviewed the 2013 and 2014 Capital Improvement Projects lists with the Governing Body. Finance Director Hitz was present to discuss the following items:

1. Review of Enterprise, Support & Misc Funds – Capital Improvement Reserve (#05), CD Loan Fund (#06), Cemetery Endowment (#07), Community Trust Reserve (#08) DEA Forfeiture (#10), Drug Enforcement (#11), E-911 Funds (#15), Finnup Foundation (#18), 12-6 a13 Revolving Fund(#26), Risk Reserve (#27), Special Drug & Alcohol (#29), Special Parks & Rec (#30), Special Trafficway (#32), Street(#01-133), Workers Compensation (#35), Workers Compensation Reserve (#36), Community Development (#50), Economic Development Revolving Loan (#52), Project Development (#53), Golf Course (#70), Golf Course Bldg (#71), Solid Waste (#75) and Drainage Utility (#79).

Commissioner Dale moved to approve and appoint Tanner Lucas to the Planning Commission to fill the unexpired term beginning May 2013 and ending December 31, 2015. Mayor Fankhauser seconded the motion. The vote was taken by yeas and nays and recored as follows:

Cessna Dale Doll Fankhauser Law
 Yea Yea Yea Yea Yea

Commissioner Dale moved to approve the following:

1. Governing Body considered and accepted of bids received April 30, 2013 and May 2, 2013 and authorization for the Mayor and City Clerk to execute the contracts.

a. 2013 Trail Sealing Materials

Description	Quantities	Unit/Pricing	Costs
Supplier Sealer	Paving Maintenance Supply Inc., Wichita, Kansas		
gallon	13,000	\$2.194	\$28,522.00
Supplier Sealer	Mid-America Seal Coating, LLC		
gallon	13,000	\$2.20	\$28,600.00

b. Schulman Avenue Watermain Extension

BIDDER	TOTAL BID	COMMENT
Engineer's Estimate	\$345,950.00	
Dick Construction Inc.	\$261,811.00	LOW
Lee Construction Inc.	\$293,187.75	
Dreiling Construction, LLC	\$339,237.50	

c. Lareu Road and Stone Creek Drive Improvements

BIDDER	Schedule 1	Schedule 2	Schedule 3	GRAND TOTAL	COMMENT
ENGINEER'S ESTIMATE	\$101,808.00	\$121,900.00	\$261,708.00	485,416.00	
J-A-G Construction	\$75,085.00	\$102,395.50	\$209,588.00	\$387,068.50	Low Recommended

Co.					Award \$177,480.50
Smoky Hill, LLC	\$113,236.00	\$108,385.10	\$225,765.35	\$447,386.45	
Sporer Land Development Inc.	\$97,123.00	\$117,697.50	\$243,052.50	\$457,873.00	

2. Governing Body consideration and approval of a lease agreement for pasture (Tract P5) between the City of Garden City, Kansas and Justin Hurley.
3. Governing Body consideration and approval of an addendum to a lease agreement between the City of Garden City, Kansas and George Ohmes.
4. Governing Body consideration and approval of bids received April 25, 2013 for the purchase of a Police vehicle and authorization for the Mayor and City Clerk to execute the contract with Western Motor.
5. Quit Claim Deed from Nancy J. Leiker transferring Space 1, Lot 109, Zone C of Valley View Cemetery to Garnand Funeral Home.
6. Permission for Filomena Facio to reserve Space 7, Lot 55, Zone J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
7. Licenses:

(2013 New)

- a) El Manantial Mexican Buffet Cereal Malt Beverage
- b) Beef Empire Days PRCA Rodeo Temporary Cereal Malt Beverage
- c) Robinson Construction, LLC Class A General
- d) Circle K Steel Building Construction, LLC Class B General
- e) Gypsum Floors of AR/OK, Inc Class E-SOC Specialized Other
- f) GAS Lawn Pros, LLC Class E-SOC Specialized Other

(2013 Renewal)

- g) Old Fashioned Limo Service. Taxi/Limousine

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

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

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

Dan Fankhauser, Mayor

ATTEST:

Celyn N. Hurtado, City Clerk

City Commission Reports

Commissioner Dale complimented Communications Specialist Freburg for her work with the Citizens' Academy and all other departments that participated. Commissioner Dale stated some classes were more exciting than others and that the Utility Department was great as it focused on the different areas of the buildings. Commissioner Dale thanked those involved.

Commissioner Doll commended and thanked staff for the budget documents. Commissioner Doll thanked Mayor Fankhauser and his family for the bronze statue in the downtown area.

Mayor Fankhauser stated his family unveiled the bronze statue located at Main Street and Grant Avenue, to his 100-year-old mother and she enjoyed it. Mayor Fankhauser issued a challenge to other community members to step up and do the same type of art project.

Commissioner Law thanked the Fankhauser family and stated he appreciated the bronze statue in the downtown area.

Commissioner Cessna had no comments.