

THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City

June 18, 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, June 18, 2013 with all members present. Mayor Fankhauser opened the meeting with the Pledge of Allegiance to the Flag and Invocation.

Commissioner Law moved to approve a request from Angelica Castillo-Chappel and Jeremy Haden, on behalf of the Board of Directors for the Garden City Community Mexican Fiesta Association Inc., to waive the sign ordinance to allow for a sign to be posted in the northwest corner of Stevens Park for one week prior to September 14, 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 a request from First Christian Church Discipulos de Cristo at Eighth Street and Bellevue Avenue, across from Cornerstone Church, to connect to City sewer and water subject to an annexation agreement, to serve a new church and future residential development. 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

The Kansas Department of Transportation has awarded the Transportation Enhancement projects for 2013. The City's application for a pedestrian/bicycle path along K-156 from Campus Drive to Leslie Road was approved, while our streetscape application on E. US-50/400 was not funded.

The City has submitted a grant application for USDOT TIGER funding on behalf of the Southwest Chief Rural Rail Partnership. City Engineer Cottrell and Jeff Sural, Alston & Bird, prepared the application. The City's application is one of 568 applications totaling \$9 billion in requests for the \$474 million of available funding.

Staff provided several items of information for Governing Body review including the following: from Director of Aviation Powell the monthly enplanement report, from Community Development Director Kentner the monthly code enforcement report and building report, from Assistant City Engineer Mestdagh a final construction update, from Finance Director Hitz the monthly financial report, from Police Chief Hawkins the monthly activity report and from Public Works Director Curran the CIP schedule, Finney County Transit May report and City Link ridership.

Meetings of note:

- ✓ June 22, 2013 – Global Bazaar, 8:00 a.m. – 4:00 p.m. at LRZ (west side)
- ✓ July 24 – 28, 2013 – Finney County Fair
- ✓ July 30, 2013 – Town Hall meeting, 7:00 p.m. at City Administrative Center
- ✓ August 1, 2013 – Chamber Annual Banquet at Garden City High School at 6:00 p.m.
- ✓ August 7 – 11, 2013 – Southwest Kansas Pro Am
- ✓ August 8, 2013 – SHRM of SWKS – 5th Annual HR Workshop, 8:00 a.m. – 4:00 p.m.
- ✓ August 24 – 25, 2013 – Tumbleweed Festival
- ✓ 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.
- ✓ September 21, 2013 – Chamber's "Fire and Ice" Wine Tasting – 7:00 p.m.
- ✓ October 10, 2013 – Cultural Relations 2013 Diversity Dinner

Appropriation Ordinance No. 2342-2013A, “AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$1,457,988.89,” was read and considered section by section. Commissioner Law moved to approve and pass Appropriation Ordinance No. 2342-2013A. 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

Resolution No. 2529-2013, “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” (1605 George Street), was read and considered section by section. Mayor Fankhauser moved to approve Resolution No. 2529-2013. Commissioner Dale seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Resolution No. 2530-2013, “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 18-81 ET SEQ OF THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS” (110 Stevens Avenue), was read and considered section by section. Commissioner Cessna moved to approve Resolution No. 2530-2013. 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

Ordinance No. 2601-2013, “AN ORDINANCE APPROVING THE REZONING OF LAND FROM “A” AGRICULTURAL DISTRICT TO “P-F” PUBLIC FACILITIES 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” (325 S. Jennie Barker Road), was read and considered section by section. Commissioner Law moved to approve Ordinance No. 2601-2013. 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

At 2:00 p.m., Mayor Fankhauser opened the public hearing for the purpose of the Governing Body hearing and answering concerns, questions and/or objections of taxpayers relating to the Plan of East Cambridge Square Phase II Project.

There being no comments from the public, Mayor Fankhauser closed the public hearing.

Ordinance No. 2602 - 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,” (East Cambridge Square Phase II Project) was read and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2602-2013. 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

Bond Counsel Mary Carson provided a Resolution authorizing the 2013 General Obligation Bond sale for July 16, 2013 for Capital Improvement Projects and Special Assessments being levied this year. Financial Advisory Chuck Bouilly provided the Preliminary Official Statement for Governing Body approval.

Resolution No. 2531 - 2013, "A RESOLUTION OF THE CITY OF GARDEN CITY, KANSAS, AUTHORIZING AND PROVIDING FOR THE PUBLIC SALE OF THE CITY'S (I) GENERAL OBLIGATION BONDS, SERIES 2013-A, IN THE APPROXIMATE PRINCIPAL AMOUNT OF \$7,792,000 AND (II) TAXABLE GENERAL OBLIGATION BONDS, SERIES 2013-B IN THE APPROXIMATE PRINCIPAL AMOUNT OF \$612,000", was read and considered section by section. Commissioner Cessna moved to approve Resolution No. 2531-2013. 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 Law moved to approve the Preliminary Official Statement for General Obligation Bond Series 2013-A and 2013-B. 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 prepared an ordinance correcting errors discovered in Ordinance No. 2596-2013, adopted May 21, 2013, levying special assessments.

Ordinance No. 2603 - 2013, "AN ORDINANCE OF THE CITY OF GARDEN CITY, KANSAS, AMENDING ORDINANCE NO. 2596-2013 OF THE CITY TO CORRECT LEGAL DESCRIPTIONS AND SPECIAL ASSESSMENTS TO BE LEVIED IN TAYLOR NORTH ADDITION", was read and considered section by section. Mayor Fankhauser moved to approve Ordinance No. 2603-2013. 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

Mr. Charles Claar and Ms. Theresa Dasenbrock of Lewis, Hooper and Dick, the City's auditors, were present to review with the Governing Body the Comprehensive Annual Financial Report (Audit) for the City of Garden City for the year 2012.

Finance Director Hitz was present to discuss the following items related to the 2014 Proposed Budget:

1. Review of remaining General Fund departments, Health Insurance (#55) and Health Insurance Reserve Fund (#56).

Commissioner Cessna moved to approve an exemption provided by Section 2(i) of Senate Substitute for House Bill 2052 approved by the Kansas Legislature this spring, which would provide for an additional six months to consider a security plan for City owned public facilities or remove signs prohibiting firearms. 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

Public Utilities Director Muirhead discussed with Governing Body the Wheatland Electric Water Rate Increase of \$510,000 that would impact Garden City residents.

Commission directed staff to research options on rate increases and report back to the commission.

Commissioner Cessna moved to approve a request from Fire Chief Allen Shelton for a waiver to the ordinance prohibition requirement to allow for the discharge of fireworks within the corporate limits of the city from July 3, 2013 to July 5, 2013 between the hours of 10:30 a.m. and 10:30 p.m. 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 re-appoint Tammy Rieth and appoint Jim Deal and Taylor Freburg to three-year terms to the Zoo Advisory Board from July 2013 - July 2016. 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

Buffalo Dunes Advisory Committee Chairman Caleb Woods presented recommendations for new rates. Commissioner Dale moved to approve a rate increase at Buffalo Dunes Golf Course with an August 1, 2013 implementation date.

 2013 Schedule of Membership Fees		
Memberships	Rate	Proposed
Family	\$565	\$625
Adult	\$400	\$440
Senior	\$300	\$330
Junior	\$100	\$100
Gold Membership	Rate	Proposed
Single Adult	\$1,000	\$1,100
Single Senior (Over 65)	\$900	\$1,000
Family of 2	\$1,250	\$1,375
Family of 3 plus	\$1,500	\$1,650
Junior 16-20	\$750	\$825
Trail Fee	Rate	Proposed
Adult	\$450	\$500
Senior	\$375	\$425

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

Commissioner Law moved to approve a transfer of ownership agreement between the City of Garden City, Kansas and David E. Smith Sr. for Arco, a trained police dog. 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 following:

1. Governing Body consideration and approval of a Fiduciary Engagement Letter between the City of Garden City, Kansas and George K. Baum & Company.
2. KDOT has provided Agreement No. 128-13 to the City for the first half of the FY 2013 Federal Fund Exchange program, which is for concrete reconstruction of Rebel Road.
3. Governing Body consideration and authorization of Task Order #10 – Snow Removal Equipment Building, Runway Guard Lights and Hold Position Sign between HNTB Corporation and the City of Garden City.
4. Governing Body consideration and approval of bids received on May 23, 2013 for 35 kV switchgear Vault for Substation #10.
5. Governing Body consideration and approval of bids received on May 16, 2013 for Substation #10 Control Building.
6. Governing Body consideration and approval of bids received on May 21, 2013 for 35kV and 15kV circuit switchgear for Substation #10.
7. Governing Body consideration and approval of bids received on June 4, 2013 for 35KV Overhead Gang Operated Air break switches for Substation #10.
8. Governing Body consideration and approval of bids received on June 4, 2013 for 6 inch high density Poly Ethylene (HDPE) conduit for Substation #10.
9. Governing Body consideration and approval of bids received on June 10, 2013 for circuit breakers and switches for Substation #11.
10. The heirs of Mrs. Helen Bowyer are Quit Claim deeding Burial Rights of Space 2, Lot 150, Zone D to Caroline Atherton and/or Sarah Atherton.
11. Permission for Peggy Rivera and/or Ricky Rios to reserve Space 3, Lot 9, Zone: J located in Valley View Cemetery for the consideration of \$50.00 for the period of one year.
12. Permission for Ruby M. Ryan to reserve Space 5, Lot: 31, Zone: J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
13. Permission for Becky Hill to reserve Space 6, Lot 60, Zone: J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
14. Permission for Eugene & Deanna Martinez to reserve Space 8, Lot 71, Zone: J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
15. Permission for Deanne Tremmel to reserve Space 6, Lot 63, Zone: J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
16. Permission for Nora Collazo &/or Ronald D. Collazo to reserve Space 3, Lot: 1, Zone: J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
17. Permission for Jesse Garcia &/or Kajleigh Collazo to reserve Space 2, Lot: 93, Zone: J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.

18. Licenses:

(2013 New)

- a) G.M. Northrup.....Class A General
- b) Midwest Steel, Inc.....Class B General

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 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 4:23 p.m. 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

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

Commissioner Cessna moved that the City Commission go into executive session pursuant to K.S.A. 75-4319(b)(1) for 10 minutes for the purpose of discussing matters of non-elected personnel and their contractual obligations because if this matter were discussed in open session it might invade the privacy of those discussed and that the City Commission reconvene into open session in the City Commission Chambers at 4:34 p.m. 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

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

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 Law had no comments.

Commissioner Cessna commended the Garden City Police Department and local law enforcement agencies for the recent arrests in and around our community. Commissioner Cessna commented on the great job by City Engineer Cottrell on the KDOT grant application and thanked him. Commissioner Cessna commended Director of Aviation Powell and the airport staff for their work at the airport and the continued increase of enplanements. Commissioner Cessna thanked City Manager Allen and Finance Director Hitz for their work on the budget.

Commissioner Dale thanked and congratulated City Manager Allen and Finance Director Hitz for their work on the budget information and stated their hard work makes the job of reviewing the documents easier for commissioners. Commissioner Dale wanted to thank the person (Kendall Kepley) that waters the flowers that are located up and down Main Street. Commissioner Dale would like the Governing Body to consider the Central Fire Station to be considered for a remodel in the next year.

Commissioner Doll thanked city staff and past Commissioners for their work on this year's budget and years past.

Mayor Fankhauser received an invite from Wichita's Mayor Brewer for a conference call regarding immigration issues. Mayor Fankhauser stated the discussion was regarding a proposed Senate bill that addresses border security and work permit. Mayor Fankhauser stated it was great to be included in the discussion. Mayor Fankhauser passed out a card with "words of wisdom" to everyone. Mayor Fankhauser thanked city staff and stated his appreciation for everyone's hard work on the budget.