

THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City

July 16, 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, July 16, 2013 with all members present. Commissioner Dale opened the meeting with the Pledge of Allegiance to the Flag and Invocation.

Commissioner Cessna moved to approve and allow the Mayor to proclaim July 16, 2013 as Lindy Bilberry Day. Mayor Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Mayor Fankhauser moved to approve and allow the Mayor to proclaim July 17, 2013 as Captain Rodney Bachman Day. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Commissioner Law moved to approve a request from High Plains Public Radio to allow possession and consumption of cereal malt beverages and wine at their facility at 210 N. 7th, which is owned by the City, for a reception on July 26, 2013, pursuant to code sections 6-35 and 6-133. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Commissioner Cessna moved to deny a request from Russ Niblock and Kansas Promoters, to sell beer and other cereal malt beverages under a temporary CMB license, pursuant to Code Section 6-35, on public property, at Stevens Park, on Saturday, August 31, 2013 from 12:00 p.m. – 11:00 p.m. for a public concert. The request included the use of Stevens Park, a waiver of the noise ordinance, temporary closure of Spruce Street, Pine Street and 7th Street adjacent to Stevens Park and allowing installation of blackout fencing around Stevens Park. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Commissioner Law moved to approve and accept a petition from Bruce and Beverly Glass as authorized by the Governing Body on May 7, for special assessment financing of streetscape improvements at the southwest corner of Seventh and Laurel Streets. City Engineer Cottrell has certified that the petition has the necessary signatures. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Mayor Fankhauser moved to approve a request from Battalion Chief Jim Morris for the use of public rights-of-way on Sunday, August 25, 2013 from 9:30 a.m. - 3:00 p.m. in order to hold the annual fundraising event for the Muscular Dystrophy Association. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
|--------|------|------|------------|-----|

Yea Yea Yea Yea Yea

The Safety Committee chose Kenny Becker, Equipment Operator II in the Street Department as the second quarter 2013 Safety Recognition winner.

Garden City Police Department and Garden City Fire Department provided activity reports related to fireworks for 2013.

Staff has engaged a commercial appraiser for the American Legion building. Setting an asking price for the property will be an item for the August 20, 2013 meeting.

Staff included the new State and Local Sales/Use Tax rate changes for the State of Kansas effective July 1, 2013.

Garden City Regional Airport provided the 2013 Fiscal Year Summary Report for the Kansas Affordable Air Fares Program (KAAP) administered by the Regional Economic Area Partnership (REAP).

The City received correspondence from Cox Communications regarding channel line-up and price adjustments.

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 financial report, from Community Development Director Kentner the monthly code enforcement report, from Police Chief Hawkins the monthly activity report, from Public Works Director Curran the CIP schedule and transit report and from Zoo Director Sexson the monthly zoo report.

Meetings of note:

- ✓ July 24 – 28, 2013 – Finney County Fair
- ✓ July 30, 2013 – Town Hall meeting at 7:00 p.m. at the 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 7, 2013 – A Wild Affair at Lee Richardson Zoo
- ✓ September 14, 2013 – 87th Garden City Community Mexican Fiesta
- ✓ September 18, 2013 – “State of the City” at Chamber Breakfast
- ✓ 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 10-11, 2013 – Cultural Relations 2013 Diversity Summit

Appropriation Ordinance No. 2344-2013A, “AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$1,259,847.78,” was read and considered section by section. Commissioner Dale moved to approve and pass Appropriation Ordinance No. 2344-2013A. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Mr. Chuck Bouilly of George K. Baum & Company, the City’s Financial Advisor, and Mary Carson, Triplett, Woolf & Garretson, LLC, the City’s Bond Counsel, reviewed with the Governing Body the recommendation for accepting bids for the sale of \$8,404,000 in General Obligation Bonds of the City. Commissioner Cessna moved to approve the bids

from Robert W. Baird and UMB Bank for the sale of \$8,404,000 in General Obligation Bonds of the City. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Ordinance No. 2606-2013, “AN ORDINANCE OF THE CITY OF GARDEN CITY, KANSAS, AUTHORIZING ISSUANCE OF THE CITY’S GENERAL OBLIGATION BONDS, SERIES 2013-A, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$7,792,000 AND TAXABLE GENERAL OBLIGATION BONDS, SERIES 2013-B IN THE AGGREGATE PRINCIPAL AMOUNT OF \$612,000; 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 Cessna moved to approve Ordinance No. 2606-2013. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Resolution No. 2534-2013, “A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF GENERAL OBLIGATION BONDS, SERIES 2013-A, IN THE PRINCIPAL AMOUNT OF \$7,792,000, AND TAXABLE GENERAL OBLIGATION BONDS, SERIES 2013-B, IN THE PRINCIPAL AMOUNT OF \$612,000 OF THE CITY OF GARDEN CITY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 2606-2013 OF THE CITY; MAKING COVENANTS AND AGREEMENTS AND AUTHORIZING CERTAIN OTHER DOCUMENTS REGARDING THE BONDS,” was read and considered section by section. Commissioner Law moved to approve Resolution No. 2534-2013. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

At 1:30 p.m. Mayor Fankhauser opened the Public Hearing for the purpose of the Governing Body hearing questions, concerns and comments from the public with regard to the proposed 2014 Budget for the City of Garden City.

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

Commissioner Doll moved to approve and authorize the certificate of the budget, which summarizes the maximum levy of property tax, \$6,534,431, for specific taxing funds, establishes the maximum expenditure for all funds of the city’s budget and totals \$87,499,896 (including transfers and Recreation Commission). Commissioner Dale seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Ordinance No. 2607-2013, “AN ORDINANCE ATTESTING TO AN INCREASE IN TAX REVENUES FOR BUDGET YEAR 2014 FOR THE CITY OF GARDEN CITY, KANSAS,” was read and considered section by section. Mayor Fankhauser moved to approve Ordinance No. 2607-2013. Commissioner Dale seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Stone Development, Inc. requested consideration and approval of three items pertaining to the tax increment financing and community improvement district financing related to their retail development project.

Resolution No. 2535-2013, "A RESOLUTION STATING THE INTENT OF THE CITY OF GARDEN CITY, KANSAS TO CONSIDER ADOPTION OF A REDEVELOPMENT PROJECT PLAN WITHIN THE 2013 REDEVELOPMENT DISTRICT CREATED BY THE CITY AND PROVIDING FOR NOTICE OF A PUBLIC HEARING ON SUCH MATTERS," was read and considered section by section. Commissioner Law moved to approve Resolution No. 2535-2013. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Commissioner Cessna moved to approve the Acceptance of Petition to create a Community Improvement District. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Resolution No. 2536-2013, "A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS GIVING NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING A COMMUNITY IMPROVEMENT DISTRICT IN THE CITY TO BE KNOWN AS THE STONE DEVELOPMENT COMMUNITY IMPROVEMENT DISTRICT," was read and considered section by section. Commissioner Dale moved to approve Resolution No. 2536-2013. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Resolution No. 2537-2013, "A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF GARDEN CITY, KANSAS, AND SETTING FORTH THE GENERAL NATURE OF THE IMPROVEMENT, THE ESTIMATED OR PROBABLE COST THEREOF, THE EXTENT OF THE IMPROVEMENT DISTRICT TO BE ASSESSED FOR THE COST THEREOF, THE METHOD OF ASSESSMENT, AND THE APPORTIONMENT OF THE COST BETWEEN THE IMPROVEMENT DISTRICT AND THE CITY AT LARGE; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENT IN ACCORDANCE WITH THE FINDINGS OF THE GOVERNING BODY (SEVENTH AND LAUREL STREETSCAPE)," was read and considered section by section. Commissioner Dale moved to approve Resolution No. 2537-2013. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Ordinance No. 2608-2013, "AN ORDINANCE ESTABLISHING BUILDING PERMIT AND INSPECTION FEES; AMENDING CODE SECTIONS 42-121, 42-122, 42-123, 42-471, AND SECTION 22.110 OF THE ZONING REGULATIONS OF THE CITY OF GARDEN CITY, KANSAS; REPEALING EXISTING CODE SECTIONS 42-121, 42-122, 42-123, 42-471, ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS, AND SECTION 22.110 OF THE ZONING REGULATIONS OF THE CITY OF GARDEN CITY, KANSAS," was read and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2608-2013. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Ordinance No. 2609-2013, “AN ORDINANCE APPROVING THE REZONING OF LAND FROM “A” AGRICULTURAL DISTRICT TO “R-3” MULTIPLE FAMILY RESIDENTIAL DISTRICT; AMENDING THE ZONING ORDINANCE AND THE DISTRICT ZONING MAP OF THE CITY; AND REPEALING THE CURRENT ZONING ORDINANCE, AND DISTRICT ZONING MAP; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS. (3401 N. CAMPUS DRIVE),” was read and considered section by section. Commissioner Law moved to approve Ordinance No. 2609-2013. Commissioner Dale seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Mayor Fankhauser excused himself from the bench.

Commissioner Dale moved to deny two requests for ordinances approving the rezoning of land from “I-2” Medium Industrial District to “R-3” Multiple Family Residential District; amending the zoning ordinance and the district zoning map of the city; and repealing the current zoning ordinance, and district zoning map; all to the Code of Ordinances of the City of Garden City, Kansas. (2619 N. 10th Street and 2607-2615 N. 10th Street). Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Abstained | Yea |

Mayor Fankhauser returned to his seat at the bench.

Commissioner Dale moved to approve a Tax Abatement Policy and Job Incentive Policy from Finney County Economic Development Corporation. This policy would help provide parameters for City, County and FCEDC staff working with existing businesses on expansions and prospective businesses on relocations. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Commissioner Cessna moved to waive the 180 day eligibility requirements to participate in the Neighborhood Revitalization Program for the property located at 704 N. Main Street owned by CCS Properties, LLC. Commissioner Dale seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Commissioner Cessna moved to approve the purchase of 218 acres of land and approximately 439 acre feet of water right, and authorized the Mayor and City Clerk to sign the purchase agreement subject to the parties and legal counsel working out the final items. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Advisory Board Recommendations:

Commissioner Cessna moved to approve the Zoo Advisory Board's recommendation to modify the 5th Street gate and increase hours for the gatekeepers at the 4th Street gate. Mayor Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Commissioner Cessna moved to approve and appoint Katrina Pollett to serve on the Housing Authority for one term beginning August 2013 through December 2015. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

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|--------|------|------|------------|-----|
| Cessna | Dale | Doll | Fankhauser | Law |
| Yea | Yea | Yea | Yea | Yea |

Commissioner Dale moved to approve the following:

1. Governing Body consideration and approval of bids received on July 10, 2013 for the construction of Substation #10.
2. Governing Body consideration and approval of bids received on July 9, 2013 for the purchase of one (1) Pre-Cast Concrete 35 kV circuit vault, one (1) Pre-Cast Concrete 15 kV circuit vault and one (1) circuit pull box for Substation #10.
3. Governing Body consideration and approval of bids received on July 9, 2013 for the purchase of various power cable terminators for Substation #10.
4. Governing Body consideration and approval of an additional contractor to the list of back-up mowers for the 2013 Vegetation Mowing applicants for code violations.
5. Governing Body consideration and approval of a crossing guard agreement between the City of Garden City, Kansas and the Board of Education, Unified School District No. 457.
6. Governing Body consideration and approval of a law enforcement officer assignment agreement between the City of Garden City, Garden City Police Department and Unified School District No. 457.
7. Permission for William &/or Linda Brewer to reserve Space 2, Lot 42, Zone J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.

8. Licenses:

(2013 New)

- a) Love's ConstructionClass A General
- b) American Warrior ConstructionClass C General
- c) Heineken Electric Company, Inc Class D-E Electrical
- d) Comfort SystemsClass D-M Mechanical

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

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|--------|------|------|------------|-----|
| 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 congratulated Kenny Becker and stated this is another example of a good working program. Commissioner Dale stated he is amazed by the kids that the have been recognized by the Governing Body. Commissioner Dale stated that Lindy Bilberry is one of those fine young people and shows that the community is developing good young people.

Commissioner Doll congratulated Kenny Becker, Rodney Bachman and Lindy Bilberry. Commissioner Doll wished Commissioner Law a Happy Birthday. Commissioner Doll stated she was impressed with the enplanements at the Airport, commended the Police Department and stated she is pleased with the City Link ridership.

Mayor Fankhauser asked if Code Enforcement could check out a residence on Fleming Street. Community Development Director Kentner stated the residence was in the process and should be getting mowed soon. Mayor Fankhauser stated the city crews did a great job on the Fourth of July clean-up. Mayor Fankhauser mentioned that he has received many compliments on the City overall from the Leadership Kansas group that was recently in town. Mayor Fankhauser passed out his “words of wisdom” cards.

Commissioner Law congratulated Lindy Bilberry, Kenny Becker and Rodney Bachman and stated all were well deserved awards. Commissioner Law stated he received a few fireworks related complaints; overall it is a good celebration time, but perhaps one that should be over by 10:30 or 11:00 p.m.

Commissioner Cessna congratulated Lindy Bilberry, Kenny Becker and Rodney Bachman. Commissioner Cessna commented that Lindy will be representing not only GCHS, but also Garden City and the State of Kansas, and will be another great leader from our community. Commissioner Cessna stated he received a few calls on how late into the night fireworks were going off. Commissioner Cessna would like staff and Governing Body to look into the fireworks time and days to see if they could be set the same as the State. Commissioner Cessna thanked the staff for how great the city looks and stated he has received many compliments. Commissioner Cessna thanked staff for the great job on the all their work on the retail development projects happening now.