

## THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City

August 6, 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, August 6, 2013 with all members present. Commissioner Doll opened the meeting with the Pledge of Allegiance to the Flag and Invocation.

Mayor Fankhauser moved to approve the request from The Friends of Lee Richardson Zoo to allow possession and consumption of cereal malt beverages and/or wine at the zoo on September 19, 2013 from 6:00 p.m. to 8:00 p.m. for a donor reception. The Governing Body may grant the approval pursuant to Code Sections 6-35 and 6-133. 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 Dale moved to approve the request from Lindsey Becker for a waiver to the noise ordinance on August 23 and August 24, 2013 from 8:00 p.m. to 12:00 a.m. at Jax Sports Grille, 1907 E. Mary Street, for outdoor music concerts. Mayor Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Nay	Yea	Nay	Yea	Yea

Commissioner Cessna moved to approve the request from Mr. Daryl Hamlett, President of the Tumbleweed Festival, Inc., for the use of the west green at Lee Richardson Zoo on August 23, 24, and 25, 2013 for the 22nd annual Tumbleweed Festival. The request includes set-up August 19 – 23 and teardown August 26 – 27. The request also includes allowing volunteers to drive in gates at no charge, and closing the drive in gates during the festival to maintain safe walking areas. 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 the request from Susan Escareno, Executive Director of Finney County United Way for a waiver of sign regulations for off-site signage and a waiver of the temporary sign fees during the United Way fundraising campaign from August 2013 – March 2014. 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

Public Utilities Director Muirhead gave an update on the water system improvements in the central part of town relating to cleaning watermains in areas with discolored water and pending rate increase.

Mayor Fankhauser moved to direct staff to send a letter to the KCC regarding the 39% water rate increase proposed by Wheatland Electric that will impact Garden city by \$509,000 annually. 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

Garden City Police Department is applying for a Justice Assistance Grant that will fund motor data terminal computer replacements for patrol cars.

The City received the June 2013 franchise payment in the amount of \$5,891.53 from AT&T and from Black Hills Energy the second quarter franchise payment in the amount of \$112,927.70.

Staff provided several items of information for Governing Body review including the following: from Finance Director Hitz the city and county sales tax report, from Community Development Director Kentner the building and code enforcement reports, from Fire Chief Shelton the second quarter fire activity report, from Public Utilities Director Muirhead the quarterly utilities report, and from Public Works Director Curran the CIP schedule.

Meetings of note:

- ✓ August 6, 2013 – National Night Out at the Big Pool from 6:00 – 8:00 p.m.
- ✓ August 7 – 11, 2013 – Southwest Kansas Pro-Am
- ✓ August 8, 2013 – SHRM of SWKS – 5<sup>th</sup> Annual HR Workshop, 8:00 a.m. – 4:00 p.m.
- ✓ August 24 – 25, 2013 – Tumbleweed Festival, Lee Richardson Zoo
- ✓ August 26 – 27, 2013 – Battle of the Badges Blood Drive at Trinity Lutheran Church
- ✓ September 7, 2013 – A Wild Affair at Lee Richardson Zoo
- ✓ September 10, 2013 – Finney County Job Fair
- ✓ September 14, 2013 – 87<sup>th</sup> Garden City Community Mexican Fiesta
- ✓ September 18, 2013 – The Mayor’s “State of the City” address 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 of Commerce “Fire and Ice” Wine Tasting – 7:00 p.m.
- ✓ September 22, 2013 – Lee Richardson Zoo’s Cat Canyon Grand Opening from 1:00 -3:00 p.m.
- ✓ October 10, 2013 – Diversity Dinner at the Clarion Inn - 6:30 p.m. – 8:30 p.m.
- ✓ October 11, 2013 – Multi-Cultural Summit – Garden City Community College 8:00 a.m. – 5:30 p.m.
- ✓ October 19, 2013 – Boo! At the Zoo

Ordinance No. 2610- 2013, AN ORDINANCE APPROVING THE REZONING LAND FROM “A” AGRICULTURAL DISTRICT TO “C-2” GENERAL COMMERCIAL 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 (Schulman Crossing Phase 2”, was read and considered section by section. Commissioner Law moved to approve Ordinance No. 2610-2013. 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 the final plat for Schulman Crossing Phase 2 Development. 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 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 creating a Tax Increment Financing District and approving the Redevelopment Project Plan for Schulman Crossing Phase 2 pursuant to Resolution No. 2533-2013.

Korb Maxwell, Polsinelli PC and John Collett, President of Collett and Associates, Inc. were present to announce Ultra Beauty, Ross Dress For Less, Cato and Dick's Sporting Goods as new stores that will be coming to Garden City as part of the Schulman Crossing Phase 2 Development.

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

Ordinance No. 2611- 2013, "AN ORDINANCE APPROVING AND ADOPTING A REDEVELOPMENT PROJECT PLAN FOR A PROJECT AREA IN THE 2012 REDEVELOPMENT DISTRICT IN THE CITY OF GARDEN CITY, KANSAS, SCHULMAN CROSSING PHASE 2 AND APPROVING DOCUMENTS", was read and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2611-2013. 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

At 2:00 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 the establishment of the District and adoption of the Plan (Prairie Ridge Phase II) pursuant to Resolution No. 2532-2013.

Matt Gillam, Overland Park Group representative stated the plans are to have Phase II of the project completed by May 2014 and the average rent will be \$500 per month.

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

Ordinance No. 2612 -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 (PRAIRIE TRAILS PARTNERS, LLC PROJECT)", was read and considered section by section. Commissioner Doll moved to approve Ordinance No. 2612-2013. 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

Appropriation Ordinance No. 2345-2013A, "AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$4,674,991.54," was read and considered section by section. Commissioner Doll moved to approve and pass Appropriation Ordinance No. 2345-2013A. 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

Ordinance No. 2613-2013, "AN ORDINANCE REGULATING BUILDING SETBACKS ON ARTERIAL, COLLECTOR AND LOCAL STREETS IN THE CITY OF GARDEN CITY, KANSAS; AMENDING THE ZONING REGULATIONS FOR THE CITY OF GARDEN CITY, KANSAS; AMENDING ZONING REGULATION ARTICLES 25 AND 7; REPEALING IN THEIR ENTIRETY CURRENT ZONING REGULATION ARTICLES 25 AND 7; 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. 2613-2013. 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. 2538-2013, “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 (503 N. Taylor Avenue, 510 St. John Street, 305 W. Mary Street, 1410 A Street, 631 Briar Hill Drive, 302 N. Fifth Street)”, was read and considered section by section. Commissioner Doll moved to approve Resolution No. 2538-2013. 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

Resolution No. 2539-2013, “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 (1410 A Street – black Ford Mustang)”, was read and considered section by section. Commissioner Law moved to approve Resolution No. 2539-2013. 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. 2540-2013, “A RESOLUTION OF THE CITY OF GARDEN CITY, KANSAS, AUTHORIZING THE EXECUTION OF A HYDRO POWER POOLING CONTRACT (LAO POWER PROJECT), BETWEEN THE CITY OF GARDEN CITY, KANSAS, AND THE KANSAS MUNICIPAL ENERGY AGENCY (KMEA) RELATING TO THE PURCHASE OF ELECTRICITY BY THE CITY FROM THE KMEA FOR SALE OR USE BY THE CITY”, was read and considered section by section. Commissioner Cessna moved to approve Resolution No. 2540-2013. 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 the semi-annual report for the CDBG Revolving Loan Fund on behalf of Great Plains Development, Inc. 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 the Garden City Downtown Master Plan (2013). Commissioner Doll seconded the motion. The vote was taken by yeas and nays and record as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Doll moved to approve an application for reconstruction of the north block of Shamus Street with KDOT funding under the fund exchange program. 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

Advisory Board Recommendations:

Commissioner Law moved to approve and appoint Nancy Harness to fill an unexpired term that will end December 31, 2014 and Geovannie Gone to fill an unexpired term that

will end December 31, 2013 on the Cultural Relations 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 Doll moved to approve and appoint Brian Weber to an expired term that will end December 31, 2014 on the Planning Commission. 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 Doll moved to approve the following:

1. Governing Body consideration and approval of final plat for the East Cambridge Square Phase II property located on the south side of Spruce Street.
2. Governing Body consideration and approval of an annexation agreement with Iglesia Pentecostal Jesucristo Es El Señor for their property on North Eighth Street.
3. Governing Body consideration and approval of a Fiduciary Engagement Letter between the City of Garden City, Kansas and George K. Baum & Company. This agreement is to engage and retain a qualified investment banking firm to provide advisory services with regard to Schulman Crossing Phase 2 Development project.
4. Governing Body consideration and approval of continued participation in the South West Local Environmental Planning Group (LEPG)
5. Governing Body consideration and acceptance of bids received April 11, 2013 for the Fairgrounds Watermain Replacement Project and authorization for the Mayor and City Clerk to execute the contracts.
6. Governing Body consideration and acceptance of bids received July 24, 2013 for a 4WD Half Ton Super Crew Cab and authorization for the Mayor and City Clerk to execute the contracts.
7. Governing Body consideration and acceptance of bids received on July 16, 2013 for the purchase of various sizes and lengths of PVC and Rigid Steel Conduit and Spacers for Substations #10 and #11.
8. Governing Body consideration and acceptance of bids received on July 24, 2013 for the purchase of grounding conductor and control cable for Substations #10 and #11.
9. Governing Body consideration and acceptance of bids received on July 23, 2013 for the purchase of overhead conductor for the 34.5 KV Jameson Energy Center feed and for the distribution circuits 111 and 410.
10. Permission for Juan Andrade to reserve Space 2, Lot 38, Zone J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
11. Permission for Roberto &/or Martha Robles to reserve Space 6, Lot 89, Zone J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.

12. Licenses:

**(2013 New)**

- a) Barnett Home Improvements .....Class A General

- b) Stanhope Builders.....Class A General
- c) American Warrior Construction .....Class B General
- d) Above & Beyond Home Improvement.....Class B General
- e) DV Vital Construction.....Class B General
- f) Colorado Fire Sprinkler, Inc. ....Class E-F Fire Sprinkler
- g) Acosta Homes, Inc. .... Class E-SOC Specialized Other
- h) Star Lumber & Supply Co., Inc..... Class E-SOC Specialized Other
- i) Inland Electric Co..... Class D-E Electrical

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

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

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Dan Fankhauser, Mayor

ATTEST:

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Celyn N. Hurtado, City Clerk

**City Commission Reports**

Commissioner Doll stated that Downtown Vision will be featured in the Kansas Leadership magazine, The Journal and Dr. Beverly Schmitz Glass was asked to speak on Main Street Development. Commissioner Doll stated that Garden City is blessed to have Dr. Schmitz Glass here in our community.

Mayor Fankhauser thanked the Street Department for the clean-up after the rainstorm on July 31, 2013 and also for the Police Department for helping direct traffic and helping stranded motorists. Mayor Fankhauser thanked the Planning Department for their work on the Downtown Master Plan. Mayor Fankhauser passed out his words of wisdom to everyone.

Commissioner Law stated he is excited about the new retail developments and housing developments in Garden City.

Commissioner Cessna commented that the retail project and new stores coming to town are both great news. Commissioner Cessna thanked City crews that helped to work the streets during the recent weather events and stated they did a great job. Commissioner Cessna thanked the Street crews that striped the school crossing lines.

Commissioner Dale shared the same thoughts on the new retail development and liked the idea of additional restaurants in Garden City. Commissioner Dale thanked City crews and police patrol for waving traffic down during the storm. Commissioner Dale commended Dr. Beverly Schmitz Glass for her work with Downtown Vision. Commissioner Dale stated there was a car show on Friday at Traditions Soda & Sandwich Shop. Commissioner Dale requested to get a monthly update on development and residential projects and where they are located.