

THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City

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

City Clerk Hurtado announced that the Fire Department was the winning department for the 3rd annual Garden City Battle of the Badges Blood Drive that was held August 26 and 27, 2013.

Fire Chief Allen Shelton reported on the success of the firefighters during the annual Muscular Dystrophy Association Boot Block on Sunday, August 25, 2013. The community responded with donations totaling \$5,339.43.

Mayor Fankhauser moved to approve a request from Angelica Castillo-Chappel on behalf of the Community Mexican Fiesta Association to proclaim the month of September 14 – October 14, 2013 as Hispanic Heritage Month. 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

City Manager Allen announced that City Clerk Celyn Hurtado received the 2013 Dave Sweley Volunteer Award from Finney County United Way. This is a prestigious local award recognizing significant contribution to United Way and the community.

Public Works Director Curran presented the plans for the 2013 Fall Clean-up program to be held September 30 – October 11, 2013.

The City has received the July 2013 franchise payment in the amount of \$6,077.48 from AT&T and from Cox Communication the second quarter franchise payment in the amount of \$59,045.21.

Staff provided items of information for Governing Body review including the following: from Finance Director Hitz the monthly sales tax report, and from Fire Chief Shelton the monthly activity report.

Meetings of note:

- ✓ September 7, 2013 – A Wild Affair at Lee Richardson Zoo at 6:00 p.m.
- ✓ September 10, 2013 – Finney County Job Fair
- ✓ September 14, 2013 – 87th Garden City Community Mexican Fiesta
- ✓ September 18, 2013 – The Mayor’s “State of the City” address at Chamber Breakfast
- ✓ September 19, 2013 - Annual Parks tour – starting at the Train Depot at 6:00 p.m.
- ✓ 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 12-14, 2013 – League of Kansas Municipalities Annual Conference – Overland Park, Kansas

✓ October 19, 2013 – Boo! At the Zoo

Appropriation Ordinance No. 2347-2013A, “AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$4,025,022.40,” was read and considered section by section. Commissioner Law moved to approve and pass Appropriation Ordinance No. 2347-2013A. 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. 2620-2013, “AN ORDINANCE ESTABLISHING WATER RATES FOR THE CITY OF GARDEN CITY, KANSAS; AMENDING CURRENT CODE SECTIONS 90-177 AND 90-180; REPEALING CURRENT CODE SECTIONS 90-177 AND 90-180; 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. 2620-2013. 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

Resolution No. 2543-2013, “A RESOLUTION AUTHORIZING THE EXECUTION OF AN OFFICIAL STATEMENT, A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT, ALL RELATING TO THE ISSUANCE OF REVENUE BONDS BY THE KANSAS MUNICIPAL ENERGY AGENCY FOR THE JAMESON ENERGY CENTER; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH,” was read and considered section by section. Commissioner Cessna moved to approve Resolution No. 2543-2013. 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

Mayor Fankhauser excused himself from the bench.

Community Development Director Kentner gave an update to Governing Body regarding the requests to rezone the properties at 2607 – 2615 N. 10th Street and 2619 N. 10th Street and stated the Planning Commission denied both requests. John Chappel and Steve Burgess spoke on behalf of the project plan. Kenny Green, Fran Seba, Jay Warren and Sam Oyler spoke against the project plan.

Commissioner Doll moved to deny a proposed ordinance 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. (2607 – 2615 N. 10th 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	Absent	Yea

Commissioner Law moved to deny a proposed ordinance 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). 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	Absent	Yea

Mayor Fankhauser returned to his seat at the bench.

Ordinance No. 2621-2013, “AN ORDINANCE REGULATING THE “C-3” CENTRAL BUSINESS DISTRICT OF THE CITY OF GARDEN CITY, KANSAS; AMENDING THE ZONING REGULATIONS FOR THE CITY OF GARDEN CITY, KANSAS BY ALLOWING CONDOMINIUMS IN THE “C-3” DISTRICT; AMENDING ZONING REGULATION ARTICLE 16; REPEALING IN ITS ENTIRETY CURRENT ZONING REGULATION ARTICLE 16; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS. (consideration to allow condominiums as second story dwelling units),” was read and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2621-2013. 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 Doll moved to deny a request for an ordinance regulating the “C-3” Central Business District of the City of Garden City, Kansas; amending the zoning regulations for the City of Garden City, Kansas by allowing tattoo facilities in the “C-3” district; amending zoning regulation Article 16; repealing in its entirety current zoning regulation Article 16; all to the Code of Ordinances of the City of Garden City, Kansas. 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. 2544-2013, “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 (205 S. Fourth Street),” was read and considered section by section. Commissioner Cessna moved to approve Resolution No. 2544-2013. 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

Resolution No. 2545-2013, “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. (1907 Vinzant Street – white Pontiac mini-van and blue Ford mini-van),” was read and considered section by section. Commissioner Law moved to approve Resolution No. 2545-2013. 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

Mark Pamplin gave an update to the Governing Body on his fundraising efforts for renovation of the State Theater and asked for an extension of one year. Laurie Chapman, The Arts Center was present and stated they are working with Mark Pamplin to help raise funds to renovate the State Theater. Governing Body directed staff to update a new Memorandum of Understanding to extend the evaluation period until September 2, 2014 (first meeting of September 2014).

The City Commission directed Staff to arrange for an appraiser to evaluate the old American Legion building at 125 W. Pine Street in order to begin the process of selling the building. Staff received the evaluation on August 21, 2013.

Commissioner Law moved to set a listing price of \$60,000 for the building located at 125 W. Pine Street and to inform local realtors. 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 Dale moved to approve and allow the Mayor to sign a letter along with several Kansas communities asking Congress for immigration policy reform. 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

On June 4, 2013, a group of local hoteliers requested the City Commission to consider and approve to amend the local Clear Air Ordinance to reflect State law regarding the minimum percentage of hotel rooms which are required to be non-smoking. Kerry Spanier, owner of Dusty Trails Motel, stated the hotels are losing business to other surrounding towns.

Commissioner Cessna moved to deny the request to amend the local Clear Air Ordinance. 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	Nay

Commissioner Cessna moved to approve bids received on August 29, 2013 for the 2013 Main Street KLINK, award a contract for the Base Bid only, and authorization for the Mayor and City Clerk to execute the contracts.

BIDDER	BASE BID	ALT# 1	TOTAL BASE BID + ALT #1	ALT# 2	GRAND TOTAL BASE BID + ALT #1 + ALT #2	COMMENT
Engineer's Estimate	\$686,402.50	\$79,882.50	\$766,285.00	\$38,421.25	\$804,706.25	
J-A-G Construction Co.	\$587,080.55	\$73,774.25	\$660,854.80	\$40,499.50	\$701,354.30	Low bid – Recommend Base bid or Base bid + Alt #1
Smoky Hill, LLC - Salina	\$684,158.80	\$84,252.55	\$768,411.35	\$44,462.70	\$812,874.05	

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 the following:

1. Governing Body rejection of bids received August 29, 2013 for the Seventh & Laurel Streetscape Project, the bids exceeded the engineer's estimate.

Bidder	Cost	Comment
ENGINEER'S ESTIMATE	\$106,529.25	
Lee Construction, Inc.	\$122,902.08	
J-A-G Construction Co.	\$124,761.53	

2. Licenses:

(2013 New)

- a) Tequilas/Medardo Munoz Temporary Cereal Malt Beverage
- b) WOODCO, Inc. Class A General

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 Cessna moved that the City Commission go into executive session pursuant to K.S.A. 75-4319(b)(2) for 10 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 2:50 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

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)(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 3:20 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 congratulated City Clerk Hurtado for the Finney County Dave Sweley Volunteer Award and stated she works hard and it's noticed.

Commissioner Cessna thanked City Clerk Hurtado for her work with United Way and congratulated her on the award. Commissioner Cessna thanked the Fire Department for their work on the MDA Boot Block.

Commissioner Dale congratulated City Clerk Hurtado for the award and stated it was well deserved. Commissioner Dale thanked the Fire Department for their work in the MDA Boot Block. Commissioner Dale thanked the volunteers and donors that made the 3rd Annual Battle of the Badges Blood Drive a huge success. Commissioner Dale stated he will be absent from the City Commission meeting on October 15, 2013.

Commissioner Doll congratulated City Clerk Hurtado on the Finney County United Way award. Commissioner Doll congratulated the Fire Department for winning the Battle of the Badges Blood Drive and thanked all the volunteers and donors that contributed. Commissioner Doll thanked fellow Commissioners for their hard work on the recent decisions that they had to make.

Mayor Fankhauser thanked City Clerk Hurtado and stated that he appreciates the work she does for the City and the community. Mayor Fankhauser thanked the Fire Department for their work with the MDA Boot Block. Mayor Fankhauser passed out his words of wisdom to everyone that read, “When you were born, you were crying and everyone around you was smiling – live your life so that when you die, you are smiling and everyone around you is crying.”