

**THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS**

City of Garden City

November 5, 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, November 5, 2013 with all members present. Commissioner Cessna opened the meeting with the Pledge of Allegiance to the Flag and Invocation.

Commissioner Cessna moved to approve a request from Ms. Bonnie Bribiesca, Graphics Stitching Unlimited, to be recognized as a “Local Business” on the application for an Itinerant Merchant license at 201 W. Kansas. 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 to deny the request from Preferred Cartage Services, Inc., the owner of 1401 W. Joe McGraw Street for a waiver to the eligibility requirements to allow participation in the Neighborhood Revitalization 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	Nay	Yea	Nay

Mayor Fankhauser moved to deny the request from Preferred Cartage Services, Inc. to extend the OL-2 “Up to 10 year” Tax Rebate District of the Neighborhood Revitalization Program, to include the undeveloped property (approximately 40 acres) between W. Joe McGraw Street and Thompson Street. 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 to approve and allow the Mayor’s proclamation of November 5, 2013 as Bev Schmitz Glass Day in honor of her years of service to Downtown Vision Inc. 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

Staff provided information regarding the 2013 Fall Clean-up program.

The City received correspondence from Cox Communications regarding a channel line-up changes.

Garden City Recreation Commission submitted an application for a Sunflower Foundation trail grant for completion of the Finnup Park pathway. If approved, the project will complete a 1.6 mile loop around Finnup Park.

Governing Body set April 29, 2014 for the next Town Hall meeting.

Public Utilities Director Muirhead introduced Fred Jones as the City of Garden City’s new Water Systems Resource Manager. Fred was formerly the City Administrator at the City of Lakin, Kansas.

Staff provided the following items of information for Governing Body review including the following: from Cemetery Sexton Stevenson the monthly cemetery report, and from Finance Director Hitz the monthly sales tax report.

Meetings of note:

- ✓ November 2, 2013 –Banner Art Auction 2013 at the Clarion Inn at 6:00 p.m.
- ✓ November 7, 2013 – City Commission training with Mike Conduff at City Administrative Center from 8:00 a.m. – 5:00 p.m.
- ✓ November 7, 2013 – Black Hills Energy Utility luncheon at Samy’s Steakhouse at 12:00 p.m. – 1:30 p.m.
- ✓ November 9, 2013 – Veteran’s Day parade at 10:00 a.m. on Main Street
- ✓ November 9, 2013 – Hanging Lights in Stevens Park at 9:00 a.m.
- ✓ November 12, 2013 – Groundbreaking Ceremony at Schulman Crossing at 2:00 p.m.
- ✓ November 21, 2013 – Third Thursday from 5:00 – 8:00 p.m.
- ✓ November 21, 2013 – Lighting Ceremony & Caroling at Stevens Park at 7:30 p.m.
- ✓ December 7, 2013 – Tuba Christmas concert at 3:00 p.m., Evening Christmas Parade at 6:00 p.m.
- ✓ December 19, 2013 – Third Thursday from 5:00 – 8:00 p.m.

Appropriation Ordinance No. 2351-2013A, “AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$6,677,627.95,” was read and considered section by section. Commissioner Cessna moved to approve and pass Appropriation Ordinance No. 2351-2013A. 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. 2552-2013, “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 (1112 Harding Avenue – tree branches/limbs),” was read and considered section by section. Mayor Fankhauser moved to approve Resolution No. 2552-2013. 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. 2553-2013, “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 (411 Washington Street – Blue GMC Jimmy),” was read and considered section by section. Commissioner Dale moved to approve Resolution No. 2553-2013. 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. 2554-2013, “A RESOLUTION AUTHORIZING THE REMOVAL OF TREE NUISANCE FROM THE PROPERTY LISTED BELOW IN THE CITY OF GARDEN CITY, KANSAS, PURSUANT TO SECTION 94-64 OF THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS (623 W. Olive Street, 1602 N. 11th Street, 811 Harold Avenue and 1112 Harold Avenue),” was read and considered section by section. Commissioner Doll moved to approve Resolution No. 2554-2013. 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

Ordinance No. 2629-2013, “AN ORDINANCE APPROVING THE REZONING OF LAND FROM “C-2” GENERAL COMMERCIAL DISTRICT TO “R-3” MULTIPLE FAMILY RESIDENTIAL DISTRICT; AMENDING THE ZONING ORDINANCE, THE COMPREHENSIVE PLAN OF THE CITY, THE DISTRICT ZONING MAP, AND THE FUTURE LAND USE MAP OF THE CITY; AND REPEALING THE CURRENT ZONING ORDINANCE, COMPREHENSIVE PLAN, DISTRICT ZONING MAP, AND FUTURE LAND USE MAP; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS (202 College Street),” was read and considered section by section. Commissioner Law moved to approve Ordinance No. 2629-2013. 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. 2630-2013, “AN ORDINANCE APPROVING THE REZONING OF LAND FROM “C-2” GENERAL COMMERCIAL DISTRICT TO “I-2” MEDIUM INDUSTRIAL 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 (1810 Buffalo Jones Avenue),” was read and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2630-2013. 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

Martin Nusser spoke on behalf of his client, Hector Gutierrez and stated the project could start immediately and would take approximately 3 months to be completed. Martin Nusser explained to the City Commissioners that a waiver or an extension to the liquor license would need to be approved. Bev Glass Schmitz, on behalf of Downtown Vision and Kim Inderlied, on behalf of Convention and Tourism, stated their support of the restaurant project.

Lara Bors, President of the Garden City Arts Center spoke on behalf of the Garden City Arts Center’s request to purchase the building for \$1.00.

Commissioner Doll moved to accept a proposal from Martin Nusser on behalf of Hector Gutierrez to purchase the American Legion building for \$10,000.00. 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 a revised 2014 Fund 55 (Health Insurance) Budget that changes from a self-funded insurance program to a pure premium program, and accepted the Compensation Committee’s recommended employee premium contributions. 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 2014 Airport Improvement Projects: AIP 3-20-0024-35 Snow Removal Equipment and AIP 3-20-0024-36 Design for reconstruction of Taxiway C west of Runway 17-35. 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 an application to the Kansas Department of Transportation for a 2014 Transportation alternative project requests for landscaping along US-50/400 from the Bypass to Farmland Road. 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

County Administrator Randy Partington presented the County Commission’s request for City endorsement of their proposed special election to extend the ¼ cent sales tax, from the LEC expansion to allow construction of a juvenile intake and assessment center next to the Juvenile Detention Center. The County Commission also asked that the City commit all or a portion of the City’s share of such tax to the project. The City Commission indicated support of extending the sales tax, but will discuss the City’s participation in funding the new facility at their November 19<sup>th</sup> meeting.

Advisory Board Recommendations:

Commissioner Cessna moved to appoint Larry Scheuchzer to a three-year terms that begin January 2014 and end December 31, 2016 on the Parks & Tree Advisory Board. 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 to approve the following:

1. Governing Body consideration and acceptance of a right-of-way agreement with Walter and Debra Staats and corresponding deed for the Schulman Avenue project.
2. Governing Body consideration and approval of the final plat for the Smith Trust (Heritage Plaza).
3. Governing Body consideration and acceptance of an Indigent Defense Agreement authorizing the City of Garden City, Kansas to retain Stephen Cott, an attorney licensed in the State of Kansas to represent indigent defendants who qualify for court-appointed attorneys in the Municipal Court of the City.
4. Governing Body consideration and acceptance of an Indigent Defense Agreement authorizing the City of Garden City, Kansas to retain Lara Black Bors, an attorney licensed in the State of Kansas to represent indigent defendants who qualify for court-appointed attorneys in the Municipal Court of the City.
5. Governing Body consideration and acceptance of an agreement between the City of Garden City, Kansas and Eric G. Tuller, DVM for veterinary services at the Animal Shelter.
6. Governing Body consideration and approval of an agreement with Pinegar, Smith & Associates for the Southwest Kansas Coalition.

7. Licenses:

**(2013 Renewal)**

- a) Walmart #0652 .....Cereal Malt Beverage
- b) AP Mountain States, LLC .....Class A General
- c) Cleary Building Corp. ....Class A General
- d) Kissick Construction Co. Inc. ....Class A General
- e) ROC Service Company, LLC .....Class A General
- f) Conant Construction, LLC .....Class B General

- g) J. Scott III.....Class B General
- h) Kerry Spanier Construction.....Class B General
- i) Kinney Glass, Inc. ....Class B General
- j) Nuzum Handyman Service.....Class B General
- k) Rental Enterprise.....Class B General
- l) Sears Home Improvement Products, Inc. ....Class B General
- m) Square Deal, LLC.....Class B General
- n) Heineken Electric Co., Inc.....Class D-E Electrical
- o) ALTA Refrigeration, Inc.....Class D-M Mechanical
- p) Square Deal, LLC.....Class E-SOC Specialized Other

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 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 Cessna thanked staff for a successful 2013 Fall Clean-up. Commissioner Cessna asked for an update on the sewer back-up claims. Public Utilities Director Muirhead stated there were 29 claims total, all residents have been contacted by the City’s insurance company, Travelers and we hope to have the claims settled in the next month.

Commissioner Dale stated the City did a great job on the Fall Clean-up and that it was well organized and it keeps our City looking clean. Commissioner Dale is impressed with Mayer Specialties and the work they are doing to clean out the lines in his neighborhood. Commissioner Dale stated he has been watching city crews working and stated they don’t wait around to be told to do what to do, they all work great as a team. Commissioner Dale thanked Kendall Kepley for his work in the downtown area and helping make downtown look beautiful with the flowers. Commissioner Dale thanked Jose Seijas for his service and his commitment to being informed with local government. Commissioner Dale reminded the public that the Veteran’s Day parade was Saturday at 10:00 a.m. and that there will be fireworks in the evening.

Commissioner Doll stated she is very impressed with the City employees and very proud of the work they do for the City. Commissioner Doll congratulated Dr. Bev Schmitz Glass on her special day and stated the City will miss her. Commissioner Doll welcomed Nicole Lucas and knows she will do a wonderful job. Commissioner Doll stated she likes the changes that have been made on Channel 8.

Mayor Fankhauser attended the Art Banner Auction and purchased a banner painted by Wanda Stallings. Mayor Fankhauser stated he believes Garden City should be called the

Regional Center of Western Kansas, and distributed a note card with talking points highlighting this statement.

Commissioner Law congratulated Nicole Lucas on her new role at Downtown Vision and thanked Dr. Bev Schmitz Glass for her years of service. Commissioner Law thanked city staff for the spring and fall clean-ups and knows it may cost money, but it helps to make Garden City look great. Commissioner Law wanted to make it clear that he can't fully commit to having 100% of the City's money go towards the judicial administrative building because the City could use that money towards City projects. Commissioner Law appreciates Jose attending the meetings and his work and dedication to the Fire Department. Commissioner Law asked if all homes were required to have backflow preventers on sewer lines. Public Utilities Director Muirhead and Community Development Director Kentner both stated homes are not required to have backflow preventers on their sewer lines.