

THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City

December 3, 2013

The regular meeting of the Board of Commissioners of the City of Garden City was held at 11:00 a.m. at the City Administrative Center on Tuesday, December 3, 2013 with all members present.

Commissioner Doll moved that the City Commission go into executive session pursuant to K.S.A. 75-4319(b)(1) for 60 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 12:00 p.m. 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

At the expiration of the designated time, and in open session, Commissioner Cessna moved to extend the executive session for 30 minutes or until 12:30 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.

Mayor Fankhauser opened the meeting with the Pledge of Allegiance to the Flag and Invocation.

Luci Douglass addressed the Governing Body regarding the City's vicious dog ordinance and requesting that the Governing Body remove the breed specific wording. Governing Body agreed to consider the proposal.

Commissioner Cessna moved to approve a request from Cole Wasinger, Golf Professional to allow alcoholic liquor to be served and consumed at Buffalo Dunes Golf Course Clubhouse, December 13, 2013 starting at 4:00 p.m., pursuant to Code Section 6-133. 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 request from Kimberlea Inderlied, on behalf of the Convention and Visitors Bureau, to allow cereal malt beverages and wine to be served and consumed at the Lee Richardson Zoo, Finnup Center for Conservation Education, December 20, 2013 from 6:30 p.m. to 8:30 p.m., pursuant to Code Sections 6-35 and 6-133. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and approved as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Law moved to approve a request from Fred and Kathryn Askren to allow installation of a metal roof on the upper portion of the roof (main roof), but that the section of the roof that was along the porch be done in shingles more closely comparable to the shingles of the turret at the Historical Landmark Sunnyland Bed and Breakfast. 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

The City Commission and City Manager Allen recognized the dedicated service of the following employees who have reached milestones in their service with the City.

For 30 years of service:

Johnny Ornelas	Laborer II	Street
James Hawkins	Chief	Police

For 20 years of service:

Connie Bachman	Evidence Technician	Police
Cynthia Beesley	Administrative Assistant	Fire
Rose Wilson	Network Technician	Information Technology
James Morris	Battalion Chief	Fire
Larry Watson	Detective I	Police

For 10 years of service:

James Southern	Lieutenant	Fire
Andy Crittenden	Firefighter II	Fire
EJ Ochs	Master Patrol Officer	Police
Robert Ojeda	Master Patrol Officer	Police
Doug Heit	Master Patrol Officer	Police
Hailey Knoll	Master Patrol Officer	Police
Justin Hurley	Equipment Operator I	Street

The City received correspondence from Cox Communications regarding channel line-up changes and changes to installation charges.

Finance Director Hitz provided the monthly sales tax report for Governing Body review.

Meetings of note:

- ✓ December 2, 2013 – 2013 Annual Finney County Historical Society Commissioner Chili Luncheon, 12:00 p.m. at Finney County Historical Museum-Meeting Room
- ✓ December 7, 2013, Evening Christmas parade at 6:00 p.m.
- ✓ December 13, 2013 – Mayor’s Christmas Dinner at Southwind at 6:30 p.m.
- ✓ December 14, 2013 – Tuba Christmas concert at 3:00 p.m., Free Carriage Rides from 2:00 – 4:00 p.m.
- ✓ December 15, 2013 – Free Carriage Rides from 2:00 – 4:00 p.m.
- ✓ December 19, 2013 – Free Carriage Rides from 5:30 – 7:30 p.m.
- ✓ January 15 – Finney County Economic Development Corporation Annual Meeting, time TBA
- ✓ January 27, 2014 – Southwest Kansas Night out in Topeka
- ✓ March 22-25, 2014 – Western Kansas Congressional Reception in Washington, D.C.

Appropriation Ordinance No. 2353-2013A, “AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$3,236,067.44,” was read and considered section by section. Mayor Fankhauser moved to approve and pass Appropriation Ordinance No. 2353-2013A. 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. 2555-2013, “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, (1005 N. 5th Street)” was read and considered section by section. Commissioner Cessna moved to approve Resolution No. 2555-2013. 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. 2556-2013, “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, (2405 A Street – red Ford pickup and 2505 A Street – white Chevy Silverado pickup)” was read and considered section by section. Commissioner Doll moved to approve Resolution No. 2556-2013. 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

Bond Counsel Mary Carson provided a resolution related to the 2013 Temporary Financing of the streetscape improvements at Seventh and Laurel Streets.

Resolution No. 2557-2013, “A RESOLUTION PROVIDING FOR THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF GARDEN CITY, KANSAS, IN THE TOTAL PRINCIPAL AMOUNT OF \$106,200.00 TO TEMPORARILY FINANCE THE COSTS OF CERTAIN IMPROVEMENTS IN THE CITY; AND PROVIDING THE TERMS, DETAILS, FORM AND CONDITIONS OF SUCH NOTES,” was read and considered section by section. Mayor Fankhauser moved to approve Resolution No. 2557-2013. 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

Amro Samy requested Governing Body consideration and approval of the following items related to 901 Lareu Street. (Samy’s Addition)

Commissioner Cessna moved to approve a replat of the Samy’s Addition which changes the right-of-way along the south property line of lots 4 and 5 and changes the width from 25 to 20 feet (an additional 10 feet is taken from an adjoining plat). 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 a request for a waiver from the front yard setback requirements of the “C-2” General District which require a thirty foot (30’) front yard for all buildings in the district. 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 2014 Property & Liability Insurance renewal for the City of Garden City, Kansas. 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 Legislative Policy agenda. 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 Cessna moved to approve the 2014 Southwest Kansas Coalition (SKC) Legislative Policy agenda. Commission 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

Finance Director Hitz and staff provided the enclosed Notice of Budget Hearing for review and consideration.

Commission Cessna moved to authorize and set a Public Hearing for December 17, 2013 at 2:00 p.m. for the amendment to these listed funds in the 2013 Budget: DEA Forfeiture, Finnup Trust, Special Rec & Parks, Airport Improvement, Health Insurance Reserve, Golf Course, Golf Course Building, Wastewater Repair & Replacement and Water Maintenance Reserve. 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 the Interconnection Agreement between the City of Garden City, Kansas, Wheatland Electric Cooperative, Inc. and Sunflower Electric Power Corporation, and authorize the Mayor and City Clerk to execute the agreements. 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 Doll moved to approve the Energy Management Project No. 2 Agreement between the City of Garden City, Kansas and Kansas Municipal Energy Agency, and authorize the Mayor and City Clerk to execute the agreements. 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

Public Utilities Director Muirhead and Sam Mills with Kansas Municipal Energy Agency gave an update on the Jameson Energy Center.

Advisory Board Recommendations:

Commissioner Cessna moved to appoint Dan Le and reappoint Geovannie Gone and Leon Wilkerson for three year terms from January 1, 2014 – December 31, 2016 on the Cultural Relations Board. 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 appoint Torre Mohler to fill an unexpired term that will end in February 2015 on the Garden City Recreation 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

Mayor Fankhauser moved to approve the following:

1. Governing Body consideration and acceptance of an Indigent Defense Agreement authorizing the City of Garden City, Kansas to retain Robert J. Kennington, 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.
2. Governing Body consideration and acceptance of bids received November 25, 2013 for the conduit installation on the Schulman Crossing Phase 2 and Old Chicago projects.
3. Permission for Danna Jones to reserve Spaces 3 and 4, Lot 19, Zone J of Valley View Cemetery for the consideration of \$100.00 for the period of one year.

4. Licenses:

(2013 Renewal)

- a) Phoenix Construction Group Class A General
- b) B&B Electrical. Class D-E Electrical
- c) Electrical Corporation of America, Inc..... Class D-E Electrical
- d) Kel's TLC..... Class E-SOC Specialized Other

(2014 Renewal)

- e) Food Mart #3 Cereal Malt Beverage
- f) Kwik Shop #701 Cereal Malt Beverage
- g) Express Corner Cereal Malt Beverage
- h) El Manantial Mex Buffet..... Cereal Malt Beverage
- i) Presto #1601 Cereal Malt Beverage
- j) Presto #1604 Cereal Malt Beverage
- k) Presto #1620 Cereal Malt Beverage
- l) Garden Bowl Cereal Malt Beverage
- m) Brian Barlow Construction Class B General
- n) Bogner Oilfield Service, Inc. Class B General
- o) Creative Interiors. Class B General
- p) Dunlap Construction Co., Inc Class B General
- q) German Homes Class B General
- r) Hayden Tower Service, Inc Class B General
- s) Kearney & Son, Inc Class B General
- t) RJ's Plumbing & General Contracting, Inc. Class B General
- u) Smart Construction Class B General
- v) Stucky Builders, LLC Class B General
- w) TJ's Construction. Class B General
- x) Schlinder Elevator Corporation Class D-M Mechanical
- y) William's Heating & Air Conditioning Class D-M Mechanical
- z) Sperry Construction, Inc. Class D-MA Masonry
- aa) RJ's Plumbing & General Contracting, Inc. Class D-E Electrical
- bb) RJ's Plumbing & General Contracting, Inc Class E-B Backflow Test
- cc) Jonathan Thuy Tran Class E-L Landlord
- dd) Dreiling Rentals..... Class E-L Landlord
- ee) Ayala Construction Class E-SOC Specialized Other
- ff) J&R Construction Class E-SOC Specialized Other
- gg) Joe Amos Construction, Inc..... Class E-SOC Specialized Other
- hh) Gary's Glass Service, LLC..... Class E-SOC Specialized Other
- ii) Green Shoes Lawn Care Class E-SOC Specialized Other
- jj) Gypsum Floors of AR/OK, Inc..... Class E-SOC Specialized Other
- kk) HCS Petroleum Equipment, Inc. Class E-SOC Specialized Other
- ll) Kel's TLC..... Class E-SOC Specialized Other
- mm) Klotz Sand Co., Inc. Class E-SOC Specialized Other
- nn) The Green Solution Tree Services Class E-SOC Specialized Other
- oo) Solida Tree Service, Inc. Class E-SOC Specialized Other
- pp) Wehkamp Excavating, Inc..... Class E-SOC Specialized Other

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 that the City Commission go into executive session pursuant to K.S.A. 75-4319(b)(2) for 20 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 2:35 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

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

Mayor Fankhauser thanked the employees that received awards for the years of service to the city. Mayor Fankhauser thanked City Clerk Hurtado for dedicated years of service and for the three years of participation in the Kansas/IIMC Municipal Clerks Certification Institute. Mayor Fankhauser encouraged fellow Commissioners to thank small businesses in Garden City. Mayor Fankhauser stated he will be recording a small thank you video to be played in the security room at the Garden City Regional Airport to thank citizens for flying locally. Mayor Fankhauser reminded Commissioners and staff that the Mayor's Christmas dinner is Friday, December 13, 2013 at 6:30 p.m. Mayor Fankhauser stated he will not be in attendance at the January 21st City Commission meeting.

Commissioner Law congratulated & thanked all the employees for their years of service and stated it shows that continuity of staff keeps things running better.

Commissioner Cessna thanked the employees for their dedicated years of service and stated it makes our community better because of employees like the City's.

Commissioner Dale congratulated and thanked all the employees for their years of service and stated that these fine men and women are an example of all city employees and that it makes a staff's job easier and also the Commissioners.

Commissioner Doll congratulated and thanked the employees that received service awards. Commissioner Doll thanked Luci Douglass for her presentation.