

THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City
December 17, 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 17, 2013 with all members present. Commissioner Law opened the meeting with the Pledge of Allegiance to the Flag and Invocation.

Commissioner Doll moved to approve a request from Jim Lewis, L&L Enterprises, for a temporary waiver from the zoning regulation for the purpose of parking on an unimproved surface, at 1903 E. Hwy 50, until May 1, 2014 to accommodate a major remodel. 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

Water Resource Manager Jones presented an update the Governing Body on the progress of the water line cleaning and proposed line replacement.

KDOT notified the City that our FY 2016 Geometric Improvement application for widening Kansas Avenue from Third Street to Belmont Place was not funded. KDOT funded 11 of the 40 projects in this category.

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

Staff provided several items of information for Governing Body review including the following: from Director of Aviation Powell the monthly enplanement report, from Community Development Director Kentner the monthly building report and code enforcement report, from Finance Director Hitz the monthly financial report, from Public Works Director Curran the monthly transit report and city project update, and from Zoo Director Sexson the monthly zoo report.

Meetings of note:

- ✓ 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 15, 2013 – Downtown Christmas Parade at 6:00 p.m.
- ✓ December 19, 2013 – Free Carriage Rides from 5:30 – 7:30 p.m.
- ✓ December 30, 2013 – Special Meeting of the Governing Body at 1:00 p.m. at the City Administrative Center
- ✓ January 15, 2014 – 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. 2354-2013A, “AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$1,093,338.90,” was read and considered section by section. Commissioner Law moved to approve and pass Appropriation Ordinance No. 2354-2013A. 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

Resolution No. 2558 - 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, (406 W. Emerson and 1806 A Street)” was read and considered section by section.

Mayor Fankhauser opened the public hearing at 2:05 p.m. –as requested by James Dinkel, property owner at 406 W. Emerson, regarding Case No. 13-001442. James Dinkel spoke and requested an extension of six months to clean up the property.

Commissioner Law moved to approve Resolution No. 2558-2013 with an extension of six months for the property located at 406 W. Emerson. 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. 2559-2013, “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 Garden City Avenue, 1002 N. 5th Street, 503 N. Taylor Avenue and 1501 St. John Street)” was read and considered section by section. Commissioner Doll moved to approve Resolution No. 2559-2013. 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. 2560-2013, “A RESOLUTION DECLARING THE BOUNDARIES OF THE CITY OF GARDEN CITY, KANSAS AS OF THE 1ST DAY OF JANUARY 2014” was read and considered section by section. Commissioner Cessna moved to approve Resolution No. 2560-2013. 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. 2561-2013, “A RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS AS TO THE NEED FOR A HOUSING INCENTIVE POLICY WITHIN THE CITY OF GARDEN CITY, KANSAS AND SETTING FORTH SUCH POLICY TO INCENTIVIZE HOUSING DEVELOPMENTS,” was read and considered section by section. Commissioner Cessna moved to approve Resolution No. 2561-2013. 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. 2562-2013, “A RESOLUTION TO EXEMPT THE CITY OF GARDEN CITY, KANSAS MUNICIPAL COURTROOM AND CITY PROSECUTOR'S OFFICE FROM THE PROVISIONS OF THE PERSONAL AND FAMILY PROTECTION ACT THAT ALLOWS CONCEALED HANDGUNS IN PUBLIC BUILDINGS,” was read and considered section by section. Commissioner Cessna moved to approve Resolution No. 2562-2013. 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. 2632-2013, “AN ORDINANCE APPROVING THE REZONING OF LAND FROM “C-2” GENERAL COMMERCIAL DISTRICT TO “I-1” LIGHT INDUSTRIAL DISTRICT; AMENDING THE ZONING ORDINANCE, THE COMPREHENSIVE PLAN OF THE CITY, AND THE DISTRICT ZONING MAP OF THE CITY; AND REPEALING THE CURRENT ZONING ORDINANCE, COMPREHENSIVE PLAN, AND DISTRICT ZONING MAP; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS, (3225 Prairie Avenue),” was read and considered section by section. Commissioner Cessna moved to approve Ordinance No. 2632-2013. 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

Ordinance No. 2633-2013, “AN ORDINANCE REGULATING AIRPORT ZONING REGULATIONS FOR THE CITY OF GARDEN CITY, KANSAS; AMENDING THE ZONING REGULATIONS FOR THE CITY OF GARDEN CITY, KANSAS; AMENDING ZONING REGULATION ARTICLES 32, 33, 34, AND 35; REPEALING IN THEIR ENTIRETY CURRENT ZONING REGULATION ARTICLES 32, 33, 34, AND 35; 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. 2633-2013. 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

Finance Director Hitz provided the annual Capital Improvement Reserve Fund (05) transfers.

Commissioner Law moved to approve the annual Capital Improvement Reserve Fund (05) transfers for Governing Body as presented. 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

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

Commission Cessna moved to authorize and set a Public Hearing for December 30, 2013 at 1:00 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 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 presented its findings on various styles of rental inspection programs.

Several citizens commented on the idea of a rental inspection program including, Bill King, Wayne Johnson, Gary Fuller, John Hotz, Lori Tyler, Ruth Johnson, Sister Janice Thome, Glenda Adams, Jerry Chappel, Von Huhn, Harvey Brungardt, Steve Dyer, Kerry Spanier, and Cindy Stinemetz.

Commissioner Dale moved to direct staff to research and develop a plan to include landlord registration and a standard inspection form for all rental properties. 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 a request from the developer of the Pioneer Road Estates RHID, that the Development Agreement between the City and Developer be amended to reflect that the Developer no longer desires the City to bond the eligible expenses but would rather use private financing. Commission 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 recommend the United States Department of Transportation award the bid for Essential Air Service at Garden City Regional Airport to American Eagle. 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 approve the following recommendations from the Compensation Committee:

1. An additional holiday (Christmas Eve) beginning December 24, 2013.
2. An additional personal day per year for employees who have completed five years of service beginning in 2014.

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

Advisory Board Recommendations:

Commissioner Cessna moved to approve the recommendation from the Traffic Advisory Board to deny a request for Olive Street and Jenny Street to be “One-Way” streets between Eighth Street and Eleventh 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	Yea	Yea

Commissioner Cessna moved to appoint Max Meschberger to fill the unexpired term from January 1, 2014 – December 31, 2014 on the Airport Advisory 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 Doll moved to re-appoint Mario Lopez to fill a three-year term that will begin in January 2013 and will end in December 2016 on the Planning Commission and waive the limit of two terms. 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 re-appoint Christen Schroeder to fill a three-year term that will begin in January 2013 and will end in December 2016 on the Garden City Board

of Zoning Appeals. 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 Doll moved to re-appoint Jim Howard as the Member at Large to fill a three-year term that will begin in January 2013 and will end in December 2016 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 Cessna moved to re-appoint Gloria Allen to fill a three-year term that will begin in January 2013 and will end in December 2016 on the Traffic Advisory 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

Mayor Law moved to approve the following:

1. Licenses:

(2014 Renewal)

- a) Taco Salinas.....Cereal Malt Beverage
- b) El Remedio Restaurant.....Cereal Malt Beverage
- c) El Remedio Market.....Cereal Malt Beverage
- d) Mariscos Puerto NuevoCereal Malt Beverage
- e) Tacos El Tapatío.....Cereal Malt Beverage
- f) El Zarape of Garden City,KS, IncCereal Malt Beverage
- g) Pizza Hut #102Cereal Malt Beverage
- h) Pizza Hut #125Cereal Malt Beverage
- i) U Pump It #203Cereal Malt Beverage
- j) U Pump It #207.....Cereal Malt Beverage
- k) Golden Dragon RestaurantCereal Malt Beverage
- l) Dillons #5Cereal Malt Beverage
- m) Dillons #60Cereal Malt Beverage
- n) Quicker MartCereal Malt Beverage
- o) Fulton Convenience StoreCereal Malt Beverage
- p) Plank’s BBQ.....Cereal Malt Beverage
- q) Wheatlands Country Store.....Cereal Malt Beverage
- r) Walgreens #7972.....Cereal Malt Beverage
- s) Hard Rock LanesCereal Malt Beverage
- t) Harbin ConstructionClass A General
- u) Hellas Construction, Inc.Class A General
- v) Lee Construction, Inc.Class A General
- w) Western Steele & Automation, Inc.....Class A General
- x) American Warrior Construction, Inc.Class B General
- y) Berry Roofing.....Class B General
- z) Carroll ConstructionClass B General
- aa) DV Construction.....Class B General
- bb) Dwight Ford.....Class B General
- cc) J2 Construction.....Class B General
- dd) LifeStyles Home Construction, Inc.Class B General
- ee) Martin Builders.....Class B General
- ff) Paul Teetzen Construction.....Class B General
- gg) Pyramid PlumbingClass B General
- hh) Richard Wright Construction.....Class B General
- ii) Ron Roth ConstructionClass B General
- jj) Rowland ConstructionClass B General
- kk) Stareck Construction.....Class B General
- ll) Stoecklein Construction.....Class B General
- mm) The Southard CorporationClass B General

- nn) Travers Construction, Inc. Class B General
- oo) True Home Value Class B General
- pp) Wards Garden Center, Inc. Class B General
- qq) Wildeman Construction..... Class B General
- rr) A&J Sheet Metal Class D-M Mechanical
- ss) Fowler’s Heating and Cooling Service..... Class D-M Mechanical
- tt) Sepulveda’s Appliance Class D-M Mechanical
- uu) 5-Star Electric, Inc..... Class D-E Electrical
- vv) Baier Electric Class D-E Electrical
- ww) Encore Electric Class D-E Electrical
- xx) M. Berry Electric Class D-E Electrical
- yy) RC Electric, LLC..... Class D-E Electrical
- zz) Shelly Electric, Inc. Class D-E Electrical
- aaa) Pyramid Plumbing..... Class D-P Plumbing w/ Gas
- bbb) Wards Garden Center, Inc. Class E-B Backflow Test
- ccc) Pyramid Plumbing..... Class E-B Backflow Test
- ddd) Bounhang Phitsanoukanh Class E-L Landlord
- eee) Archie D. Moody..... Class E-L Landlord
- fff) A-M Russell Excavating..... Class E-SOC Specialized Other
- ggg) Israel’s Windows & Siding..... Class E-SOC Specialized Other
- hhh) McGraw Fencing & Repair Class E-SOC Specialized Other
- iii) Rob Preston Class E-SOC Specialized Other
- jjj) Wards Garden Center, 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)(13) for 10 minutes for the purpose of discussing matters relating to the security of a public body or agency, public building or facility or the information system of a public body or agency, and the discussion of such matters at an open meeting would jeopardize the security of such public body, agency, building, facility or information system, and that the City Commission reconvene into open session in the City Commission Chambers at 4:13 p.m. with Police Captain Reagle, Police Captain Prewitt, City Manager Allen and City Attorney Grisell present. 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 the expiration of the designated time, and in open session, Mayor Fankhauser stated no action was taken.

Commissioner Law 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 4:46 p.m. with City Attorney Grisell, City Manager Allen and Public Utilities Director Muirhead present. 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, 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)(1) for 13 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 5:00 p.m. with City Manager Allen present. 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, Commissioner Cessna moved to extend the executive session for 12 minutes or until 5:12 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 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 thanked Downtown Vision and Burtis Motors for their work on the scheduling and re-scheduling of the Christmas parade and stated the new date was a good evening for the parade. Commissioner Law thanked the City of Dodge City, Kansas for their partnership with the City for regional jet service in Southwest Kansas.

Commissioner Cessna thanked Public Utilities Director Muirhead and Electric Superintendent Sonnenberg for the tour of Jameson Energy Center and Substation #10. Commissioner Cessna congratulated staff on their efforts on the projects. Commissioner Cessna thanked the Commissioners for their work on the topics discussed at this meeting. Commissioner Cessna wished everyone a Merry Christmas and hopes for safe travels for all.

Commissioner Dale stated the parade was great and he was pleasantly surprised by the number of floats that were lit up and that it was well attended. Commissioner Dale suggested that the truck have a poster on it again to address who is in the truck. Commissioner Dale asked everyone to think of those not as fortunate as us and those troops that are overseas during the holiday season. Commissioner Dale stated that everyone may not agree all the time, but he feels that there are still people that the City hasn't heard from on the rental inspection program. Commissioner Dale wished everyone a Merry Christmas.

Commissioner Doll stated the parade was awesome and thanked those involved in making it happen. Commissioner Doll thanked the Commissioners for their hard work today and always. Commissioner Doll wished everyone a Merry Christmas and God Bless.

Mayor Fankhauser thanked Public Utilities Director Muirhead for his work on the recent projects in the Electric Department. Mayor Fankhauser wished everyone a Merry Christmas and a Happy New Year.