

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

City of Garden City

May 6, 2014

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, May 6, 2014 with all members present. Commissioner Law opened the meeting with the Pledge of Allegiance to the Flag and Invocation.

Dave Germann, Steve Stucky and other members of the Garden City Area Builders Association were present to express concerns with the Garden City Inspection Department and requested that the Governing Body consider separating the Community Development and Inspection Department to two individual stand-alone departments.

Tracy Stoecklein and Tim White were present and expressed their concerns with the waiving of the noise ordinance for Jax Sports Grille.

Commissioner Fankhauser moved to deny the request from Lindsey Becker, Jax Sports Grille, for a waiver to the noise ordinance, waiver of the sign permit fee and a waiver to park in the empty lot to the east of the building on June 5-7, 2014 from 8:00 p.m. – midnight at the Jax Sports Grille at 1907 E. Mary Street for outside music concerts. 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 Fankhauser moved to approve a request from Spay Today Mobile Outreach for a waiver of an Itinerant Merchant License fee to operate a spay and neuter clinic at 901 W. Mary Street on May 12-14, 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

Abigail Aguilar, 5th grade student at St. Dominic’s Parish School, won the local Arbor Day poster contest. Her work also received top honors for the State of Kansas and was recognized by the Kansas Forestry Service at the Tree City U.S.A. awards ceremony in Derby, Kansas. She was also recognized by Governor Brownback in Topeka at an Arbor Day ceremony.

Commissioner Law moved to approve a request from Chief of Police James Hawkins to allow the Mayor to proclaim May 11-17, 2014 as National Police Week. 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

Director of Aviation Rachelle Powell has received the designation as a Certified Member of the American Association of Airport Executives through the Loretta Scott, A.A.E., Accreditation/Certification Academy.

Golf Professional Cole Wasinger achieved his certification for the Professional Golfers’ Association of America and is now a Class A-1 Golf Professional.

Chief Shelton gave an update to the Governing Body on the request for qualifications on a fire facilities study.

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

Black Hills Energy notified the City that they have filed a request with the Kansas Corporation Commission for a rate increase.

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

Meetings of note:

- ✓ May 9, 2014 – Downtown Vision Golf Tournament at 1:00 p.m. at The Golf Club at Southwind
- ✓ May 10, 2014 – Blues at the Zoo – southwest gates open at 6:00 p.m.
- ✓ May 17, 2014 – Legislative Coffee in Classroom B at St. Catherine Hospital at 10:00 a.m.
- ✓ May 28 - June 1, 2014 - The Commemorative Air Force B-17 will be at the Garden City Regional Airport. The B-17 will be available to the public from 9:00 am – 6:00 pm.
- ✓ May 30 – June 8, 2014 – Beef Empire Days – “Beef...The Chef’s Choice”

Appropriation Ordinance No. 2363-2014A, “AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$3,434,897.70,” was read and considered section by section. Commissioner Fankhauser moved to approve and pass Appropriation Ordinance No. 2363-2014A. 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

Ken Green and Lona Duvall were present and expressed their concern with the amendment of the proposed ordinance to allow retail in the I-1 and I-2 Districts.

Ordinance No. 2648-2014, “AN ORDINANCE REGULATING THE “I-1” LIGHT INDUSTRIAL DISTRICT AND THE “I-2” MEDIUM INDUSTRIAL DISTRICT IN THE CITY OF GARDEN CITY, KANSAS,” was read and considered section by section. This is an amendment to the zoning regulations city-wide as they related to allowing retail in the I-1 and I-2 Districts. Commissioner Law moved to deny Ordinance No. 2648-2014. 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

Resolution No. 2580-2014, “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 (407 W. Mary Street),” was read and considered section by section. Commissioner Doll moved to approve Resolution No. 2580-2014. 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

Resolution No. 2581-2014, “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 (401 N. 4th Street – yellow 2-door car, 705 N. Taylor Avenue – black Nissan Truck, 601 Jenny Avenue – silver Ford Explorer, 601 E. Kansas Avenue – silver Dodge Ram Pickup, 407 W. Mary Street – green Ford mini-van and silver Dodge Neon, 2602 Chainey Street – red GMC Jimmy, black Dodge Ram pick-up and beige Motorhome),” was read and considered section by section. Commissioner Fankhauser moved to approve Resolution No. 2581-

2014. 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. 2582-2014, "A RESOLUTION AMENDING THE PURPOSE, STRUCTURE, MEMBERSHIP AND RESPONSIBILITIES OF THE CULTURAL RELATIONS BOARD OF THE CITY OF GARDEN CITY, KANSAS, TO ALLOW FINNEY COUNTY RESIDENTS TO BE MEMBERS," was read and considered section by section. Commissioner Doll moved to approve Ordinance No. 2582-2014. Commissioner 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

Community Development Director Kentner presented a program for Rental Inspections. Mayor Cessna opened the discussion for public comment from citizens. Several landlords expressed their concerns regarding a rental inspection program.

Commissioner Dale moved to direct staff to draft an ordinance to create a rental inspection that included the use of a standardized checklist, establish a minimum violation fee and establish a registration program for all landlords and rental properties. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Nay	Yea	Nay	Nay	Nay

Commissioner Fankhauser moved to direct staff to draft an ordinance to create a standardized checklist that needs to be turned into the Service & Finance Department before utilities can be switched on. Commissioner Dale seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Nay	Yea	Nay	Yea	Nay

Commissioner Fankhauser moved to authorize staff to submit an application to KDOT for the FY2014 Safe Routes to Schools program. 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 authorize staff to submit an application for arterial and collector street sealing through the FY 2014 Federal Fund Exchange program. 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 Cessna moved to approve a Memorandum of Understanding for a treated water rate fee with Bonanza Bioenergy Ethanol Plant and authorization for the Mayor to sign and the City Clerk to execute. 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 reviewed the Enterprise & Support Funds – Electric Utility (#68), Utility Deposit (#69), Golf Course (#70), Golf Course Building (#71), Solid Waste (#75), Drainage Utility (#79), Water & Wastewater Utility (#80), Wastewater Repair & Replacement (#81) and Water Maintenance Reserve (#82).

Commissioner Law moved to approve the following:

1. Governing Body consideration and rejection of bids for Snow Removal Equipment at Garden City Regional Airport.
2. Governing Body consideration and approval of Task Order No. 1 between the City of Garden City, Kansas and HNTB for the design and bidding services for the Airport Improvement Project 3-20-0024-36 – Partial Parallel Taxiway F.
3. Governing Body consideration and approval of the Land Lease Agreement at Garden City Regional Airport between Vaisala Inc. and the City of Garden City, Kansas.
4. Governing Body consideration and approval of an agreement between the City of Garden City, Kansas and Brookover Land Enterprises, L.P. for maintenance of water wells.
5. Governing Body consideration and approval of an extension of term of lease agreement between the City of Garden City, Kansas and KANZA Society, Inc. for the premises located at 210 N. 7<sup>th</sup> Street.
6. Permission for Victoria C. Rodriguez and Rabecca Lopez to reserve Space 7, Lot 41, Zone G of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
7. Quit Claim Deed from Fernando &/or Shirley Arteaga transferring Spaces 3 and 4, Lot 134, Zone K of Valley View Cemetery to the City of Garden City, Kansas.
8. Licenses:
  - (2014 New)
  - a) Beef Empire Days PRCA Rodeo.....Temporary Cereal Malt Beverage
  - b) Friends of Lee Richardson Zoo. ....Temporary Cereal Malt Beverage
  - c) KBUF Partnership - WKBC .....Temporary Cereal Malt Beverage
  - d) Cao Thanh Vietnamese Restaurant..... Cereal Malt Beverage
  - e) Ready Roofer, Inc..... Class C General
  - f) Miller Electric, Inc.....Class D-E Electrical
  - g) Dig America Utility Contracting, Inc. ....Class E-SOC Specialized Other
  - h) United Towers, Inc .....Class E-SOC Specialized Other

Commissioner 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 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 5:30 p.m. with City Attorney Grisell, City Manager Allen and Public Utilities Director Muirhead present and Gregg Ottinger by phone. 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 Cessna stated no action was taken.

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

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Roy Cessna, Mayor

ATTEST:

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Celyn N. Hurtado, City Clerk

### **City Commission Reports**

Commissioner Law congratulated Abigail Aguilar, St. Dominic's Parish School, on winning the Arbor Day poster contest.

Mayor Cessna congratulated Abigail Aguilar, St. Dominic's Parish School on winning the Arbor Day poster contest and stated that Garden City has outstanding students in the community. Mayor Cessna also congratulated the second place winner, Dao Tang and third place winner, Mya Cruz for their winning posters. Both students are from Charles O. Stones. Mayor Cessna congratulated Director of Aviation Powell and Golf Professional Wasinger on their recent accomplishments. Mayor Cessna stated there was a good turn-out at the Town Hall meeting on April 29, 2014. Mayor Cessna stated City Attorney Grisell is following up on the issues on Gillespie Drive and the City may be able to address some of the issues.

Commissioner Dale congratulated Abigail Aguilar, St. Dominic's Parish School, on winning the Arbor Day poster contest and stated she had a great imagination.

Commissioner Doll congratulated Abigail and stated she has represented Garden City well. Commissioner Doll congratulated Director of Aviation Powell and Golf Professional Wasinger.

Commissioner Fankhauser congratulated Director of Aviation Powell and Golf Professional Wasinger on their recent accomplishments in their fields.