

## THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City  
July 15, 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, July 15, 2014 with all members present. Commissioner Law opened the meeting with the Pledge of Allegiance to the Flag and Invocation.

Candace Gamino was present to voice her concerns on code violations within the City. The first issue she identified involved two churches located at 702 N. Main Street and 606 N. Main Street. Ms. Gamino states that 702 N. Main Street has weeds, an overgrown lawn, boards and tarps on the windows and is not a permitted use in the downtown area. The second issue she identified involved ongoing care and maintenance of the vacant house located at 1107 Gillespie Drive and has the same types of problems. Ms. Gamino thanked the City for coming out to do the cleaning at that location. She would like to see if something more could be done.

Shelby Hanneman invited the Commissioners to attend the Odd Couple playing at the State Theater.

Jose Seijas was present and thanked City Manager Allen and the Governing Body for allowing him to speak. Mr. Seijas asked that the Governing Body consider investing more that into the employee benefits package.

Randy Partington, ESGR (Employer Support of the Guard and Reserve) Area Chair for Southwest Kansas, addressed the Governing Body and recognized recently retired Fire Marshal Dan Wimmer and Jim Hemmert from J&J Heating & Air. Their nominations for the Patriot Award were submitted by Juan Barajas-Leon. Barajas-Leon cited their service above and beyond their regular duties.

City Engineer Steve Cottrell received the Government Engineer of the Year Award from the Kansas Society of Professional Engineers at their annual conference in Manhattan on June 19, 2014. City Engineer Cottrell was also sworn in as KSPE President for 2014-15.

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 and code enforcement reports, from Public Works Director Curran the monthly city projects update, from Finance Director Hitz the monthly financials, from Public Utilities Director Muirhead the quarterly report and from Zoo Director Newland the monthly zoo report.

Meetings of note:

- ✓ July 19, 2014 – Bowling for Rhinos at Hard Rock Lanes, 6:00 p.m. – 10:00 p.m.
- ✓ July 23 – 26, 2014 – Finney County Fair
- ✓ July 29, 2014 – Town Hall meeting at City Administrative Center at 7:00 p.m.
- ✓ July 31, 2014 – City Employee Picnic at Finnup Park, Shelter #7 at 6:00 p.m.
- ✓ August 4 – 10, 2014 – Southwest Kansas Pro-Am
- ✓ August 7, 2014 – 2014 SHRM of SWKS Business Leadership Conference at GCCC
- ✓ August 23 – 24, 2014 – Tumbleweed Festival at Lee Richardson Zoo
- ✓ September 6, 2014 – A Wild Affair at Lee Richardson Zoo
- ✓ September 11 – 13, 2014 – Garden City Classic at Buffalo Dunes Golf Course
- ✓ September 18, 2014 – Diversity Dinner – Clarion Inn
- ✓ September 19, 2014 – Multi-Cultural Summit – GCCC
- ✓ September 20, 2014 – Fall Fest 2014

Appropriation Ordinance No. 2368-2014A, “AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$1,847,021.87,” was read and considered section by section.

Commissioner Law moved to approve and pass Appropriation Ordinance No. 2368-2014A. 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

Ordinance No. 2651-2014, "AN ORDINANCE REGULATING WATER UTILITY SERVICE IN THE CITY OF GARDEN CITY, KANSAS; AMENDING CODE SECTIONS 90-112, 90-115, 90-118 AND 90-119; REPEALING IN THEIR ENTIRETY CURRENT CODE SECTIONS 90-112, 90-115, 90-118 AND 90-119; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS," was read and considered section by section. Commissioner Doll moved to approve Ordinance No. 2651-2014. 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

Governing Body considered an amendment to Section 12.030, to allow Transitional Supportive Housing in the "P-F", Public Facilities District and to amend Section 24.060 to define the off-street parking requirements for Transitional Supportive Housing.

Sister Trudy Tanner and Nancy Harness were present to answer questions the Governing Body or the public had in regards to the Transitional Supportive Housing.

Ordinance No. 2652-2014, "AN ORDINANCE AMENDING THE ZONING REGULATIONS FOR THE CITY OF GARDEN CITY, KANSAS; ADOPTING NEW ZONING REGULATIONS TO REGULATE THE PUBLIC FACILITIES DISTRICT; AMENDING ZONING REGULATION SECTIONS 2.030, 12.030, AND 24.060; REPEALING IN ITS ENTIRETY CURRENT ZONING REGULATION SECTIONS 2.030, 12.030, AND 24.060. ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS," was read and considered section by section. Commissioner Doll moved to approve Ordinance No. 2652-2014. 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

Iglesia Cristiana Discipulos de Cristo requested annexation of an 8.8 acre tract at the northwest corner of Eighth Street and Bellevue Avenue. This is pursuant to an August 20, 2013 annexation agreement.

Ordinance No. 2653-2014, "AN ORDINANCE ANNEXING LAND TO THE CITY OF GARDEN CITY, FINNEY COUNTY, KANSAS, PURSUANT TO K.S.A. 12-520(a)(7)," was read and considered section by section. Commissioner Law moved to approve Ordinance No. 2653-2014. 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

Kansas Children's Service League requested vacation of a platted utility easement along the south boundary of their property at 705 Ballinger.

Ordinance No. 2654-2014, "AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT ON LOT 1, BLOCK 3, GARDENDALE SUBDIVISION, ALL IN THE CITY OF GARDEN CITY, FINNEY COUNTY, KANSAS," was read and considered section by section. Commissioner Fankhauser moved to approve Ordinance No. 2654-2014. 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

Resolution No. 2591-2014, “A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH PROPOSED DISTRICT; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING. (Prairie View Acres Project),” was read and considered section by section. Mayor Cessna moved to approve Resolution No. 2591-2014. 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

Resolution No. 2592-2014, “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 (1621 Summit Street – Maroon Chevy Impala and 302 N. 10th Street – Grey Buick Riviera),” was read and considered section by section. Commissioner Law moved to approve Resolution No. 2592-2014. 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

At 2:00 p.m. Mayor Cessna opened the Public Hearing required by Resolution No. 2583-2014, for the purpose of the Governing Body hearing and answering concerns, questions, and/or objections of taxpayers relating to the expansion of the Stone Development, Inc. Tax Increment Financing district (Lareu Road and Stone Creek Drive).

There being no comments from the public, Mayor Cessna closed the public hearing.

Ordinance No. 2655-2014, “AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS MAKING FINDINGS REGARDING THE ADDITION OF AREA TO AN ESTABLISHED REDEVELOPMENT DISTRICT WITHIN THE CITY,” was read and considered section by section. Commissioner Fankhauser moved to approve Ordinance No. 2655-2014. 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

Several projects authorized in the 2014 budget and/or proposed in the 2014 Capital Improvement Programs require debt financing. City Engineer Cottrell reviewed the potential projects with the Governing Body.

Commissioner Fankhauser moved to approve to bond the 2014 CIP projects as shown, with an estimated total debt of \$2,760,000. 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 1:30 p.m. Mayor Cessna opened the Public Hearing for the purpose of the Governing Body hearing questions, concerns and comments from the public with regard to the proposed 2015 Budget for the City of Garden City.

There being no comments from the public, Mayor Cessna closed the public hearing.

Commissioner Fankhauser moved to approve and authorize the certificate of the budget, which summarizes the maximum levy of property tax, \$6,606,493, for specific taxing funds, establishes the maximum expenditure for all funds of the city's budget and totals \$86,673,579 (including transfers and Recreation Commission). 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 Doll moved to approve the Finnup Park Master Plan. 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

FCEDC, Downtown Vision and the Garden City Area Chamber of Commerce recommend to Governing Body for consideration and approval of the creation of a Certificate of Zoning Compliance procedure for all new and relocating businesses with a flat fee and requiring no annual evaluation.

Commissioner Fankhauser moved to direct staff to create a policy for a Certificate of Zoning Compliance procedure for all new and relocating businesses with a flat fee and requiring no annual evaluation. 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

The Traffic Advisory Board made the following recommendation for the Governing Body consideration:

Commissioner Doll moved to approve to continue the current practice of having property owners identify specific times/days where speeding is rampant and then target enforcement on Fair Street between Fleming Street and Campus Drive. 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

Governing Body reviewed the criteria for installing speed controls in alleys. No action needed.

Commissioner Law moved to approve a request to change the on-street parallel parking spaces to 45% angle parking with staff to research and if vehicles don't fit change it to 35% angle on Seventh Street and Eighth Street in the Downtown District. 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 Cessna moved to deny a request from Southard Corporation at 606 E. Kansas Avenue for access from Fourth Street for southbound traffic. 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 a request to install alley dips and signage behind 2012 E. Crestway Drive. 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

Commissioner Fankhauser moved to deny a request to install alley dips and signage behind 1010 E. Crestline Drive. 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

Governing Body tabled the appointment to the Garden City Housing Authority and asked staff to request additional applicants for the vacant position.

Mayor Cessna moved to approve and appoint Myca Bunch to fill an unexpired term that will end February 2016 on the Garden City Recreation Commission. 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

Commissioner Fankhauser moved to approve and appoint Gerald (Gary) Bennett to fill a 3-year term ending July 2017 on the Traffic Advisory Board Committee. 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 and appoint Kathy Diehl to fill the unexpired term that will end July 2015 on the Zoo 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 Law moved to approve the following:

1. Governing Body consideration and approval of the final plat and development agreement for Prairie View Acres Phase One.
2. Governing Body consideration and acceptance of utility easements along the west side of Magnolia Street, for an electric transmission line.
  - a) Linda A. Batchelder
  - b) Catherine A. Adams
  - c) Stanley R. & Nancy J Bieker
  - d) Mary Lou Shea Revocable Trust
  - e) Martha Rudd
  - f) Robert t. & Coleen F. Rupp
  - g) Mumma Generation Skipping Trust
  - h) Bernice R. Robinson
  - i) Adah Ruth Jenkins Trust
  - j) Mariella Keller
  - k) Bernice Lear Kimbrough Living Trust
  - l) Ronald D. Lucas Revocable Trust
3. KDOT has provided Agreement No. 440-14 to the City of Garden City, Kansas for the FY 2014 Federal Fund Exchange program, which is for modified sealing of arterial and collector streets.

4. Governing Body consideration and approval of a professional services agreement for the Fire Facilities Study with Emergency Services Consulting International, in the amount of \$26,000.00.
5. Governing Body consideration and approval of a 2014 Vegetation Mowing contract from Mark Schiffelbein.
6. Quit Claim Deed from Doloris J. Long transferring Space 8, Lot 159, Zone C of Sunset Memorial Gardens to Dinah L. Leach.
7. Quit Claim Deed from heir of Leroy J. or Dolly P. Garman transferring Spaces 3 and 4, Lot 144, Zone K of Valley View Cemetery to Clinton L. Garman.
8. Permission for Mr. &/or Mrs. Richard L. Henkle to reserve Spaces 1, 2, 3, 4, 5, 6, 7, and 8, Lot 65, Zone J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
9. Licenses:

**(2014 New)**

- a) Don Harness.....Temporary Cereal Malt Beverage
- b) Janet Doll Goldsmith. ....Precious Metal Dealer
- c) Medina Mechanical..... Class D-M Mechanical

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

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 Jim Hemmert and Dan Wimmer for the Patriot award they received and stated he was not surprised by either of them stepping up to help a family in need.

Mayor Cessna echoed the other Commissioners thoughts and stated there are great things happening in Garden City. Mayor Cessna went on to add that the city is becoming the economic center of Western Kansas and it is a great place to raise your children. Mayor

Cessna thanked City employees for their part in making Garden City a great place to live and work.

Commissioner Dale congratulated Jim Hemmert and Dan Wimmer on the award they received. Commissioner Dale congratulated City Engineer Cottrell his Engineer of the year award. Commissioner Dale expressed his appreciation and thanked Jose Seijas for speaking to the Commissioners regarding budget issues. Commissioner Dale stated he has always been impressed with Jose concern for budget issues. Commissioner Dale stated he is also concerned with taking care of the City's No. 1 asset, the employees.

Commissioner Doll congratulated Jim Hemmert, Dan Wimmer and many of the other unsung heroes in this community. Commissioner Doll congratulated City Engineer on his state recognition and award. Commissioner Doll thanked the staff for serving on professional boards. Commissioner Doll thanked Downtown Vision, Garden City Area Chamber of Commerce and Finney County Economic Development Corporation for their work on the recommendation for a Certificate of Zoning Compliance procedure. Commissioner Doll stated she is thrilled with the outcome of the 2015 budget and is glad the mill levy can be reduced.

Commissioner Fankhauser congratulated Dan Wimmer, Jim Hemmert and City Engineer Cottrell. Commissioner Fankhauser stated the enplanements continue to rise and that the Airport is on its way to the 26,000 mark.