

AGENDA
CITY COMMISSION MEETING
Tuesday, January 6, 2015
1:00 P.M.

- I. Note: No Pre-meeting.**
- II. REGULAR MEETING CALLED TO ORDER AND CITY CLERK ANNOUNCING QUORUM PRESENT.**
- III. PLEDGE OF ALLEGIANCE TO THE FLAG AND INVOCATION.**
- IV. APPROVAL OF THE MINUTES OF THE LAST REGULAR MEETING, WHICH IF NO CORRECTIONS ARE OFFERED, SHALL STAND APPROVED.**
- V. PUBLIC COMMENT** Agenda Schedule Allowance: 30 minutes (5 minutes per spokesperson)
- VI. CONSIDERATION OF PETITIONS, MEMORIALS AND REMONSTRANCES.**
 - A. None at this writing.
- VII. REPORT OF THE CITY MANAGER.**
 - A. City Manager Allen has provided information updating the City Commission on the STAR Bond project. Kansas Secretary of Commerce Pat George gave, in his December 19, 2014 letter to the City, "preliminary approval and designation of the proposed Project District as an "eligible area" for the purpose of developing a STAR Bond Project District as contemplated by KSA 12-17,165."
 - B. Staff has provided items of information for Governing Body review including the following: from Finance Director Hitz, the monthly sales tax report.
 - C. Meetings of note:
 - ✓ January 3, 2015 – Pre- Legislative Coffee at St. Catherine Hospital, Classroom B at 10:00 a.m.
 - ✓ January 10, 2015 – Garden City Police Department's Annual Awards Ceremony and Employee Winter Party at 6:00 p.m. at the Eagles Lodge.
 - ✓ January 26, 2015 – Southwest Kansas Chambers of Commerce, "SW Kansas Night Out in Topeka", from 5:30 -7:30 p.m.
 - ✓ February 2, 2015 – Dinner with LiveWell Team and Mark Fenton from 6:00 p.m. – 7:30 p.m. location TBA
 - ✓ February 3, 2015 – LiveWell Healthy Community Design Summit at the Clarion Inn, time TBA.
 - ✓ February 5, 2015 – 127th Chamber Banquet featuring Kansas City Royals General Manager Dayton Moore at the Garden City High School at 6:30 p.m.
 - ✓ February 21, 2015 – Legislative Coffee at St. Catherine Hospital, Classroom B at 10:00 a.m.
- VIII. CONSIDERATION OF APPROPRIATION ORDINANCE.**

A. Appropriation Ordinance No. 2379-2015A.

IX. CONSIDERATION OF ORDINANCES AND RESOLUTIONS.

A. Governing Body consideration and approval of the rezone and final plat for the Taylor/Emerson Addition located at the southeast corner of Taylor Avenue and Emerson Street.

1. Ordinance No. _____-2015, an ordinance approving the rezoning of land from "R-3" Multiple Family Residential District to "C-2" General Commercial 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.

2. Governing Body consideration and approval of the final plat for the Taylor/Emerson Addition.

B. Ordinance No. _____-2015, an ordinance amending the sign regulations, for the City of Garden City, Kansas; amending the zoning regulations for the City of Garden City, Kansas; amending zoning regulation section 23.090; repealing in its entirety current zoning regulation Section 23.090; all to the Code of Ordinances of the City of Garden City, Kansas. (An amendment to Signs and Outdoor Advertising, regarding the maximum height of an off-site directional sign.)

C. Ordinance No. _____-2015, an ordinance approving the rezoning of land from "I-1" Light Industrial District to "C-3" Central Business 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. (214 and 216 S. Main Street)

D. Ordinance No. _____-2015, an ordinance approving the rezoning of land from "A" Agricultural District to "I-3" Heavy 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 but only to the extent as amended in this ordinance; all to the Code of Ordinances of the City of Garden City, Kansas. (City owned property next to the Jameson property, 310 S. US Hwy 50)

E. Ordinance No. _____-2015, an ordinance amending the zoning regulations for the City of Garden City, Kansas; adopting new zoning regulations to regulate Temporary and Accessory Uses regulations; amending zoning regulations Sections 2.030 and 22.100; repealing in their entirety current zoning regulations Sections 2.030 and 22.100; all to the Code of Ordinances of the City of Garden City, Kansas. (An amendment to Temporary and Accessory Uses, to permit structures that have been a wheeled vehicle or a metal container of any kind.)

F. Resolution No. _____ - 2015, 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. (607 Mulberry Street, 1205 Mulberry Street and 205 S. Taylor Avenue)

G. Resolution No. _____ - 2015, 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. (1611 Vinzant – black Chevy Camaro and 211 N. 11th Street – Maroon 4 door car)

X. OLD BUSINESS.

A. None at this writing.

XI. NEW BUSINESS.

A. Governing Body consideration and approval to destroy specific records from 2009 and older as provided for by the Kansas State Historical Society Department of Archives, and Section 2-742 of the Code of Ordinances of the City of Garden City.

B. Governing Body consideration of an Employment Agreement between the City of Garden City, Kansas and Matthew C. Allen, City Manager for the year 2015.

C. Advisory Board Recommendations:

1. Police Citizens Advisory Board – 3 appointments

D. **Consent Agenda for approval consideration:** (The items listed under this “consent agenda” are normally considered in a single motion and represent items of routine or prior authorization. Any member of the Governing Body may remove an item prior to the vote on the consent agenda for individual consideration.)

1. Governing Body consideration and approval of an agreement between the Hay Group and the City of Garden City, Kansas to conduct a pay study in 2015.

2. Governing Body consideration and approval of the Lease Amendment between Regency Autogroup, INC., d/b/a Hertz Rent-A-Car and the City of Garden City, Kansas.

3. Governing Body consideration and acceptance of bids received December 30, 2014 for the Utility Service Center Addition for the Water Department.

4. Licenses:

(2015 New)

a) Tatro Plumbing Co., Inc Class A General

(2015 Renewal)

- b) BG Construction, Inc..... Class A General
- c) Building Solutions, LLC..... Class A General
- d) Compton Construction Corporation Class A General
- e) Coonrod & Associates Construction Co., Inc. Class A General
- f) Elder-Jones, Inc. Class A General
- g) Harbin Construction, LLC Class A General
- h) Lee Construction..... Class A General
- i) Morton Buildings, Inc. Class A General
- j) Rabb’s Construction, LLC..... Class A General
- k) Sears Home Improvement Products, Inc. Class A General

l)	Western Steel & Automation, Inc.....	Class A General
m)	Conant Construction, LLC	Class B General
n)	Casco Homes, Inc.	Class B General
o)	D&H Mobile Homes, Inc.	Class B General
p)	Diamond Roofing	Class B General
q)	DV Douglass Roofing, Inc.....	Class B General
r)	G&H Construction	Class B General
s)	Hayden Tower Service, Inc.....	Class B General
t)	Hitz Builders.....	Class B General
u)	Jackson Construction	Class B General
v)	Kearney & Son, Inc.....	Class B General
w)	Kinney Glass, Inc.	Class B General
x)	Mitch's Trim & Cabinetry.....	Class B General
y)	Nuzum Handyman Service.....	Class B General
z)	Plains Ready Mix	Class B General
aa)	Poor Boy Enterprises.....	Class B General
bb)	Quality Structures, Inc.	Class B General
cc)	Starr Construction	Class B General
dd)	Stucky Builders, LLC	Class B General
ee)	Lance Rupp.....	Class C General
ff)	B&B Electrical	Class D-E Electrical
gg)	Brian Barlow Construction	Class D-E Electrical
hh)	Electrical Corporation of America, Inc.	Class D-E Electrical
ii)	Dan's Electrical Service	Class D-E Electrical
jj)	Scheeter Electric.....	Class D-E Electrical
kk)	VanCampen Electric.....	Class D-E Electrical
ll)	AES Mechanical Service Group, Inc	Class D-M Mechanical
mm)	J&J Heating & Air.....	Class D-M Mechanical
nn)	William's Heating & Air Conditioning	Class D-M Mechanical
oo)	Heinz Plumbing.....	Class D-P Plumbing w/ Gas
pp)	Weathercraft Co., of Garden City	Class D-R Plumbing w/ Gas
qq)	A-1 Sign Company.....	Class D-SI Sign
rr)	Ad-Bench-Er	Class D-SI Sign
ss)	Commercial Sign Company.....	Class D-SI Sign
tt)	Mr. Pool.....	Class D-USP Unlimited Swimming Pool
uu)	Bamford Fire Sprinkler Co., Inc	Class E-BF Backflow Test
vv)	St. Catherine Hospital.....	Class E-BF Backflow Test
ww)	Western Irrigation, Inc	Class E-BF Backflow Test
xx)	David Schmidt.....	Class E-SOC Specialized Other
yy)	DV Enterprises, LLC.....	Class E-SOC Specialized Other
zz)	Gary's Glass Service, LLC	Class E-SOC Specialized Other
aaa)	J&K Tree Trimming & Removal.....	Class E-SOC Specialized Other
bbb)	Joe Amos Construction, Inc.	Class E-SOC Specialized Other
ccc)	Klotz Sand Co., Inc.	Class E-SOC Specialized Other
ddd)	Mason Tree Care.....	Class E-SOC Specialized Other
eee)	McPherson Concrete Storage Systems, Inc.	Class E-SOC Specialized Other
fff)	Mr. Pool	Class E-SOC Specialized Other
ggg)	P.B Hoidale Co., Inc.	Class E-SOC Specialized Other
hhh)	Precision Siding & Construction Co.	Class E-SOC Specialized Other
iii)	Roth Glass and Framing, LLC.....	Class E-SOC Specialized Other
jjj)	Sturdi-Bilt Storage Barns, Inc.	Class E-SOC Specialized Other
kkk)	Western Irrigation, Inc.	Class E-SOC Specialized Other
lll)	Southwest Kansas Waterworks, LLC.....	Class E-WC Water Conditioning

E. Staff requests Governing Body consideration of an Executive Session pursuant to K.S.A. 75-4319(b)(2) pertaining to consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship.

F. Staff requests Governing Body consideration of an Executive Session pursuant to K.S.A. 75-4319(b)(2) pertaining to consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship.

XII. CITY COMMISSION REPORTS.

A. Mayor Cessna

B. Commissioner Dale

C. Commissioner Doll

D. Commissioner Fankhauser

E. Commissioner Law

XIII. ADJOURN.

THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City
December 16, 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, December 16, 2014 with all members present. Commissioner Law opened the meeting with the Pledge of Allegiance to the Flag and Invocation.

Shea Sinclair and Troy Unruh, on behalf of LiveWell Finney County, invited and discussed with the Governing Body the upcoming LiveWell Healthy Community Design Summit in February, 2015.

Garden City Citizens' Academy will be held March 5 – May 5, 2015. Citizens' Academy is a nine-week program designed to teach interested residents about various aspects of their local government. It provides an interactive way to learn about City Government and gives participants insight into how City departments operate. The 2015 schedule was presented to the Governing Body along with a copy of the application.

Public Utilities Director Muirhead discussed the Power Supply and Utility Financial update.

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 financials, from Police Chief Hawkins the monthly activity report, from Public Works Director Curran the monthly projects and transportation report and from Zoo Director Newland the monthly activity report.

Meetings of note:

- ✓ December 12, 2014 – Mayor's Christmas Dinner at The Golf Club at Southwind at 6:30 p.m.
- ✓ December 13, 2014 – Tails in Tinseltown at the Finnup Center for Conservation Education from 9:00 a.m. – noon
- ✓ December 13, 2014 – TubaChristmas Concert on Grant Avenue at 3:00 p.m.
- ✓ January 3, 2015 – Pre- Legislative Coffee at St. Catherine Hospital, Classroom B at 10:00 a.m.
- ✓ January 26, 2015 – Southwest Kansas Chambers of Commerce, "SW Kansas Night Out in Topeka", from 5:30 -7:30 p.m.
- ✓ February 2, 2015 – Dinner with LiveWell Team and Mark Fenton from 6:00 p.m. – 7:30 p.m. location TBA
- ✓ February 3, 2015 – LiveWell Healthy Community Design Summit at the Clarion Inn, time TBA.
- ✓ February 21, 2015 – Legislative Coffee at St. Catherine Hospital, Classroom B at 10:00 a.m.

Appropriation Ordinance No. 2378-2014A, "AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$2,532,862.04," was read and considered section by section. Commissioner Law moved to approve and pass Appropriation Ordinance No. 2378-2014A. 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 Doll moved to approve the Agreements and Consent to Annexation from O'Brate Realty LLC and American Warrior Inc. for property along US-50/400.

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. 2676-2014, “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 Doll moved to approve Ordinance No. 2676-2014. 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

On November 4, 2014, the City Commission adopted Resolution No. 2609-2014, setting a Public Hearing on December 16th at 1:30 p.m., on the creation of a Star Bond District. At 1:30 p.m., Mayor Cessna opened the public hearing pursuant to Resolution No. 2609-2014 on the creation of a STAR Bond Project District.

Greg Cotton, Chief of Staff and General Counsel, Sporting Club (Sporting Kansas City), and Korb Maxwell, Polsinelli, PC, presented a project plan for a STAR Bond District.

Lona Duvall, Finney County Economic Development, Shannon Dick, Steve Dyer, Garden City Area Chamber of Commerce, Jerry Ortiz and Eloy Gallegos expressed their support and appreciation for the STAR bond project.

Following the discussion, the Mayor closed the public hearing.

Ordinance No. 2677-2014, “AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS MAKING FINDINGS REGARDING A STAR BOND PROJECT DISTRICT AND ESTABLISHING A STAR BOND PROJECT DISTRICT WITHIN THE CITY,” was read and considered section by section. Commissioner Doll moved to approve Ordinance No. 2677-2014. 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

Resolution No. 2612-2014, “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 Law moved to approve Resolution No. 2612-2014. 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. 2613-2014, “A RESOLUTION CREATING THE ELECTRICAL SYSTEMS OPERATING CAPITAL RESERVE ACCOUNT TO MAINTAIN FUNDS FOR OPERATION AND MAINTENANCE OF THE JAMESON ENERGY CENTER OR FOR CAPITAL OUTLAYS REQUIRED BY EMERGENCY SITUATIONS INVOLVING TRANSMISSION, DISTRIBUTION, OR SUBSTATIONS,” was read and considered section by section. Commissioner Fankhauser moved to approve Resolution No. 2613-2014. Commissioner Dale seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
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Yea Yea Yea Yea Yea

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

Commissioner Fankhauser moved to approve the annual Capital Improvement Reserve Fund (05) transfers for Governing Body as presented. 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 2:00 p.m., Mayor Cessna opened the public hearing for the purpose of the Governing Body hearing and answering concerns, questions and/or objections of taxpayers relating to the proposed amendment to the 2014 City of Garden City budget for the following funds: Capital Improvement Reserve, DEA Forfeiture, 12-6a13 Revolving and Special Rec & Parks.

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

Commissioner Doll moved to approve the Certificate of Amendment of the 2014 Budget. 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

At the November 4, 2014 meeting, the Governing Body asked for a staff report on the building code issues prior to issuing a new Request for Proposals (RFP) for use of the State Theater. City Engineer Cottrell and Fire Marshal Laubhan discussed the safety issues regarding the theater as it is currently.

Mark Pamplin, The State Theater Project, discussed his plans for the building and would like to continue with that plan. Priscilla Hallberg, String Academy of the Plains and Garden City Arts Center Board member, discussed her need for her own music studio and larger art center in the downtown area.

Commissioner Fankhauser moved to authorize staff to proceed with installation of certain improvements – Exit Lights, Emergency Lighting, fire extinguishers, and a functional rear exit door near the stage – prior to any future use and then allow continue use of the building during the interim period not to exceed \$10,000.00. 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 and directed staff to issue a new Request for Proposals for the State Theater located at 418 N. Main Street with a due date of March 2, 2015 and presentation to the Governing Body on March 17, 2015. 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 a Continuing Disclosure Policy for the City of Garden City's issuances of debt. 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 Fankhauser moved to approve and appoint Verna Weber and Susan Escareno the Alcohol Fund Advisory 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

Commissioner Fankhauser moved to approve and appoint Susan Escareno to a one-year term and Verna Weber to a three-year terms both beginning January 2015 on the Alcohol Fund Advisory 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 Racheal Murungi-Kisekka, Mel Galvez, Lisa Cady and Liz Sabandith each to three-year terms that will end January 2017 on the Cultural Relations Board. 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 Law moved to approve the following:

1. Governing Body consideration and acceptance of an easement from Andrew R. and Cynthia A. Stinemetz for a street light at 2115 Antler Ridge Drive.
2. Governing Body consideration and approval of the Consent to Assignment of Lease Agreement between Regency Autogroup, INC., d/b/a Hertz Rent-A-Car and the City of Garden City.
3. Governing Body consideration and approval of an agreement to dissolve the Garden City Information Technology Cooperative and redistribute the remaining funds among the partners.
4. Licenses:

(2014 New)

- a) Crossland Construction Company Class A General

(2015 Renewal)

- b) Agave RestaurantCereal Malt Beverage
- c) Cao Thanh Vietnamese RestaurantCereal Malt Beverage
- d) Carniceria Garcia Market.....Cereal Malt Beverage
- e) Carniceria Garcia RestaurantCereal Malt Beverage
- f) El Remedio Market.Cereal Malt Beverage
- g) El Remedio RestaurantCereal Malt Beverage
- h) El Zarape of Garden City.....Cereal Malt Beverage
- i) Express CornerCereal Malt Beverage
- j) Food Mart #3.....Cereal Malt Beverage
- k) Fulton Convenience Store.....Cereal Malt Beverage
- l) Garden BowlCereal Malt Beverage
- m) Hard Rock Lanes.....Cereal Malt Beverage
- n) Pizza Hut #102.....Cereal Malt Beverage
- o) Pizza Hut #125.....Cereal Malt Beverage
- p) Plank’s BBQCereal Malt Beverage
- q) Quicker Mart.....Cereal Malt Beverage
- r) Taco SalinasCereal Malt Beverage
- s) Tacos El TapatioCereal Malt Beverage
- t) U Pump It #203Cereal Malt Beverage

u)	U Pump It #207	Cereal Malt Beverage
v)	U Pump It #212	Cereal Malt Beverage
w)	Wheat Lands Country Store	Cereal Malt Beverage
x)	AMF Electrical Cont, Inc.	Class A General
y)	G&R Concrete Specialists-Precision Builders, Inc.	Class A General
z)	Hellas Construction, Inc.	Class A General
aa)	Hutton Construction Corporation	Class A General
bb)	Hyphen Construction Group, Inc.	Class A General
cc)	Innovative Construction Solutions, Inc.	Class A General
dd)	Nabholz Construction Corporation	Class A General
ee)	Robinson Construction, LLC	Class A General
ff)	Berry Roofing	Class B General
gg)	Brak-Hard Concrete Construction Co., LLC	Class B General
hh)	Bogner Oilfield Service, Inc.	Class B General
ii)	Cook Construction	Class B General
jj)	Dunlap Construction Co., Inc.	Class B General
kk)	DV Construction	Class B General
ll)	DV Vital Construction	Class B General
mm)	J2 Construction, Inc.	Class B General
nn)	John H. Hotz	Class B General
oo)	Johnson Septic Tank Service, LLC	Class B General
pp)	Kerry Spanier Construction	Class B General
qq)	McGaughey Construction	Class B General
rr)	Mid Plains Construction	Class B General
ss)	Paul Teetzen Construction	Class B General
tt)	Pro Build Company, LLC	Class B General
uu)	RC Electric, LLC	Class B General
vv)	Rental Enterprise	Class B General
ww)	Richard Wright Construction	Class B General
xx)	RJ's General Plumbing & General Contracting	Class B General
yy)	Byerly Construction	Class B General
zz)	Square Deal Hani Services	Class B General
aaa)	Stoecklein Construction	Class B General
bbb)	Tuff Shed, Inc.	Class B General
ccc)	The Southard Corporation	Class B General
ddd)	Unified School District 457	Class B General
eee)	Waltz Construction	Class B General
fff)	West Construction	Class B General
ggg)	Wildeman Construction	Class B General
hhh)	AMF Electrical Cont., Inc.	Class D-E Electrical
iii)	Baier Electric	Class D-E Electrical
jjj)	LJS Electric	Class D-E Electrical
kkk)	M. Berry Electric	Class D-E Electrical
lll)	RC Electric, LLC	Class D-E Electrical
mmm)	Ducts in a Row, LLC	Class D-M Mechanical
nnn)	Unger's Heating & Air Conditioning, Inc.	Class D-M Mechanical
ooo)	Crist Plumbing	Class D-P Plumbing
ppp)	Dimond Plumbing	Class D-P Plumbing
qqq)	Johnson Septic Tank Service, LLC	Class D-P Plumbing
rrr)	RJ's Plumbing & General Contracting, Inc.	Class D-P Plumbing
sss)	Luminous Neon, Inc.	Class D-SI Sign
ttt)	Austin Pools, LLC	Class D-USP Unlimited Swimming Pool
uuu)	Unified School District 457	Class E-B Backflow Device Tester
vvv)	Continental Fire Sprinkler	Class E-F Fire Sprinkler & Protection
www)	Pryor Automatic Fire Sprinkler, Inc.	Class E-F Fire Sprinkler & Protection
xxx)	Jonathan Thuy Tran	Class E-L Landlord
yyy)	Dreiling Rentals	Class E-L Landlord
zzz)	Dreiling Construction	Class E-SOC Specialized Other
aaaa)	J&R Construction, LLC	Class E-SOC Specialized Other
bbbb)	Life Scapes	Class E-SOC Specialized Other
cccc)	McGraw Fencing & Repair	Class E-SOC Specialized Other
dddd)	Overland Contracting, Inc.	Class E-SOC Specialized Other
eeee)	Solida Tree Service, Inc.	Class E-SOC Specialized Other
ffff)	Square Deal Handi Services	Class E-SOC Specialized Other
gggg)	The Green Solution Tree Service	Class E-SOC Specialized Other
hhhh)	Unified School District 457	Class E-SOC Specialized Other

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 Fankhauser moved that the City Commission go into executive session pursuant to K.S.A. 75-4319(b)(2) for 30 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 3:20 p.m. with City Attorney Grisell, City Manager Allen present and Michael Seck, Legal Counsel, 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, Commissioner Fankhauser moved to extend the executive session for 10 minutes or until 3:30 p.m. 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

At the expiration of the designated time, and in open session, Mayor Cessna stated no action was taken.

Commissioner Law moved that the City Commission go into executive session pursuant to K.S.A. 75-4319(b)(1) for 30 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 4:00 p.m. with City Manager Allen present. 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 the expiration of the designated time, and in open session, Commissioner Law moved to extend the executive session for 15 minutes or until 4:15 p.m. 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 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.

Roy Cessna, Mayor

ATTEST:

Celyn N. Hurtado, City Clerk

City Commission Reports

Commissioner Law wishes everyone Happy Holidays.

Mayor Cessna wished everyone a Merry Christmas. Mayor Cessna stated he was excited to see Sporting KC seeking Garden City as their destination location. Mayor Cessna thanked Public Utilities Director Muirhead for the discussion on the electric rates and stated the City made the right decision. Mayor Cessna stated the Fire Study was very interesting and good ideas on where the City can go with future fire service needs and thought it was well worth the resources used to obtain the study. Mayor Cessna stated Finney County Commission recently changed the electronic message board regulations and stated the City maybe should look into changing regulations.

Commissioner Dale wished everyone a Happy Holiday. Commissioner Dale thanked Downtown Vision for the Christmas parade and had one suggestion to try and light up the floats or the street lighting more so attendees can see faces.

Commissioner Doll wishes everyone a Merry Christmas and asked everyone to keep your thoughts and prayers with those that can't be with their families as they serve our country. Commissioner Doll thanked Sporting KC for choosing to affiliate with Garden City, Kansas and stated she is very excited about the possibilities. Commissioner Doll encouraged people to participate in the 2015 Citizens Academy. Commissioner Doll thanked former Commissioners for their decisions on the electric rates and the City's electric provider.

Commissioner Fankhauser wished everyone a Merry Christmas. Commissioner Fankhauser stated the Fire Study pre-meeting was a good report. Commissioner Fankhauser asked everyone to keep former City Manager Bob Halloran in their prayers.

THE SPECIAL MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City
December 31, 2014

The special meeting of the Board of Commissioners of the City of Garden City was held at 9:00 a.m. at the City Administrative Center on Wednesday, December 31, 2014 with all members present except Commissioner Fankhauser. Mayor Roy Cessna opened the meeting.

Mayor Cessna read the Call for Special Meeting, which was signed by all the Commissioners present.

K.S.A. 12-517 requires the City to declare by resolution the entire boundary of the city in any year in which territory has been added to or excluded from the city.

Resolution No. 2614-2014, "A RESOLUTION DECLARING THE BOUNDARIES OF THE CITY OF GARDEN CITY, KANSAS AS OF THE 1ST DAY OF JANUARY 2015," was read and considered section by section. Commissioner Doll moved to approve Resolution No. 2614-2014. 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	Absent	Yea

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

Roy Cessna, Mayor

ATTEST:

Celyn N. Hurtado, City Clerk

Petitions

Report of the City Manager



Memorandum

To: City Commission
Date: December 31, 2014
From: Staff
RE: STAR BOND DEVELOPMENT DISTRICT

CITY COMMISSION

ROY CESSNA,
Mayor

MELVIN L. DALE

JANET A. DOLL

DAN FANKHAUSER

J. CHRISTOPHER LAW

MATTHEW C. ALLEN
City Manager

MELINDA A. HITZ, CPA
Finance Director

RANDALL D. GRISELL
City Counselor

Issue

The purpose of this memo is to update the City Commission on the STAR Bond project. Kansas Secretary of Commerce Pat George gave, in his December 19, 2014 letter to the City, "preliminary approval and designation of the proposed Project District as an "eligible area" for the purpose of developing a STAR Bond Project District as contemplated by KSA 12-17,165."

Background

Creation of a Star Bond district is a multi-step process; the first step was adoption of a Resolution of Intent, Resolution 2609-2014, attached, which included a general District Plan of the proposed project. Step two was the public hearing held December 16, 2014 regarding the adoption of an ordinance establishing a district plan and creation of the Star Bond district. Following the Public Hearing, the Commission adopted the ordinance.

The Ordinance and a letter (both attached) describing the intent of and actions taken by the City were sent to Kansas Secretary of Commerce Pat George. Secretary George provided a response letter giving preliminary approval and designation of the proposed Project District as an "eligible area," for the purpose of establishing a STAR Bond Project District as contemplated by KSA 12-17,165.

The Star Bond process has many more steps to fulfill, but the Secretary's preliminary approval is an important and necessary step in moving forward. The City and Sporting Kansas City are appreciative of the substance and timeliness of his review and approval.

Staff and Sporting Kansas City will continue to work on advancing a project through the local and State approval process.

Alternatives

For information only.

Recommendation

For information only.

Fiscal Note

For information only.

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1000 S.W. Jackson St., Suite 100
Topeka, KS 66612-1354



phone: (785) 296-3481
fax: (785) 296-5055
admin@kansascommerce.com
KansasCommerce.com

Pat George, Secretary

Department of Commerce

Sam Brownback, Governor

December 19, 2014

Matt Allen
City Manager
301 N. 8th Street
PO Box 998
Garden City, KS 67846-0998

RE: Garden City STAR Bond Project District

Dear Mr. Allen:

We have received your request dated November 10, 2014, in which Garden City requests the Secretary of Commerce, pursuant to K.S.A. 12-17,160 *et seq.* as amended (the "Act"), take action to find and determine that the Garden City STAR Bond Project District is an "eligible area" within the meaning of K.S.A. 12-17,165. In your request, the Project District is comprised of a tract of land consisting of approximately 312 acres and located in east central Garden City near the intersection of US-50/83/400 and Schulman Avenue. A full legal description of the proposed District is found in Resolution No. 2609-2014 attached to your correspondence. The development currently being contemplated in the District consists of a mixed use lifestyle development anchored by a multi-sport athletic complex including indoor and outdoor facilities, arena, athletic facilities and dormitory, retail, restaurant, other general commercial development, hotel use and associated public and private infrastructure. All of the facilities will be designed to attract regional and national soccer and other field sport competitions bringing thousands of visitors to the area every year.

Your request indicates the total cost of the Project will be approximately \$135 million and the primary attraction will be the major multi-sport athletic facility/arena, destination retailers and entertainment venues. The City has estimated the Project's attraction, shopping, dining, entertainment, and lodging components will generate approximately over \$100 million in annual retail sales. The Project is estimated to draw over a 50,000 visitors on an annual basis, many of whom will come from outside the State of Kansas.

Based on all the above, it is my determination that the proposed Garden City STAR Bond Project District may be considered a major multi-sport athletic complex or major commercial

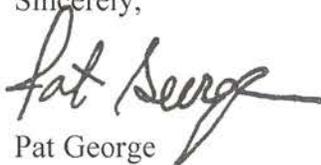
Matt Allen
December 19, 2014
Page 2

entertainment and tourism area and an "eligible area," for the purpose of establishing a STAR Bond Project District as contemplated by K.S.A. 12-17,165.

This preliminary approval and designation of the proposed Project District as an "eligible area" should not be construed as approval of any particular STAR Bond Project or Project Plan and is limited to a finding that the proposed Project District constitutes an "eligible area" under the Act as a condition precedent to the city passing an ordinance creating a STAR Bond Project District. Commerce will require additional information prior to being in a position to evaluate the Project for STAR bond financing and determining the appropriate level of STAR bond funding. It is my expectation the City will submit a proposed STAR Bond Project Plan within 90 days from the date of this approval.

We look forward to working with Garden City as this project continues through the STAR bond process.

Sincerely,

A handwritten signature in black ink that reads "Pat George". The signature is written in a cursive style with a long horizontal stroke at the end.

Pat George
Secretary of Commerce



December 17, 2014

Secretary Pat George
Kansas Department of Commerce
1000 S.W. Jackson Street, Suite 100
Topeka, KS 66612-1354

CITY COMMISSION

Re: Garden City STAR Bond District for a Major Multi-Sport Athletic Complex

ROY CESSNA, Mayor

Dear Secretary George,

JANET DOLL

MELVIN DALE

DAN FANKHAUSER

J. CHRISTOPHER LAW

On December 16, 2014, the governing body of the City of Garden City, Kansas held a duly noticed public hearing to consider the advisability of creating a STAR Bond District under the authority granted by K.S.A. § 12-17,160 *et seq* (the "Act"). We have enclosed a copy of an Ordinance approving the District and, in accordance with the Act, are requesting your designation of the District as an "eligible area" as defined in K.S.A. § 12-17,162. As you will note under Section 1 of the Ordinance, the Ordinance was approved subject to your determination and will take effect upon receipt of confirmation of same from your office.

MATTHEW C. ALLEN
City Manager

The District is proposed to include a unique "multi-sport athletic complex" as defined by the Act, which will be integrated into an emerging commercial area of the City. The focal point of the project will be the Garden City Training Center, which has been designed in conjunction with Sporting Kansas City (of Major League Soccer) as a hub for the development of youth soccer in the City and surrounding states. The Training Center will incorporate multiple tournament style soccer fields, including a championship field with stadium amenities, as well as first-class training facilities, and a dormitory to house players from outside of the Garden City area. Also contemplated for the project is the relocation of a Premier Development soccer franchise to locate it Garden City and play its developmental league games at the Training Center. Further explanation regarding the vision for the project is included in a letter from Greg Cotton, the Chief of Staff and General Counsel of Sporting Club.

MELINDA A. HITZ, CPA
Finance Director

RANDALL D. GRISELL
City Counselor

The City believes that this unique attraction will bring substantial economic activity, tourism, and media attention to Garden City and the surrounding area, and we look forward to the opportunity to work with the State to make this important project a reality. I have enclosed other information regarding the District that was distributed to the governing body prior to the hearing for your consideration. Please do not hesitate to contact me with any questions.

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Sincerely,

Matt Allen
City Manager



Memorandum

To: City Commission
Date: December 12, 2014
From: Staff
RE: STAR BOND DEVELOPMENT DISTRICT

CITY COMMISSION

ROY CESSNA,
Mayor

MELVIN L. DALE

JANET A. DOLL

DAN FANKHAUSER

J. CHRISTOPHER LAW

MATTHEW C. ALLEN
City Manager

MELINDA A. HITZ, CPA
Finance Director

RANDALL D. GRISELL
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Issue

Staff has been working with a developer on a project that would qualify for Sales Tax and Revenue Bond (Star Bond) financing. On November 4, 2014, the City Commission adopted Resolution No. 2609-2014, setting a Public Hearing on December 16th at 1:30 p.m., on the creation of a Star Bond District. Upon closing the Public Hearing the Governing Body is asked to consider adoption of an Ordinance creating the Star Bond District.

Background

Creation of a Star Bond district is a multi-step process; the first step was adoption of a Resolution of Intent, Resolution 2609-2014, attached, which included a general District Plan of the proposed project. Step two is conducting a public hearing on December 16th for adoption of the district plan and creation of the Star Bond district. Following the Public Hearing, adoption of the accompanying ordinance is recommended.

While the Star Bond process has many more steps to fulfill, the ordinance preserves the availability of the Star Bond financing tool, and sets the baseline from which to determine the sales tax increment, should a project materialize which warrants its use. Should an eligible project move forward under this ordinance, it must be started within two years of the ordinance.

Sporting Kansas City is a potential partner in the project and has provided the attached vision statement describing a project plan which they would work to develop and advance through the local and State approval process if the Star Bond District is created. The size and scope of specific facilities has not been determined, nor has the specific location within the proposed district. Those elements would need to be determined as a project plan is considered at the local and State level.

Alternatives

1. After the public hearing, adopt the Ordinance.
2. Defer action on the ordinance until a later date, but prior to January 16.
3. Deny the request.

Recommendation

Staff recommends that the Governing Body adopt the Ordinance creating the Star Bond District, and enabling Sporting Kansas City to begin working on a specific



project plan which would be submitted to the City of Garden City and the Kansas Secretary of Commerce.

Fiscal Note

Under this STAR Bond funding scenario, “costs” to the City would be the dedication of incremental unobligated City sales tax revenue generated by the businesses in the STAR Bond district for up to 20 years, to eligible project expenses. There is no statutory financial or procedural obligation of the other taxing entities as there is with a TIF.

CITY COMMISSION

ROY CESSNA,

Mayor

MELVIN L. DALE

JANET A. DOLL

DAN FANKHAUSER

J. CHRISTOPHER LAW

MATTHEW C. ALLEN
City Manager

MELINDA A. HITZ, CPA
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(Published in the *Garden City Telegram* on December 8 2014)

RESOLUTION NO. 2609-2014

A RESOLUTION STATING THE INTENT OF THE CITY OF GARDEN CITY, KANSAS TO CONSIDER CREATION OF A STAR BOND PROJECT DISTRICT, APPROVE A STAR BOND PROJECT DISTRICT PLAN FOR THE DISTRICT AND PROVIDING FOR NOTICE OF A PUBLIC HEARING ON SUCH MATTERS.

WHEREAS, K.S.A. 12-17,160 through 12-17,179, as amended (“Act”) authorizes the city of Garden City, Kansas (“City”) to create sales tax and revenue (“STAR”) bond project districts, approve STAR bond project district plans for such districts and provide for the financing of eligible costs of STAR bond projects from state and local sales, use and transient guest tax increments collected within the district and allocated to the project and other revenues as allowed by the Act; and

WHEREAS, the City is considering the findings necessary for the creation of a STAR bond project district located generally in the area described on the map attached to this Resolution as **Exhibit A** and as more particularly described in this Resolution (the “STAR bond project district”); and

WHEREAS, pursuant to the Act the City is required to set a date for a public hearing to consider the creation of the proposed STAR bond project district.

THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS:

SECTION 1. Pursuant to the Act, the governing body of the City finds and determines that:

(a) A public hearing shall be held as part of the regular meeting of the City Commission on December 16, 2014 at 1:30 p.m., in the City Commission meeting room at 301 N. 8th Street, to consider the creation of the STAR bond project district. After the public hearing, the City Commission will consider findings necessary to establish a STAR bond project district and may pass an ordinance creating the STAR bond project district if the Kansas Secretary of Commerce has made a finding the proposed district is an “eligible area” under the Act.

(b) The proposed STAR bond project district is an approximately 312 acre area in east central Garden City near the intersection of US-50/83/400 and Schulman Avenue. The boundaries of the proposed STAR bond project district are shown on the map attached to this resolution as **Exhibit A**.

(c) The proposed STAR bond project district plan is generally described in the preliminary STAR bond project district plan attached to this resolution as **Exhibit B**.

(d) A description of the proposed STAR bond project district and the proposed STAR bond project district plan are available for inspection at the City Clerk's office, 301 N. 8th Street, from 8:00 a.m. to 5:00 p.m., Monday through Friday.

SECTION 2. This Resolution and **Exhibits A and B** shall be sent, by certified mail with return receipt requested, to the Board of Education of Unified School District No. 457, to the Board of County Commissioners of Finney County, to the Board of Trustees of Garden City Community College, and to each owner or occupant of land in the proposed STAR bond project district, not less than 10 days after the date of this resolution. This resolution and **Exhibits A and B** shall also be published one time in the official city newspaper not less than one week nor more than two weeks before the public hearing date of December 16, 2014.

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ADOPTED AND APPROVED by the governing body of the City of Garden City, Kansas on November 4, 2014.

CITY OF GARDEN CITY, KANSAS

[Seal]

By Roy Cessna
Roy Cessna, Mayor

ATTEST:

By Celyn N. Hurtado
Celyn N. Hurtado, City Clerk

EXHIBIT A – RESOLUTION NO. ____-2014

(MAP OF PROPOSED DISTRICT)

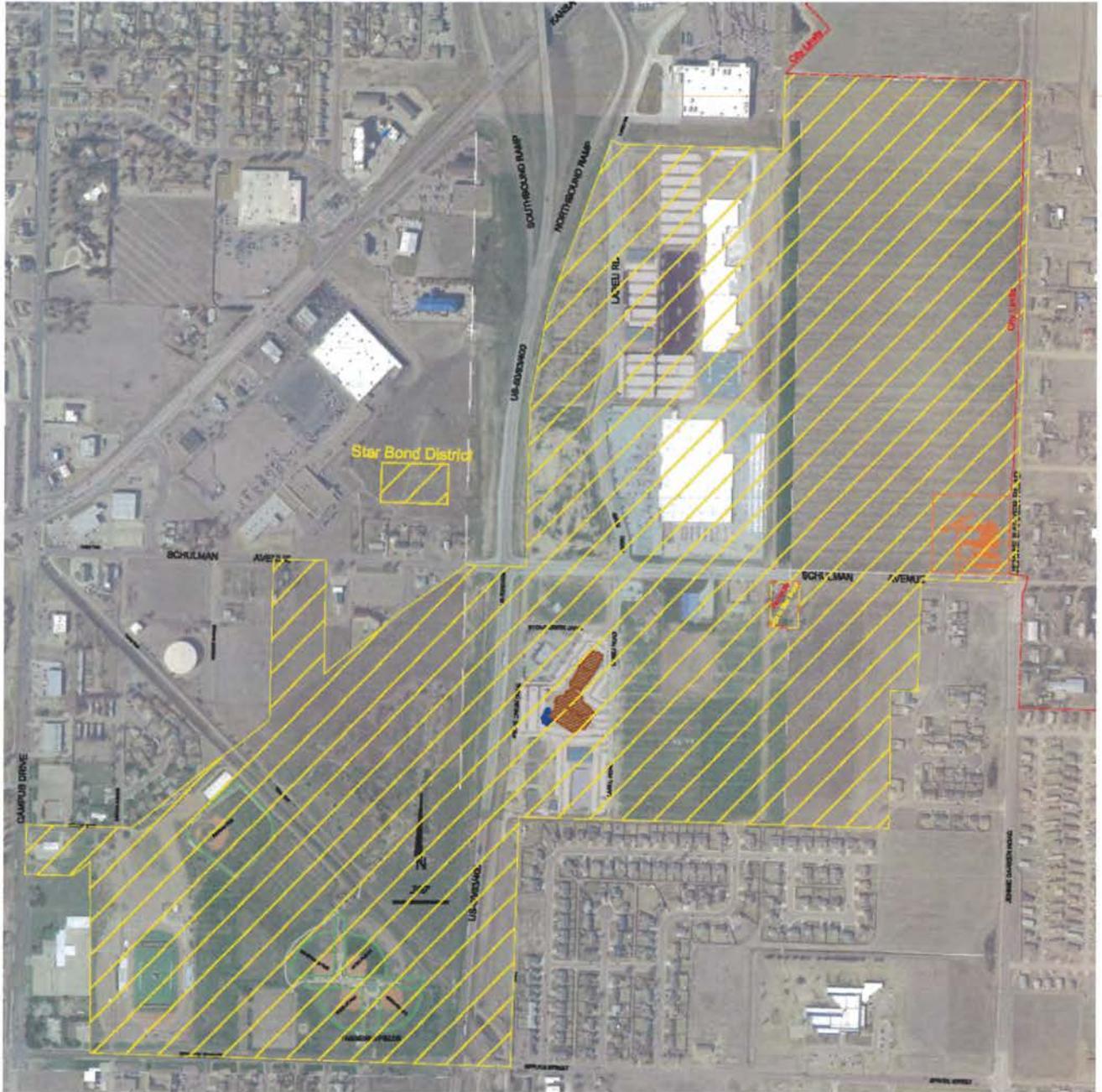


EXHIBIT B – RESOLUTION NO. -2014
(STAR BOND PROJECT DISTRICT PLAN)

**STAR BOND PROJECT DISTRICT PLAN FOR DEVELOPMENT
THROUGH SALES TAX AND REVENUE INCREMENT FINANCING
GARDEN CITY, KANSAS**

November 4, 2014

SECTION 1. PURPOSE

The City of Garden City, Kansas (the “City”) intends to create a sales tax and revenue (“STAR”) bond project district within the City. Kansas statutes governing the creation of STAR bond project districts and sales tax and revenue increment financing (K.S.A. 12-17,160 through 12-17,170 and particularly, K.S.A. 12-17,165 (a)) require preparation of a “STAR bond project district plan” (referred to herein as the “district plan”) before creation of a STAR bond project district. The district plan is the preliminary plan identifying the proposed STAR bond project areas and generally describing the buildings, facilities and improvements proposed to be constructed in such areas.

SECTION 2. DESCRIPTION OF SALES TAX AND REVENUE (STAR) FINANCING

Projects financed through STAR financing involve the creation of an “increment” in state and local sales, use and transient guest tax collected in a STAR bond project district. The increment is the amount of such taxes collected from taxpayers within the portion of a STAR bond project district occupied by a STAR bond project that exceeds the amount of the “base year” revenue. The base year is the 12-month period immediately before the month the STAR bond project district is established. After the STAR bond district is created the sales tax and revenue increment collected in the STAR bond project district which exceeds that collected in the base year is paid to the City to fund and pay certain eligible costs of the STAR bond project.

SECTION 3. STAR BOND PROJECT DISTRICT

A map showing the boundaries of the proposed STAR bond project district is attached as **Exhibit A**. The proposed STAR bond project district is within the city limits of Garden City, Kansas and consists of approximately 312 acres (more or less) of real estate, located in east central Garden City, Finney County, Kansas, near the intersection of US-50/83/400 and Schulman Avenue.

Before the proposed STAR bond project district is established, the Kansas Secretary of Commerce must make a finding the proposed district is an “eligible area” for STAR bond financing as defined by the Act.

SECTION 4. STAR BOND DISTRICT PROJECT DESCRIPTION

The buildings and facilities to be constructed or improved in the STAR bond project district may be described in a general manner as a mixed-use development consisting of some or all of the following uses: major multi-sport athletic complex, including indoor and outdoor facilities, arena, and athletic facilities and dormitory; retail uses; restaurant uses; other general commercial development; hotel uses; residential uses; and associated public and private infrastructure. The STAR bond project district may consist of multiple STAR bond project areas as delineated in one or more STAR bond project plans to be approved for property within the STAR bond project district.

SECTION 5. STAR PROJECT PLAN APPROVAL

The statutes governing STAR increment financing and STAR bond project districts require that all proposed projects in a STAR bond project district be presented to and authorized by the City Commission through its approval of detailed "STAR bond project plans". Each project plan will identify specific project areas within the STAR bond project district and will include detailed descriptions of the proposed improvements and methods of financing. STAR bond project plans must be reviewed by the Holcomb - Garden City - Finney County Area Planning Commission and are submitted to a public hearing after published notice and notification of affected property owners. Before going forward a STAR bond project plan must be adopted by a two-thirds majority of the City Commission and the Kansas Secretary of Commerce must review the STAR bond project plan, the feasibility and market studies required by the Act and other documents and approve the STAR bond project.



December 16, 2014

The Honorable Roy Cessna
Mayor
City Administrative Center
301 N. 8th
Garden City, KS 67846

Re: Garden City Project Concept

Dear Mayor Cessna:

The purpose of this letter is to introduce you and the Garden City Commission to a proposed development that, in our opinion at Sporting Kansas City, would be transformative for the Garden City region and provide a direct and tangible benefit to the youth of your community.

The Sporting Story

In 2013, Sporting Kansas City (“Sporting”) brought the first major league professional sports championship to the state of Kansas. Sporting did so featuring seven local players on their roster, including five Kansans: Jon Kempin, Christian Duke, Kyle Miller, Seth Sinovic, and World Cup veteran Matt Besler. The MLS Cup championship match was played at Sporting Park, which opened to universal acclaim in Kansas City, Kansas in 2011. In 2012, Sporting Park received the highest accolade in the stadium world: Stadium Business Awards’ Venue of the Year. Sporting Park was the first stadium of its kind in the United States – a purpose-built authentic American soccer stadium – designed from the ground up around world-class fan experiences. Today, Sporting has enjoyed 54 consecutive league match sell-outs, and has a season ticket waiting list of over 6,000 and growing.

Sporting’s success on and off the field began in 2006 when Sporting Club, an ownership group led by Cerner Corporation co-founders Neal Patterson and Cliff Illig, purchased the then-Kansas City Wizards from Lamar Hunt. At the time of the purchase, the Wizards were ranked last in every measurable revenue category: ticket sales, sponsorships, merchandise, and broadcast. The club’s team of executives and owners put in place a long-term plan to re-energize and re-inspire Kansas Citians to support the team through an aggressive campaign of rebranding and facilities development. The rebrand from the Wizards to Sporting was focused on three main elements:

commitment to the community, innovation and risk-taking, and, most importantly, winning championships.

While many of Sporting's competitors in Major League Soccer have spent tens of millions of dollars on high-profile foreign players, Sporting's strategic focus for long-term success on the field is the development of premier local and regional athletes into high-performing professional soccer players. In 2007, Sporting established an Academy to identify, train and develop the finest soccer players in the region. The three principal development goals of the Academy were to cultivate promising young soccer players into professionals that might play for Sporting one day, to develop well-adjusted, confident young men that would give back to the community, and to provide these young men with valuable collegiate scholarship opportunities. To support Sporting Kansas City and the Sporting Academy, the club built a first-of-its-kind facility featuring 3 fields and a 7,500 square foot training center. This facility has recently been expanded into the Swope Soccer Village, featuring 9 full-sized soccer fields, and a 4,000 square foot locker room and classroom extension.

Over the past 8 years, the Sporting Kansas City Academy has established itself as one of the preeminent soccer academies in the United States with five teams for exceptional players ranging in age from 11 through 18 years old. And while Sporting has signed three Academy graduates to professional contracts (Jon Kempin, Kevin Ellis, and Eric Palmer-Brown), the most telling indicator of success of the Academy is that every young man that has graduated from the Academy since its inception has been offered a scholarship to play soccer in college. Academy graduates have attended universities such as Duke, Creighton, North Carolina, Wake Forest, and the United States Military Academy (West Point) on scholarship.

Today, the Sporting Academy has 13 affiliate youth soccer clubs across the Midwest, including affiliates in Kansas City (2), Lawrence, Omaha/Lincoln (2), Nashville, St. Louis, Minneapolis, and Wichita. The purpose of the association between the Sporting Academy and its affiliates is to establish a standardized coaching methodology and style of play that is referred to as the "Sporting Way." The Sporting Way curriculum is designed to teach high-level, age-appropriate technical and tactical aspects of the game, with equal emphasis on physical and mental fitness. Top players on the top teams from each Academy affiliate are invited annually to try-out for the Sporting Academy in Kansas City, which is fully-funded (i.e. no or minimal cost to the athlete's family) by Sporting Kansas City. The result is a vertically-integrated youth development program that provides young soccer players with the aspirational pathway to professionalism and, importantly, the Academy is a meritocracy. The system is designed so that the best players make the Academy, whether or not they have the ability to pay.



Led by Sporting and its partners, Kansas City has become one of the biggest soccer hotbeds in the nation. Sporting's partners include:

- United States Soccer Federation. In the first quarter of 2015, Sporting will break ground on the National Training and Coaching Development Center, to be constructed less than a mile from Sporting Park. The NTCDC will be the hub for US Soccer's national coaching and refereeing education programs, and will also serve as a key training center for the men's, women's and youth US National teams.
- Kansas Youth Soccer Association. Sporting is working with KYSA in partnership to revamp and enhance the Olympic Development Program as well as KYSA's outreach into western Kansas.
- Heartland Soccer Association. Sporting's partnership with Heartland, the largest youth soccer tournament and league manager in the nation, allows maximum scheduling flexibility for the Swope Soccer Village and the tournament field complex that will be built at the NTCDC.
- US Youth Futsal. Sporting is in the process of constructing 14+ futsal, or small-sided soccer, courts in the urban core of Kansas City. US Youth Futsal is based in Kansas City, and is a key partner in programming those courts and identifying and training US National team futsal players.

Garden City Training Center and Sporting Garden City

Western Kansas, and Garden City in particular, has long been a hub for soccer in the region. Sporting attempts to scout the Garden City region and has, in recent years, brought several players from the area into its Academy. One young man from Southwest Kansas, Eduardo Moreno, was one of the finest players to come through the Academy since its inception. However, unfortunately and because of a variety of factors, there is not a true pipeline of soccer playing talent from Garden City to Kansas City. Lack of a true vertically integrated youth club system, lack of facilities, and the distance required to scout the region has prevented Sporting from focusing on Garden City.

The proposed project would leverage the facilities development and professional soccer development expertise of Sporting to create a community asset for Garden City that would not only put the city on the national soccer map, but would be a source of pride and entertainment for the entire region of Western Kansas. The project is conceptualized as featuring the following elements:



- Design and development of the Garden City Training Center (“Training Center”) to provide the facilities necessary to implement the Sporting Way youth development system, complete with classrooms, locker rooms, fitness and conditioning equipment, and likely a dormitory for housing players from outside of the Garden City area.
- Construction of a to-be-determined number of high-performance grass and synthetic soccer fields adjacent to the Training Center, including a “championship field” stadium with stadium amenities consistent with similarly designed stadiums.
- Acquisition of Premier Development (“PDL”) franchise to play their matches at the championship field stadium, would preferably be owned and operated by local Garden City investor and fully supported by Sporting.
- Creation of a well-organized, professional youth soccer club for boys and girls aged 5-18 that will be granted immediate Sporting Academy affiliate status (“Sporting Garden City”).
- Centralized administration of club resources, including finance, legal (including immigration, player contracts, and collegiate eligibility issues), and travel.

PDL is the proven developmental leader in North American soccer’s evolving tiered structure. The PDL featured 64 teams within four conferences throughout the United States and Canada in 2014, including 12 teams affiliated with USL PRO (professional minor league soccer) or Major League Soccer clubs. The PDL has proven to be an important stepping-stone for top professionals now playing throughout the world, with 70 percent of all MLS draftees having PDL experience. The PDL season consists of 14 regular season matches for each team, seven home and seven away, and provides elite collegiate players the opportunity to taste a higher level of competition while maintaining their eligibility. In addition to league play, PDL teams compete in the Lamar Hunt U.S. Open Cup as well as various exhibitions.

It is anticipated that the Garden City PDL franchise would feature the top amateur players from Sporting Garden City as well as the top players from recently-reinstated Garden City Community College men’s soccer program. The 10-12 home matches annually would provide a consistent revenue source for the operations of the PDL franchise and would become an immediate source of pride for the Garden City community as local young men trained in Garden City would compete at a high level against national and international competitors.

The Training Center will be the central focus for the soccer world in Garden City and Western Kansas. In addition to being the training and match home of Garden City’s PDL franchise, the Training Center and its associated fields would be the home of Sporting Garden City. The Training Center and associated stadium will be designed by Sporting using the same “experience design” methodology as was used to make the Sporting Park and Swope Soccer Village experiences



amongst the finest in the world. As they did with Sporting Park, Sporting would engage with local stakeholders, supporters' groups, and youth soccer clubs to get their buy-in on what an authentic Garden City stadium should look and feel like. The stadium will reflect the community while at the same time giving the home team every advantage to bring home championships to Garden City.

It is anticipated that Sporting Garden City would be created by merging two or more existing youth soccer clubs in Garden City under a new Sporting Garden City brand. Sporting Garden City would have affiliate relationships with both Sporting Kansas City and the Garden City PDL franchise. Sporting Garden City would feature recreational and competitive divisions, with professional coaches on the competitive (sometimes referred to as "Premier") side. Top competitive teams from Sporting Garden City could compete in local, regional or even national leagues and tournaments giving the young athletes much-needed competitive experience against the very best from around the region. Given the premier nature of the facilities, fields, and Garden City's unique strategic location in the middle of many key regional locations for soccer talent, Sporting believes this facility will be a natural tournament destination for clubs from Texas, Oklahoma, Colorado, and New Mexico. At full programming, it is envisioned that the facilities could host a dozen or more targeted showcase tournaments on an annual basis.

The goal of the competitive program is to develop players talented enough to not only make the Sporting Academy, but to thrive in that environment. Sporting Kansas City will invite top Sporting Garden City players to both Academy identification camps, as well as showcase tournaments for college recruiters. It is anticipated that Sporting Garden City will, in a very short time, become a top regional youth soccer club on par with Sporting Blue Valley or Sporting Kaw Valley based in Overland Park, KS and Lawrence, KS respectively.

Given Garden City's multi-cultural strength, the development contemplated in this project could eventually serve as a unique on-boarding platform for Mexicans and other Latin Americans. Just as twenty years ago high-potential American soccer players were forced to leave the United States to receive world-class soccer training in Europe, it is envisioned that high-performing athletes from Central or Latin America could receive their soccer training in Garden City, while being surrounded by a diverse yet familiar community, thus requiring minimal acculturation for the players. This would provide these young athletes with a pathway to professional soccer in a professional, centrally managed and supportive environment.

Conclusion



For Sporting, this Garden City development is a true extension of the club into Western Kansas. It provides Sporting with visibility into a soccer hotbed as well as facilities and club structure to develop the next generation of professional soccer players. The developments contemplated by this project will be designed with sensitivity to the culture of Garden City and its diverse population base, and will be designed in conjunction with local stakeholders to “plus” the experience for every individual who comes in contact with this project. The project provides the youth of Garden City with increasingly aspirational goals of learning and loving the game of soccer, of representing their community in competitive soccer matches, of playing in front of a packed house of their fellow Garden Citians in a bespoke stadium against national competition in the PDL, of attaining a scholarship to play soccer at the collegiate level, and even potentially playing professional soccer for Sporting Kansas City.

Thank you for considering this proposed development. We are of course happy to answer any questions or concerns that you or the Commission have regarding the project.

Yours very truly,



Greg Cotton
Chief of Staff & General Counsel
Sporting Club

cc: Robb Heineman, CEO, Sporting Club
Peter Vermes, Manager, Sporting Kansas City
Korb Maxwell, Esq.

(Published in *The Garden City Telegram* on December 20, 2014)

ORDINANCE NO. 2671-2014

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS MAKING FINDINGS REGARDING A STAR BOND PROJECT DISTRICT AND ESTABLISHING A STAR BOND PROJECT DISTRICT WITHIN THE CITY.

WHEREAS, pursuant to the provisions of K.S.A. 12-17,160 through 12-17,170, as amended (the "Act"), the City of Garden City, Kansas (the "City") is authorized to establish sales tax and revenue ("STAR") bond project districts within defined areas of the City for certain purposes and in eligible areas as defined in the Act; and

WHEREAS, in Resolution No. 2609-2014, adopted November 4, 2014 and published on December 8, 2014, the governing body of the City gave the notice required by the Act of its intent to create a STAR bond project district under the Act (the "District") and described the proposed district plan, proposed project areas and generally described the buildings and other facilities to be constructed and/or improved within the District; and

WHEREAS, the City has published and delivered notice of a public hearing as required by the Act and on this date conducted a public hearing on the advisability of creating the District; and

WHEREAS, the City desires to establish the District in accordance with the provisions of the Act; and

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS:

Section 1. Eligible Area. The governing body finds and determines the District is a STAR bond project as defined in K.S.A. §12-17,162 and is an "eligible area" as defined by the Act. This finding shall become effective only upon a finding by the Kansas Secretary of Commerce that the area described on **Exhibit A** to this Ordinance is an "eligible area" under the Act.

Section 2. Description of and Creation of STAR Bond Project District. The legal description of the District is set forth on **Exhibit A** to this Ordinance and incorporated here by this reference. The property described on **Exhibit A**, including adjacent rights-of-way, is designated and created as the District, according to the Act and subject to the conditions stated in Section 1 of this Ordinance.

A map of the District is attached as **Exhibit B** and incorporated here by this reference. The District does not contain any property not referenced in Resolution No. 2609-2014 providing notice of a public hearing.

Section 3 STAR Bond Project District Plan. The STAR bond district plan is approved and is attached to this Ordinance as **Exhibit C** and incorporated here by this reference.

Section 4. Further Action. The Mayor, City Manager, City Clerk and other officials and employees of the City, including the City Attorney and the City's Financial Advisor and Bond Counsel, are further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Ordinance.

Section 5. Effective Date. This Ordinance, including the attached Exhibits shall become effective upon its passage by the governing body of the City and publication in the official newspaper of the City.

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PASSED AND APPROVED by the governing body of the City of Garden City, Kansas
on December 16, 2014.

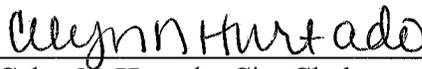


CITY OF GARDEN CITY, KANSAS



Roy Cessna, Mayor

ATTEST:



Celyn N. Hurtado, City Clerk

EXHIBIT A

(LEGAL DESCRIPTION OF THE STAR BOND DISTRICT)

LEGAL DESCRIPTION

Tracts located in the Southeast Quarter of Section 9 and the North Half of Section 16, all in Township 24 South, Range 32 West of the 6th P.M., Finney County, Kansas, more particularly described as follows:

BEGINNING at the Southeast Corner of Section 9, T24S, R32W, thence North, along the east line of said Section, to the Northeast Corner of the Southeast Quarter of Section 9; thence West, along the north line of said Southeast Quarter, to the East line of 156 Commercial, Phase Four; thence South, along said East line to the Southwest corner of 156 Commercial, Phase Four, said point being the Northeast Corner of Schulman Crossing Phase II; thence along the North line of Schulman Crossing Phase II, North 89°50'25" West, 869.90 feet; thence continuing along said line, North 70°46'13" West, 60.00 feet to the Northernmost Corner of Lot 1, Block 2, Schulman Crossing Phase II, said line also being the East right-of-way line of US Highway 50/83/400; thence South along the West line of said Schulman Crossing Phase II and continuing South along the west line of Schulman Crossing the following 3 courses: South 20°45'56" West, 942.44 feet; thence South 10°45'12" West, 508.48 feet; thence South 01°38'07" West, 867.71 feet to the Southwest Corner of the Southeast Quarter of said Section 9; thence North 90°00'00" West, along the North line of the Northwest Quarter of Section 16, T24S, R32W, 363.85 feet, to the northwesterly line of the abandoned Nebraska, Kansas and Southern Railroad right-of-way; thence South 49°51'15" West, 375.78 feet along said line; thence continuing South 49°49'10" West, 546.23 feet, along said line; thence North 01°01'32" West, 595.33 feet to the North line of said Section; thence North 90°00'00" West, 280.00 feet; thence South 00°50'00" East, 828.10 feet, along the East line of Bowman Acres to the Southeasterly line Lot 27, Bowman Acres, said line also being the northwesterly line of the abandoned railroad right-of-way; thence Southwesterly, along the southeasterly line of Bowman Acres to the intersection with the Centerline of Gene Avenue; thence West, along said Centerline to the West line of Section 16; thence South 00°00'00" East, 259.50 feet, along said West line; thence South 89°42'12" East, 227.77 feet, to a point on the southeastern line of Lot 1, Bowman Acres, said line also being the Northwestern line of Block 2, Golden Plains Addition; thence North 50°15'29" East, 111.18 feet, to the Northernmost Corner of Golden Plains Addition; thence South along the west line of said Golden Plains addition to the South line of the Northwest Quarter of said Section 16; thence East along the South line of said Northwest Quarter, to the Center Corner of Section 16; thence North, along the East line of said Northwest Quarter, said line being the East line of Lot 6, Samy Addition, to the South line of said Samy Addition; thence South 88°12'50" East, 156.07 feet; thence continuing along said line, South 88°14'18" East, 308.07 feet, to the Southwest Corner of Heritage Place Second Addition; thence South 89°56'17" East, 499.00 feet along the South line of said Heritage Place Second Addition, to the Southeast Corner of Lot 38, Block 2, Heritage Place Second Addition; thence North 00°08'25" West, 671.66 feet along the East line of said Lot 38, to the Southwest Corner of Lot 2, Block 2, Heritage Place Second Addition; thence North 90°00'00" West, 215.25 feet, along the West line of said Lot 2, to the Southwest Corner of said Lot 2; thence North 00°00'00" West, 148.00 feet, along the West line of said Lot 2, to the Southeast Corner of Lot 1, thence North 90°00'00" West, 284.11 feet along the South line of said Lot 1 and its extension, to the East line of Samy Addition; thence North 01°34'12" East, 197.89 feet, to the Northeast Corner of Samy Addition; thence North 01°47'19" East, 299.92 feet, along the East line of Echo Valley Addition, to the North line of Section 16; thence South 88°17'12" East, 2173.68 feet, more or less, to the point of beginning, containing 274 Acres, more or less.

EXHIBIT B

(MAP OF THE STAR BOND DISTRICT)



EXHIBIT C
(STAR BOND DISTRICT PLAN)

**STAR BOND PROJECT DISTRICT PLAN FOR DEVELOPMENT
THROUGH SALES TAX AND REVENUE INCREMENT FINANCING
GARDEN CITY, KANSAS**

November 4, 2014

SECTION 1. PURPOSE

The City of Garden City, Kansas (the "City") intends to create a sales tax and revenue ("STAR") bond project district within the City. Kansas statutes governing the creation of STAR bond project districts and sales tax and revenue increment financing (K.S.A. 12-17,160 through 12-17,170 and particularly, K.S.A. 12-17,165 (a)) require preparation of a "STAR bond project district plan" (referred to herein as the "district plan") before creation of a STAR bond project district. The district plan is the preliminary plan identifying the proposed STAR bond project areas and generally describing the buildings, facilities and improvements proposed to be constructed in such areas.

SECTION 2. DESCRIPTION OF SALES TAX AND REVENUE (STAR) FINANCING

Projects financed through STAR financing involve the creation of an "increment" in state and local sales, use and transient guest tax collected in a STAR bond project district. The increment is the amount of such taxes collected from taxpayers within the portion of a STAR bond project district occupied by a STAR bond project that exceeds the amount of the "base year" revenue. The base year is the 12-month period immediately before the month the STAR bond project district is established. After the STAR bond district is created the sales tax and revenue increment collected in the STAR bond project district which exceeds that collected in the base year is paid to the City to fund and pay certain eligible costs of the STAR bond project. The ad valorem property tax revenues of the county and the school district levying taxes in the STAR bond project district will not be adversely impacted.

SECTION 3. STAR BOND PROJECT DISTRICT

A map showing the boundaries of the proposed STAR bond project district is attached as **Exhibit A**. The proposed STAR bond project district is within the city limits of Garden City, Kansas and consists of approximately 312 acres (more or less) of real estate, located in east central Garden City, Finney County, Kansas, near the intersection of US-50/83/400 and Schulman Avenue.

Before the proposed STAR bond project district is established, the Kansas Secretary of Commerce must make a finding the proposed district is an "eligible area" for STAR bond financing as defined by the Act.

SECTION 4. STAR BOND DISTRICT PROJECT DESCRIPTION

The buildings and facilities to be constructed or improved in the STAR bond project district may be described in a general manner as a mixed-use development consisting of some or all of the following uses: major multi-sport athletic complex, including indoor and outdoor facilities, arena, and athletic facilities and dormitory; retail uses; restaurant uses; other general commercial development; hotel uses; residential uses; and associated public and private infrastructure. The STAR bond project district may consist of multiple STAR bond project areas as delineated in one or more STAR bond project plans to be approved for property within the STAR bond project district.

SECTION 5. STAR PROJECT PLAN APPROVAL

The statutes governing STAR increment financing and STAR bond project districts require that all proposed projects in a STAR bond project district be presented to and authorized by the City Commission through its approval of detailed "STAR bond project plans". Each project plan will identify specific project areas within the STAR bond project district and will include detailed descriptions of the proposed improvements and methods of financing. STAR bond project plans must be reviewed by the Holcomb - Garden City - Finney County Area Planning Commission and are submitted to a public hearing after published notice and notification of affected property owners. Before going forward a STAR bond project plan must be adopted by a two-thirds majority of the City Commission and the Kansas Secretary of Commerce must review the STAR bond project plan, the feasibility and market studies required by the Act and other documents and approve the STAR bond project.

EXCERPT OF MINUTES

The governing body of the City of Garden City, Kansas met in regular session at the usual meeting place in the City on December 16, 2014, at 1:00 p.m., with Mayor Roy Cessna presiding, and the following members of the governing body present:

Janet Doll
Melvin Dale

Dan Fankhauser
Chris Law

The following members were absent:

At 1:30 p.m. Mayor Cessna opened a public hearing on the creation of a redevelopment district within the City as previously authorized by Resolution No. 2609-2014. All persons present who wished to comment were given the opportunity to do so.

The Mayor closed the public hearing at 1:53p.m.

An ordinance was presented to the governing body entitled:

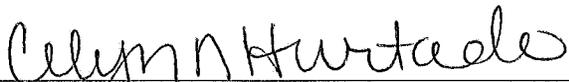
AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS MAKING FINDINGS REGARDING A STAR BOND PROJECT DISTRICT AND ESTABLISHING A STAR BOND PROJECT DISTRICT WITHIN THE CITY.

The Ordinance was considered and discussed; and on motion of Doll, seconded by Fankhauser, the Ordinance was passed by a majority vote of the members present. The ordinance was assigned No. 2677-2014.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I hereby certify that the foregoing is a true and correct Excerpt of Minutes of the December 16, 2014 meeting of the governing body of the City of Garden City, Kansas.





Celyn N. Hurtado, City Clerk

Staff Reports

CITY OF GARDEN CITY, KANSAS
ANALYSIS OF COUNTY-WIDE SALES TAX RECEIPTS

MONTH RECEIVED	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
JANUARY	98,895	82,749	119,104	99,080	87,049	90,999	89,620	90,890	96,504	112,365	136,559	194,148	172,402	201,675	215,987	207,262
FEBRUARY	102,071	135,771	115,633	119,867	107,746	112,817	106,162	108,918	117,464	120,392	112,708	168,090	206,332	201,136	213,048	244,277
MARCH	57,317	111,517	94,385	89,945	83,994	93,138	83,528	84,800	91,096	111,384	127,434	176,275	176,089	187,616	198,757	200,357
APRIL	123,837	110,045	92,941	86,892	88,516	82,176	88,156	88,367	97,920	97,076	105,529	136,058	140,393	176,191	179,735	202,588
MAY	97,870	111,720	98,017	94,809	97,270	92,019	96,607	100,809	103,484	113,955	102,518	173,875	182,165	217,621	215,823	225,522
JUNE	82,439	99,148	93,362	101,379	98,922	86,040	82,884	99,561	98,793	107,235	110,225	174,577	192,468	197,406	205,745	227,284
JULY	110,519	111,647	91,208	99,915	97,573	91,205	88,888	95,381	109,492	130,863	126,193	163,203	175,188	199,698	238,623	232,796
AUGUST	103,623	113,844	98,717	96,327	91,715	97,295	101,836	104,308	99,317	123,221	103,580	180,595	178,778	209,006	213,331 *	223,986
SEPTEMBER	99,996	84,773	99,232	88,585	102,820	94,038	87,159	93,570	106,941	133,521	111,381	174,612	178,054	180,008	232,303	304,118
OCTOBER	* 107,914	129,697	106,658	102,705	97,918	90,696	105,259	101,146	112,166	117,796	108,343	174,202	189,062	203,819	218,503	313,005
NOVEMBER	82,861	103,094	97,348	82,869	78,619	89,706	95,946	94,231	107,500	117,428	111,973	153,378	174,342	208,611	184,384	304,259
DECEMBER	<u>75,058</u>	<u>97,466</u>	<u>89,406</u>	<u>101,296</u>	<u>96,993</u>	<u>94,616</u>	<u>88,792</u>	<u>94,570</u>	<u>109,693</u>	<u>114,846</u>	<u>160,409</u>	<u>161,622</u>	<u>196,711</u>	<u>182,159</u>	<u>236,524</u>	<u>312,690</u>
TOTAL RECEIPTS	<u>1,142,399</u>	<u>1,291,473</u>	<u>1,196,011</u>	<u>1,163,668</u>	<u>1,129,136</u>	<u>1,114,745</u>	<u>1,114,837</u>	<u>1,156,551</u>	<u>1,250,370</u>	<u>1,400,082</u>	<u>1,416,852</u>	<u>2,030,635</u>	<u>2,161,984</u>	<u>2,364,946</u>	<u>2,552,763</u>	<u>2,998,144</u>
PERCENTAGE CHANGE	2.13%	13.05%	-7.39%	-2.70%	-2.97%	-1.27%	"FLAT"	3.74%	8.11%	11.97%	1.20%	43.32%	6.47%	9.39%	7.94%	17.45%

* REFLECTS HERE & THEREAFTER THE NET AMOUNT OF COUNTY-WIDE SALES TAX. CITY REIMBURSES TO COUNTY THE DEDICATED 1/4 CENT FOR LEC PROJECT THROUGH AUGUST 2014 RECEIPTS. FINALED AUGUST 2014.

CITY OF GARDEN CITY, KANSAS

ANALYSIS OF CITY SALES TAX RECEIPTS

MONTH RECEIVED	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
JANUARY	383,636	310,710	390,595	379,780	309,257	357,335	335,673	351,457	351,627	409,255	529,129	415,161	432,278	483,869	508,705	480,712
FEBRUARY	360,909	447,336	389,764	444,123	419,884	434,310	423,853	416,061	444,506	465,707	415,062	416,555	509,745	497,844	514,511	575,307
MARCH	191,835	371,146	344,152	321,705	304,720	346,371	316,320	317,599	338,956	418,336	461,822	432,675	426,585	438,777	468,745	469,435
APRIL	467,188	364,979	334,588	303,909	313,029	317,571	318,835	321,431	358,967	361,119	388,668	328,743	328,309	409,253	411,491	468,167
MAY	343,692	377,482	356,202	340,131	354,013	345,880	351,143	372,027	382,562	426,812	362,989	430,701	442,882	502,577	481,623	528,216
JUNE	284,831	344,293	341,573	336,435	356,920	340,240	319,314	364,552	363,536	398,458	413,934	423,173	471,595	457,884	469,940	526,978
JULY	382,217	361,811	331,627	359,143	329,005	338,923	330,628	350,754	394,947	456,516	469,538	402,144	431,189	453,965	554,262	540,941
AUGUST	365,112	369,837	350,737	342,529	322,875	376,955	371,521	377,510	372,473	456,809	373,995	433,641	420,914	490,394	504,212	526,281
SEPTEMBER	364,871	304,050	363,139	324,385	366,794	362,024	323,475	341,558	388,244	463,398	421,706	415,115	433,117	424,160	529,341	509,837
OCTOBER	362,872	449,981	382,926	368,395	357,624	341,725	369,193	365,725	408,881	446,179	411,421	425,392	450,833	468,586	501,467	516,778
NOVEMBER	319,267	332,271	355,951	296,743	287,373	339,384	337,133	351,892	352,723	435,767	402,883	390,433	412,877	474,976	422,213	496,772
DECEMBER	270,677	327,755	323,048	381,904	364,126	338,971	338,058	356,317	396,872	432,701	461,792	412,973	481,207	424,131	501,046	519,605
TOTAL RECEIPTS	<u>4,097,107</u>	<u>4,361,650</u>	<u>4,264,300</u>	<u>4,199,181</u>	<u>4,085,619</u>	<u>4,239,689</u>	<u>4,135,146</u>	<u>4,286,883</u>	<u>4,554,294</u>	<u>5,171,057</u>	<u>5,112,939</u>	<u>4,926,706</u>	<u>5,241,531</u>	<u>5,526,416</u>	<u>5,867,556</u>	<u>6,159,029</u>
PERCENTAGE CHANGE	0.17%	6.46%	-2.23%	-1.53%	-2.70%	3.77%	-2.47%	3.67%	6.24%	13.54%	-1.12%	-3.64%	6.39%	5.44%	6.17%	4.97%

Meetings of Note

*Garden City Police Department Annual Awards
Ceremony And Employee Winter Party*



Please join us for a night of celebration at the Garden City Police Department's Annual Awards Ceremony and Employee Winter Party. The ceremony will begin promptly at 6:00 p.m.. Dinner will begin at 7:00 p.m. This year there will be a minimal fee of \$5 per person. RSVP and payment due by January 7, 2015.

Date: Saturday, January 10, 2015

Happy Holidays!

Time: 6:00 p.m.

Location: Eagles Lodge 2603 N. Taylor Ave.

*BBQ Buffet catered by Webb's BBQ.

*Cash Bar

*RSVP by calling Lupe Carrasco at (620) 276-1350,
or by e-mail at maria.carrasco@gardencityks.us*

Chamber Announces Plans for "Dinner on the Diamond"
Royals General Manager to Provide Keynote Address

Garden City, KS – The Garden City Area Chamber of Commerce announced additional details for the 127th Chamber Banquet featuring Kansas City Royals General Manager, Dayton Moore.

This year's event is set for Thursday, February 5, 2015 with the theme "*Dinner on the Diamond.*" The banquet, presented by Tyson Fresh Foods, will convene inside the commons area of Garden City High School, 2720 Buffalo Way.

Each year the Chamber looks to recognize its membership for their support and dedication to the community by bringing them together for a night of fine dining and entertainment. "There are so many things to be proud of in our community and our businesses are a big part of it," said Steve Dyer, Chamber president. "The banquet gives us a chance to recognize and celebrate the wonderful accomplishments achieved throughout the year."

In keeping with tradition, the Chamber will present the esteemed "Award of Merit" to one citizen that has exceeded the standards in their commitment to the Chamber and its goal of promoting local business. This year marks the 31st year of the award, which is kept secret from the recipient until the night of the event, has been awarded.

For the second year, the Chamber will present four awards to recognize local businesses for their outstanding entrepreneurial achievements, successes and contribution to the community. Companies and individuals may be nominated for these awards by Chamber members, employees and through self-nominations. Finalists and winners are determined by the Chamber's selection committee following a specific set of criteria. The committee is comprised of Chamber board members and volunteers who specialize in different areas of business. The Chamber will recognize businesses from the four following categories: Small Business of the Year (1-20 employees); Business of the Year (20+ employees); Emerging Business of the Year; and Non-Profit of the Year

Nominations for the individual business awards will be accepted at the Chamber through January 5, 2015. Nomination forms are available via the Chamber's website at www.gardencitychamber.net.

The Chamber recently announced that Dayton Moore, General Manager of the Kansas City Royals, will provide the keynote address during the event. Moore, a 1987 graduate of Garden City Community College, was instrumental this past season in leading the Kansas City Royals to their first American League Championship and World Series berth since 1985. The Royals won 89 games in 2014, their high watermark since the 1989 season.

A silent auction will be held during the banquet with all proceeds to benefit both Moore's charitable foundation, "C" You In the Major Leagues" and Garden City Community College. The auction will feature an assortment of Kansas City Royals and MLB items and signed memorabilia. A full list of auction items will be released soon.

The banquet will begin at 6:30 p.m. with doors opening at 5:30 p.m. for VIP ticket holders and those interested in visiting the silent auction area. A VIP Meet and Greet opportunity with Dayton Moore is available for all Gold Sponsors and above beginning at 5:30 p.m.

Tickets to the banquet are open to all Chamber members for \$50 each. Corporate Tables are available for \$500 with seating for 8 individuals. Ticket and sponsorship information may be obtained by contacting the Chamber office at 620-276-3264, or by visiting the Chamber's website at www.gardencitychamber.net.

About the Garden City Area Chamber of Commerce

Founded in 1888, the Garden City Area Chamber of Commerce fosters a sense of community and provides its members with the tools and contacts for success. Comprised of over 400 local businesses, the chamber offers a vast array of educational and networking programs to help its members, both large and small, gain the skills and resources necessary to thrive and prosper in today's economy. For more information on the Garden City Chamber, please call (620) 276-3264 or visit www.gardencitychamber.net.

For media inquiries, please contact:

Myca J. Bunch | Vice President, Garden City Area Chamber of Commerce |
mbunch@gardencitychamber.net | 620-276-3264

**CONSIDERATION OF
APPROPRIATION ORDINANCE**

Ordinances & Resolutions



COMMUNITY
DEVELOPMENT
DEPARTMENT
SERVING
GARDEN CITY
HOLCOMB
AND
FINNEYCOUNTY
620-276-1170

INSPECTIONS
620-276-1120
inspection@garden-city.org

CODE COMPLIANCE
620-276-1120
code@garden-city.org

PLANNING AND
ZONING
620-276-1170
planning@garden-city.org

CITY ADMINISTRATIVE
CENTER
301 N. 8TH
P.O. Box 998
GARDEN CITY, KS
67846-0998
620.276.1170
FAX 620.276.1173
www.garden-city.org

Memo

To: City Commission
From: Kaleb Kentner
CC: File
Date: December 18, 2014
Re: GC2014-66: Taylor/Emerson Addition plat

ISSUE: Consideration of the Taylor/Emerson Addition plat.

BACKGROUND: At the request of Galloway Planning, Architecture, & Engineering, the Commission is asked to approve the 5.46 acre Taylor/ Emerson Addition plat. This plat has been engineered to accommodate a proposed new 41,000 square foot grocery store/ fuel center at the corner of Taylor and Emerson. The plat includes a utility easement that will surround the proposed building.

The plat has gone through an initial site plan review. The site plan comment sheet is attached. Staff is requesting a shared access easement for the southwest portion of the property. Staff has been in contact with the applicant regarding this issue. The applicant would like to have a separate agreement in regards to this easement, stating that the access easement be conditional upon the property to the south being rezoned to commercial and the onset of commercial development. In addition, staff is requesting a signed development agreement before any building permits are issued.

ALTERNATIVES: The Commission may:

1. Approve the plat.
2. Approve the plat with changes.
3. Not approve the plat.

RECOMMENDATION: Staff recommends approval of the plat with the condition that a shared access easement is placed on the plat and the requirement of a signed development agreement before any building permits are issued.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommended approval of the plat with the following conditions:

1. A signed development agreement with the city must be signed prior to any building permits are issued.
2. A shared access easement along the southwest portion of the property line be placed on the plat. This easement may be labeled conditional upon the property to the south being rezoned to a Commercial District.

Present- 6
Yea- 6
Nay- 0



COMMUNITY
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DEPARTMENT
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GARDEN CITY
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AND
FINNEYCOUNTY
620-276-1170

INSPECTIONS
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These minutes are draft only. They have not been approved by the Planning Commission.

12/18/2014

GC2014-66/67 Taylor Emerson Plat and Rezoning, Galloway & Co.

Secretary Kentner reads staff report.

Mike Cerbo, Galloway, explains project and requests that if a shared easement is required, that it be contingent upon the adjacent property being zoned commercial.

Secretary Kentner explains the location of and reason for easements.

Member Lopez- Staff would like the easements in place now but they would like them contingent upon the property next to it being rezoned to commercial?

Secretary Kentner- Right.

Member Lopez- Does the same person or entity own that entire tract of land?

Secretary Kentner- Yes.

Secretary Kentner explains the rezoning case.

Mike Cerbo- I think it's important to note that it won't be the entire tract that will be rezoned, just the corner where the grocery store will be located.

OPEN PUBLIC COMMENT

CLOSE PUBLIC COMMENT

MEMBER WEBER MAKES MOTION TO APPROVE PLAT WITH EASEMENT.

MEMBER LAUBACH SECONDS MOTION.

Votes were taken by yeas and nays and recorded as follows:

Weber	Lucas	Gigot	Howard	Law	Lopez	Laubach	Rishel	Hanneman
Yea	Not Present	Yea	Yea	Yea	Yea	Yea	Not Present	Not Present

Motion passed.



Looking east at property on Taylor Ave.



Looking west at property across the street on Taylor Ave.



Looking south on Emerson



Looking north at property across the street on Emerson

These minutes are draft only. They have not been approved by the Planning Commission.

12/18/2014

GC2014-66/67 Taylor Emerson Plat and Rezoning, Galloway & Co.

Secretary Kentner reads staff report.

Mike Cerbo, Galloway, explains project and requests that if a shared easement is required, that it be contingent upon the adjacent property being zoned commercial.

Secretary Kentner explains the location of and reason for easements.

Member Lopez- Staff would like the easements in place now but they would like them contingent upon the property next to it being rezoned to commercial?

Secretary Kentner- Right.

Member Lopez- Does the same person or entity own that entire tract of land?

Secretary Kentner- Yes.

Secretary Kentner explains the rezoning case.

Mike Cerbo- I think it's important to note that it won't be the entire tract that will be rezoned, just the corner where the grocery store will be located.

OPEN PUBLIC COMMENT

CLOSE PUBLIC COMMENT

MEMBER WEBER MAKES MOTION TO APPROVE PLAT WITH EASEMENT.

MEMBER LAUBACH SECONDS MOTION.

Votes were taken by yeas and nays and recorded as follows:

Weber	Lucas	Gigot	Howard	Law	Lopez	Laubach	Rishel	Hanneman
Yea	Not Present	Yea	Yea	Yea	Yea	Yea	Not Present	Not Present

Motion passed.

MEMBER WEBER MAKES MOTION TO REZONE.

MEMBER LAUBACH SECONDS MOTION.

Votes were taken by yeas and nays and recorded as follows:

Weber	Lucas	Gigot	Howard	Law	Lopez	Laubach	Rishel	Hanneman
Yea	Not Present	Yea	Yea	Yea	Yea	Yea	Not Present	Not Present

Motion passed.

-STAFF REPORT
**GC2014-67: Rezoning from “R-3” Multiple Family Residential District to “C-2” General Commercial District,
Taylor Avenue and Emerson Street, Garden City, KS**

GENERAL INFORMATION

Date:	December 18, 2014	Jurisdiction:	Garden City
Owner:	BRAKEY, DAVID A & DENISE A		
Applicant:	Galloway		
Requested Action:	Rezoning from “R-3” Multiple Family Residential District to “C-2” General Commercial District		
Purpose:	Rezone property for a commercial development		
Location address:	The northwest corner of Taylor Avenue and Emerson Street, Garden City		
Comprehensive Plan:	The Future Land Use shows the potential as commercial/ residential potential		
Sites Existing Zoning:	“A” Agriculture District and “C-1” Neighborhood Shopping District		
Surrounding Zoning:	North	“C-2” General Commercial District	
	South	“R-3” Multiple Family Residential District	
	East	“R-3” Multiple Family Residential District	
	West	“C-2” General Commercial District	
Land Area:	Contains 5.46 acres +/-		
Notice Date:	This project was published and noticed by mail as required by code.		

COMMENTS & REQUIRED IMPROVEMENTS

1. The applicant is requesting to rezone the Taylor/Emerson Addition plat. (Case: GC2014-66).
2. The applicant is proposing to develop this parcel into a 41,000 square foot grocery store that will include a gas station on the parcel. This project is currently going through the site plan review process.
3. The applicant shall comply with regulations for the “C-2” General Commercial District in the Garden City Zoning Regulations, including but not limited to building size, setback, lot coverage, etc.

RECOMMENDATION

Staff recommends approval of the rezoning request. The applicant shall comply with the “C-2” General Commercial District regulations.

PLANNING COMMISSION RECOMMENDATION: Approved on December 18, 2014

Members Present- 6
Yea vote- 0
Nay vote- 0

**Attached you will find an excerpt from the Planning Commission minutes regarding this case.*

(Published in the Garden City Telegram on the _____ day of January, 2015)

ORDINANCE NO. _____ -2015

AN ORDINANCE APPROVING THE REZONING OF LAND FROM "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT TO "C-2" GENERAL COMMERCIAL 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.

BE IT ORDAINED by the Governing Body of the City of Garden City, Kansas:

SECTION 1. The below described real property is hereby rezoned from R-3 Multiple Family Residential District to C-2 General Commercial District and the boundary of the C-2 General Commercial District is amended to include the below described real property:

A parcel of land located in the Northwest Quarter of Section 7, Township 24 South, Range 32 West of the 6th Principal Meridian, Finney County, Kansas, more particularly described as follows:

Commencing at the northwest corner of said Quarter, thence S01°26'42"W along the West line of said Quarter a distance of 698.10 feet, thence S88°27'23" a distance of 74.89 feet to a points on the East right-of-way of Taylor Avenue and the South right-of-way line of Emerson Street, said point also being the point of beginning of the parcel to be described;

Thence continuing S88°27'23"E along said South right-of-way line a distance of 594.07 feet;

Thence S01°32'37"W a distance of 401.00 feet;

Thence N 88°27'23"W a distance of 593.40 feet to said East right-of-way line of Taylor Avenue;

Thence N01°26'52"E along said East right-of-way line a distance of 401.00 feet to the Point of Beginning.

Said Parcel contains 5.46 acres, more or less, and is subject to easements, reservations, and restriction of record.

SECTION 2. The District Zoning Map referred to in the Zoning Regulations Article 3, Section 3, of the Garden City, Kansas, adopted by Ordinance No. 2528-2011, as previously existing and amended, be and the same is hereby amended, to be consistent with the amendments set forth herein.

SECTION 3. The current Zoning Ordinance and District Zoning Map of the City of Garden City, Kansas, as previously existing and amended, be and the same hereby are repealed, to be replaced as specified in this ordinance.

SECTION 4. That this ordinance shall be in full force and effect from and after its publication in the Garden City Telegram, the official city newspaper.

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, this 6th day of January, 2015.

ROY CESSNA, Mayor

ATTEST:

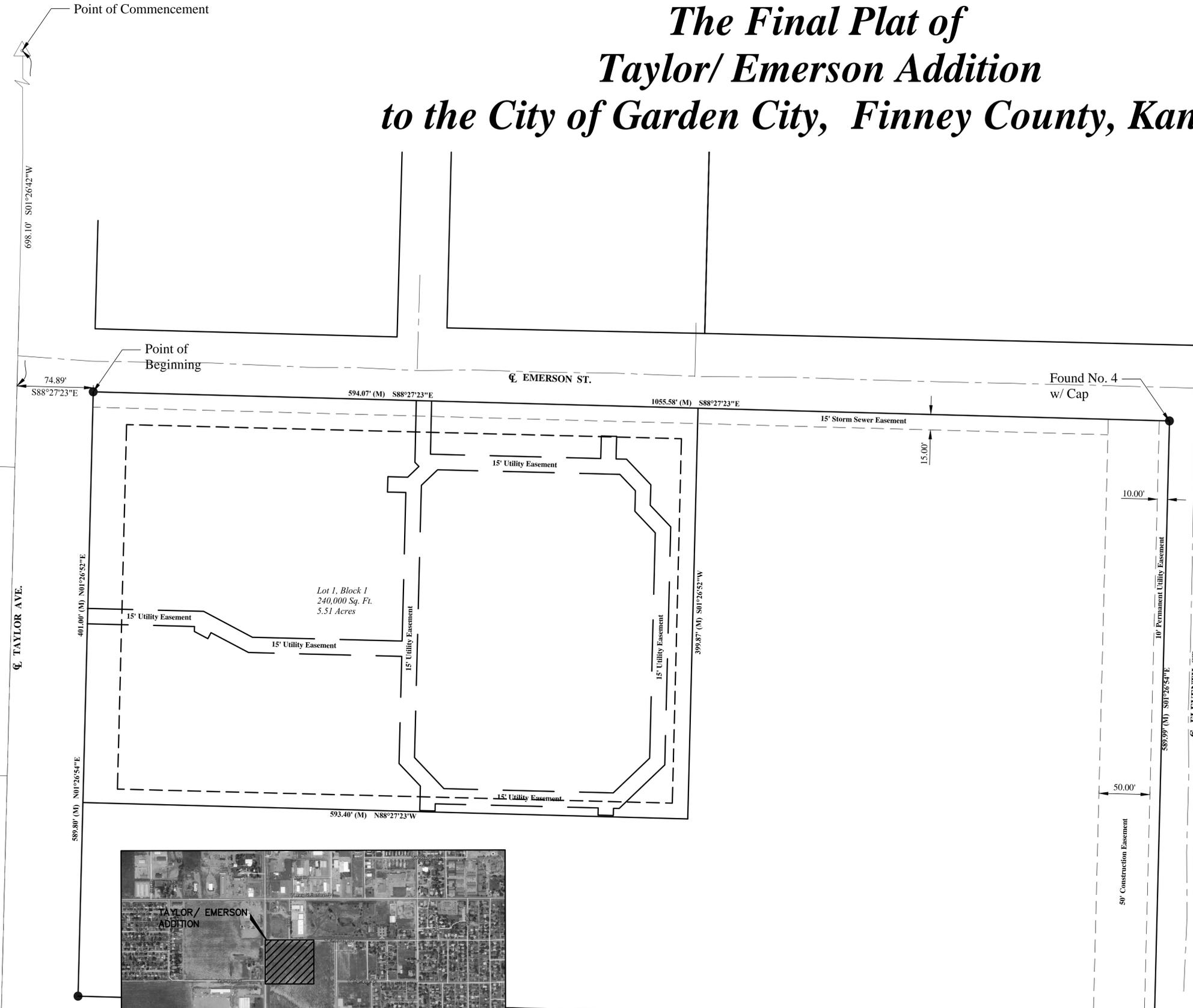
Celyn N. Hurtado, City Clerk

APPROVED AS TO FORM:

RANDALL D. GRISELL, City Counselor

The Final Plat of Taylor/ Emerson Addition to the City of Garden City, Finney County, Kansas.

SCALE: 1" = 100'
0' 100' 200'



LEGAL DESCRIPTION

A parcel of land located in _____ Quarter of Section _____, Township ____ South, Range _____ West of the 6th Principal Meridian, Finney County, Kansas, more particularly described as follows:
Commencing at the _____ corner of said _____ Quarter, thence S01°26'42"W along the West line of said Quarter a distance of 698.10 feet, to the East right-of-way of Taylor Avenue, said point also being the point of beginning;
-thence S88°27'23"E along South right-of-way of Emerson St. a distance of 594.07 feet
-thence S01°26'52"W a distance of 399.87 feet
-thence N88°27'23"W a distance of 593.40 feet
-thence N01°26'52"E a distance of 401.00 feet to the point of beginning.
Said parcel contains 5.51 acres, more or less, and is subject to easements, reservations, and restrictions of record.

PLAT NOTES:

- 1) Basis of Bearing: Assumed *****
- 2) Monuments found have an unknown origin unless noted.
- 3) All subdivision corners are found or set in concrete.
- 4) This plat is to be known as *****.
- 5) Flood Information: This property is located in Flood Zone X, areas determined to be outside the 0.2% annual chance floodplain. According to the Flood Insurance Rate Map of the City of Liberal, Seward County, Kansas. Map Number: 200330 0341 D, Effective Date: 9/25/2009.
- 6) All dimensions are calculated measurements unless otherwise noted.

SURVEYOR'S CERTIFICATE

STATE OF KANSAS)
COUNTY OF SEWARD) SS.
I, the undersigned, do hereby certify that I am a registered land surveyor in the State of Kansas, with experience and proficiency in land surveying; that the heretofore described property was surveyed and subdivided by me, or under my supervision; that all Subdivision Regulations of the City of Garden City, Kansas have been complied with the preparation of this plat; and that all of the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief.
Date of Fieldwork: xxxxxxxxxxxxxxxx
Given under my hand and seal at Garden City, Kansas this _____ day of _____, 2014.

- Found Monument
Set 1/2"X24" Rebar w/ "EEI-1354" cap
Bar w/ Yellow Cap Origin: Aeropoint
Bar w/ Orange Cap Origin: T.Campbell
M Measured Distance
CM Calculated Distance
D Described Distance
P Platted Distance

Thad C. Reynolds L.S. #1354

HOLCOMB/ GARDEN CITY/ FINNEY COUNTY AREA PLANNING COMMISSION

STATE OF KANSAS)
COUNTY OF FINNEY) SS.
This plat has been reviewed and is hereby approved this _____ day of _____, 2014, for compliance with K.S.A. 58-2005.

COUNTY SURVEYOR'S CERTIFICATE

STATE OF KANSAS)
COUNTY OF FINNEY) SS.
This plat has been examined this _____ day of _____, 2014, for compliance with K.S.A. 58-2005.

Kaleb Kenter, Planning Director Bill King, Chairman

CITY OF GARDEN CITY

STATE OF KANSAS)
COUNTY OF FINNEY) SS.
This plat and dedications approved by the City of Garden City Commission this _____ day of _____, 2014.

OWNER'S CONSENT AND DEDICATION

STATE OF KANSAS)
COUNTY OF FINNEY) SS.
KNOW ALL MEN BY THESE PRESENTS that we, the undersigned, being the sole proprietors and owners of the land included within the plat shown hereon, are the only persons whose consent are necessary to pass clear title to said land and we hereby consent to the making and recording of said plat and we hereby dedicate to the public for use as such, a public roadway and easements on said plat and included in the above described premises:
IN WITNESS WHEREOF this consent and dedication are executed this _____ day of _____, 2014.

Mayor Attest: City Clerk

REGISTER OF DEEDS CERTIFICATE

NOTARY CERTIFICATE

STATE OF KANSAS)
COUNTY OF FINNEY) SS.
These consents and dedications were acknowledged before me, the undersigned this _____ day of _____, 2014.
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public



VICINITY MAP
Not to Scale

EARLES ENGINEERING & INSPECTION, INC.	
Engineers - Surveyors - Construction Inspectors	
115 W. Iron Salina, Kansas 67401 (785)309-1060	211 North Kansas Liberal, Kansas 67901 (620)626-8912 Email: earlesinc@earleseng.com
FIELDWORK: DRAWN BY: CHECKED BY: DATE: PROJECT NO: SHEET OF	<p>Final Plat Of Taylor/ Emerson to the City of Garden City, Finney County, Kansas</p> <p style="font-size: small;">Garden City, Kansas</p>
GDG/ TCR GDG TCR 10/24/14 14-711 1 1	



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Memo

To: City Commission
From: Kaleb Kentner
CC: File
Date: December 18, 2014
Re: **GC2014-71** -- An Amendment to Article 23 Signs and Outdoor Advertising

ISSUE: An Amendment to Article 23, Signs and Outdoor Advertising, amending Section 23.090 (G) (5) regarding the maximum height of an off-site directional sign.

BACKGROUND: At the request of P-Jay Patel, staff has been asked to review Section 23.090 (G) (5), the maximum height of an off-site directional sign. Currently, the maximum height allowed is three (3) feet. The applicant is requesting to raise this height so that the sign is visible to customers.

In July 2012, the applicant requested a waiver to place an off-site directional sign on the property located at 2414 E. Kansas for the proposed Best Western Plus Emerald Inn and Suites hotel. At the time of the waiver request, the regulations did not allow for off-site directional signs. The waiver was granted and the regulations were amended to allow for the sign the applicant was proposing. Now that the hotel is built and in operation, the applicant has been receiving complaints from his customers that they are unable to locate the hotel and that they don't notice the directional sign because it is too small. For this reason, the applicant is requesting the sign height of off-site directional signs be raised to seven (7) feet.

If the height of off-site directional signs were to be raised, this would in turn raise the total square footage allowed as well. The current square footage allowed is six (6) square feet. (This does not include the base.) The square footage of the applicant's current sign is approximately six (6) square feet. However, if the maximum height was increased to seven (7) feet, the applicant would need the allowed square footage of the sign to be approximately twenty four (24) square feet to accommodate his new proposed sign. Therefore, the proposed amendment includes increasing the total square footage to twenty four (24) square feet. Included below are before and after images of the existing sign and what the new proposed sign would look like if the amendment was granted.

If this amendment were to be approved, the applicant would be able to raise the exiting sign in accordance with the sign regulations. The street that this sign is located next to is currently not a public street and therefore Section 23.090 (D) (2), would apply. This section states that if a sign is within three (3) feet of a driveway the maximum height can only be four (4) feet. However, if this street were to be made a public street, the sign would be in violation because it is in the Vision Clearance Area, and signs in the Vision Clearance Area can only be up to one (1) foot in height (Section 2.030 (116)).

In consideration of this amendment, staff would like to refer the Commissioners to the purposes of the Garden City Zoning Regulations. One of the purposes is to enhance the economic and cultural wellbeing of the inhabitants of Garden City (Section 1.020 (G)). Recommending this amendment would support this purpose; however, this amendment may not encourage orderly growth (Section 1.020 (A)) and it may be determined that it does not promote the development of a more attractive City. It may also be determined that this



amendment may clutter the appearance and skyline of the City by allowing an off-site sign of an unreasonable size (Section 23.010).

The specific changes to Section 23 are listed below. The proposed amended changes are highlighted in yellow.

The current Section 23.090 (G) (5) reads:

- (G) OFF-SITE DIRECTIONAL SIGN: An off-site directional sign may be permitted for a lot or parcel not having direct access to a principal arterial right-of-way and is located within five hundred fifty (550) feet from said principal arterial right-of-way being advertised upon, as long as it meets the following criteria:
 - (1) Only one (1) off-site directional sign shall be allowed per business which does not have direct access to a principal arterial right-of-way.
 - (2) Only one (1) off-site directional sign shall be allowed per property, on lots or parcels allowing off-site directional signs for another property. This type of sign shall not be allowed on frontages along Main Street and Highway 50/83/400 bypass. Written permission signed by the owner of the lot or parcel where the off-site directional sign shall be located shall be submitted with the sign permit application.
 - (3) The off-site directional sign shall be located within five-hundred-fifty (550) feet of the lot or parcel for which it advertises.
 - (4) The maximum size of the off-site directional sign shall be six (6) square feet in area.
 - (5) The maximum height of the off-site directional signs shall be three (3) feet, as measured from the immediate adjacent grade to the highest point of the sign.
 - (6) Off-site directional signs may be internally illuminated, as outlined in these zoning regulations.

The amended Section 23.090 (G) (5) would read:

- (G) OFF-SITE DIRECTIONAL SIGN: An off-site directional sign may be permitted for a lot or parcel not having direct access to a principal arterial right-of-way and is located within five hundred fifty (550) feet from said principal arterial right-of-way being advertised upon, as long as it meets the following criteria:
 - (1) Only one (1) off-site directional sign shall be allowed per business which does not have direct access to a principal arterial right-of-way.
 - (2) Only one (1) off-site directional sign shall be allowed per property, on lots or parcels allowing off-site directional signs for another property. This type of sign shall not be allowed on frontages along Main Street and Highway 50/83/400 bypass. Written permission signed by the owner of the lot or parcel where the off-site directional sign shall be located shall be submitted with the sign permit application.
 - (3) The off-site directional sign shall be located within five-hundred-fifty (550) feet of the lot or parcel for which it advertises.
 - (4) **The maximum size of the off-site directional sign shall be twenty four (24) square feet in area.**
 - (5) **The maximum height of the off-site directional signs shall be seven (7) feet, as measured from the immediate adjacent grade to the highest point of the sign.**
 - (6) Off-site directional signs may be internally illuminated, as outlined in these zoning regulations.

ALTERNATIVES: The City Commission may

1. Approve the amendment as presented.
2. Approve the amendment with changes.
3. Not approve the amendment.

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RECOMMENDATION: Staff is unable to recommend approval. Staff recommends that the Commission take into consideration both the positive and negative potential impacts of this amendment.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission recommend approval of changes on December 18, 2014.

Present- 5*

Yea- 5

Nay- 0

**Member Lopez recused himself from the discussion and vote.*

***Attached you will find an excerpt from the Planning Commission minutes regarding this case.*

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GC2014-71 PICTURES

Before and After Pictures – Before height is at 3 feet, After height is at 7 feet



BEFORE AT 3 FEET



AFTER AT 7 FEET



BEFORE AT 3 FEET



AFTER AT 7 FEET



These minutes are draft only. They have not been approved by the Planning Commission.
12/18/2014

GC2014-71: Amendment regarding off-site sign height

Secretary Kentner reads staff report.

PJ Patel- Our main thing is that we've been getting complaints from customers who can't find the hotel or they will use the Taco Bell entrance to get to the hotel. We are hidden at the back and I'm asking for something eye level so people can see the sign so they know where to turn. My sales manager has been here over two months and didn't even know we had a sign out there.

OPEN PUBLIC COMMENT

Dave Jones- As a citizen, I agree with him. It's too small and you can't see it. However, a seven foot sign may pose some hindrance in view. What would happen if the sign were on a post that you could see under? If it were up in the air, you could see traffic under it.

CLOSE PUBLIC COMMENT

Secretary Kentner- You can see where the stop sign exists. There would be one car length in front of the sign at the stop sign. This road is a private drive and is not a public road.

Member Weber- If that road was made public, would the Holiday Inn still be in compliance?

Secretary Kentner- Currently, that sign is a legal nonconforming sign. If it were ever damaged over 50%, they would have to remove it.

Member Weber- It's allowed to stay there because it was there before.

Secretary Kentner- Correct. Initially, the Holiday Inn sign was supposed to be the sign for the whole development. However, the developer sold the sign rights to Holiday Inn. That would have been a lot better than having multiple signs out by the intersection. There is a sign easement out by Kansas Ave and that's where Mr. Patel has placed the sign with the banks permission. Sometimes the developers will change their mind after developing the properties and then we have issues. I believe where this is sitting, the engineer felt it was far enough back that it wouldn't be in the vision triangle. However, I don't disagree with Mr. Jones' comment about putting it in the air; it would allow you to see under it. The problem is that you would have to increase the height even more than just the seven feet.

Member Laubach- Would that be a viable solution to have a pole sign?

PJ Patel- Yes sir. My goal is just to have visibility so people know where my business is.

Secretary Kentner- The only thing I would say is that his sign appears to line up with the banks sign. From the bypass, his sign would be more visible but from the west, his sign would be hidden by the banks sign.

Member Laubach- If we amended it as submitted, how would this impact other things in the future? Could we not do a conditional use and not have to change the regulations?

Secretary Kentner- Because of the State laws on signs, it makes it hard to issue CUP's. There have been a lot of legal cases on signs. One thing to remember is that not everyone can have these off-site directional signs. They are only for businesses that don't have direct access to a principal arterial and are located 500 feet from a principal arterial. It does meet those criteria. There aren't many places that we allow plats like this to happen any more so it wouldn't have as big of an impact as you might think.

Member Howard- You said the Holiday Inn sign is supposed to have all the businesses on it?

Secretary Kentner- When the development came to the Planning Commission, that was the original plan.

Member Laubach- It wasn't specified to the developer?

Secretary Kentner- It was. He submitted it that way.

Member Laubach- How did he have the right to sell the sign?

Secretary Kentner- The developer owned the easement. I think the lots weren't selling and the Holiday Inn wanted the sign to themselves so he made a little extra money and sold them the rights. It was turned over to legal counsel but the attorneys didn't see anything.

Member Gigot- Can we stop this in the future?

Secretary Kentner- Yes. When these things come up, you will know about them. A close example would be Schulman Crossing; they put up a large sign that is meant to have all the businesses on it.

Member Weber- So the sign at Schulman Crossing conforms to the rules?

Secretary Kentner- Yes.

Member Weber- So would it be an option to let him use the existing size and put it on a pole?

Secretary Kentner- This regulation is fairly restrictive.

Member Weber- But it's still a private drive. What if it becomes a public street?

Secretary Kentner- We don't foresee it becoming a public street; they would have to completely tear it out and redo it because it wasn't done properly.

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Member Laubach- If we approve it as submitted and the Commission doesn't approve it, is it still an option to put the sign on a pole?

Secretary Kentner- He could come back and ask for another amendment. Staff does feel that this is the best viable option.

Member Weber- He could do a pole sign now but it couldn't exceed four feet.

Secretary Kentner- Correct.

MEMBER WEBER MAKES MOTION TO APPROVE AS SUBMITTED.

MEMBER LAUBACH SECONDS MOTION.

Votes were taken by yeas and nays and recorded as follows:

Weber	Lucas	Gigot	Howard	Law	Lopez	Laubach	Rishel	Hanneman
Yea	Not Present	Yea	Yea	Yea	Recused	Yea	Not Present	Not Present

Motion passed.

ORDINANCE NO. _____-2015

AN ORDINANCE AMENDING THE SIGN REGULATIONS, FOR THE CITY OF GARDEN CITY, KANSAS; AMENDING THE ZONING REGULATIONS FOR THE CITY OF GARDEN CITY, KANSAS; AMENDING ZONING REGULATION SECTION 23.090; REPEALING IN ITS ENTIRETY CURRENT ZONING REGULATION SECTION 23.090; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS:

SECTION 1. Section 23.090 of the Zoning Regulations for the City of Garden City, Kansas, is hereby amended to read as follows:

23.090 SIGNS PERMITTED IN COMMERCIAL DISTRICTS - "C-O", C-1", AND "C-2" AND INDUSTRIAL DISTRICTS "I-1", "I-2", and "I-3". Signs in the "C-O", "C-1", "C-2", "I-1", "I-2" and "I-3" District are subject to sign construction regulations set forth in the Building Code, other City ordinances and this article. All sign types may be considered permitted signs, except where listed under the SIGNS PROHIBITED in this section, or where prohibited by these regulations.

(A) NUMBER OF SIGNS ALLOWED:

- (1) Where a property abuts more than one street, each side of the lot may be considered a separate frontage and signs may be located on each additional frontage of the lot, except for additional free standing EMB, pole or pylon signs.
- (2) Only one (1) pole sign may be permitted per property.
- (3) Only one (1) temporary sign shall be allowed per property, as outlined in these zoning regulations.

(B) SIZE:

- (1) Each side of a lot which abuts upon a street shall be considered as a separate frontage, the gross surface area of all signs in square feet on a lot shall not exceed three (3) times the total lineal feet of frontage of the lot.
- (2) For Wall Signs: The total permitted area of all wall signs shall be calculated based on ten (10%) percent of the area of the building façade on which the signs are proposed to be affixed.
- (3) For Window Signs: The gross surface area shall not exceed twenty-five percent (25%) of the window area on which it is located or attached.
- (4) On corner lots the number of wall signs on the building shall be in character with the size and scale of the building.

(C) HEIGHT:

- (1) No sign shall have a height greater than twenty (20) feet above the immediate adjacent grade, except those signs within the "Sign Overlay Zone".

(D) LOCATION: For general location standards refer to section 23.040 LOCATION STANDARDS.

- (1) Signs shall not be placed in the right-of-way.
- (2) Any sign located within three (3) feet of a driveway, or within fifty (50) feet of the

intersection of two (2) or more streets shall have its lowest elevation at least ten (10) feet above curb level, or a maximum height of four (4) feet above the curb and no part of its means of support shall have a single or joined horizontal dimension exceeding twelve (12) inches as to maintain clearance within the sight distance triangles.

(3) No pole sign may be located closer than fifty (50) feet from another pole sign.

(E) SIGN DESIGN:

- (1) All signs shall be permanently affixed to the ground, buildings, or other permanent structures.
- (2) Individual elements with no background shall be measured by the minimum rectangular area necessary to encompass such elements and by a combination of rectangles as are necessary to encompass irregular shapes and dimensions.
- (3) Sign copy shall be limited to the primary name of the business, trademark, logo, slogan, and street address number.
- (4) Where multiple-tenants exist, sign copy shall be limited to one (1) primary name of the business complex or shopping center and may list individual uses and tenants provided such lettering for the listing is a maximum of one (1) foot in height, limited to the name of the businesses, trademarks, logos, and slogans.
- (5) Changeable sign copies shall be limited to advertising events, items, pricing, announcements, specials and slogans directly related to the business.

(F) OFF-SITE ADVERTISEMENT: A lot or parcel of land may have one (1) off-site advertising sign as long as it meets the following:

- (1) The lot shall not contain any existing structures.
- (2) The lot shall have a minimum of two hundred (200) lineal feet of street frontage on the side that the off-site advertising sign is located.
- (3) Off-site advertising signs shall be located no closer than thirty (30) feet from any side yard or front yard.
- (4) Off-site advertising signs shall not be permitted if the lot or parcel of land has an existing pole sign, free-standing sign or an on-site advertising sign.
- (5) No more than one (1) off-site advertising sign shall be permitted on any specific lot or parcel of land.
- (6) Off-site advertising signs shall be removed upon development of the lot or parcel.
- (7) Off-site advertising signs shall not exceed four-hundred fifty (450) square feet in size.
- (8) Off-site advertising signs above sixty-four (64) square feet up to four-hundred fifty (450) square feet shall not be permitted within the city limits of Garden City.
- (9) Off-site advertising signs shall be placed no closer than one thousand three-hundred twenty (1320) feet (1/4 mile) from another pole or pylon sign.
- (10) Off-site advertising signs shall not be closer than one hundred (100) feet from any building.
- (11) Off-site advertising signs shall be located no closer than five hundred (500) feet to land that is zoned residential.

- (12) Off-site advertising signs shall be located no closer than five hundred (500) feet to any intersection. The distance is measured from the beginning or ending of the pavement widening at the exit, or if there is no pavement widening, then from the midpoint of the intersection.
- (13) All other regulations of the Kansas State Highway Beautification Act not met or exceeded by this regulation shall be enforced as stated in K.S.A. 68-2234 et seq.

(G) OFF-SITE DIRECTIONAL SIGN: An off-site directional sign may be permitted for a lot or parcel not having direct access to a principal arterial right-of-way and is located within five hundred fifty (550) feet from said principal arterial right-of-way being advertised upon, as long as it meets the following criteria:

- (1) Only one (1) off-site directional sign shall be allowed per business which does not have direct access to a principal arterial right-of-way.
- (2) Only one (1) off-site directional sign shall be allowed per property, on lots or parcels allowing off-site directional signs for another property. This type of sign shall not be allowed on frontages along Main Street and Highway 50/83/400 bypass. Written permission signed by the owner of the lot or parcel where the off-site directional sign shall be located shall be submitted with the sign permit application.
- (3) The off-site directional sign shall be located within five-hundred-fifty (550) feet of the lot or parcel for which it advertises.
- (4) The maximum size of the off-site directional sign shall be **twenty four (24)** square feet in area.
- (5) The maximum height of the off-site directional signs shall be **seven (7)** feet, as measured from the immediate adjacent grade to the highest point of the sign.
- (6) Off-site directional signs may be internally illuminated, as outlined in these zoning regulations.

(H) ELECTRONIC MESSAGE BOARDS (EMB): In "C-O", "C-1", "C-2", "I-1", "I-2" and "I-3" District EMBs are subject to the following restrictions:

- (1) Limit of one (1) free standing sign per property, and one (1) wall sign per unit frontage.
- (2) Display areas:
 - (a.) On-site: Shall not exceed eighty (80) square feet.
 - (b.) Off-Site: Shall not exceed four-hundred fifty (450) square feet.
- (3) EMB may be mounted only on monument, wall, pylon, or pole signs.
- (4) All plans for proposed EMB monument, pylon, and pole signs must include a landscaping plan. Minimum landscaping requirements for all EMB pole and monument signs must have at least an eighty (80) foot area encompassing the base of the sign reserved for a landscaping bed, to include native species of trees, shrubs, and grasses.
- (5) A limit of one (1) stagnant, non-animated message change every fifteen (15) seconds.

(I) FENCE SIGNS - Signs may be placed upon fences when they have been approved on temporary basis with a sign permit or when they have been approved as permanent signs by a Conditional Use Permit.

(J) SIGNS PROHIBITED: Signs prohibited in "C-O", "C-1", "C-2", "I-1", "I-2" and "I-3" District, include but are not limited to:

(1) Vehicle Signs.

(2) See also Article 23.110 SIGNS PROHIBITED.

SECTION 2. The Zoning Regulations for the City of Garden City, Kansas, Section 23.090 as previously existing, is hereby repealed, to be replaced as specified in this ordinance. All Zoning Regulation sections not specifically amended or deleted herein shall remain in full force and effect.

SECTION 3. This ordinance shall be in full force and effect from and after its publication in the Garden City Telegram, the official city newspaper.

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, this 6th day of January, 2015.

ROY CESSNA, Mayor

ATTEST:

CELYN N. HURTADO, City Clerk

APPROVED AS TO FORM:

RANDALL D. GRISELL

City Counselor

STAFF REPORT

**GC2014-73: Rezoning from "I-1" Light Industrial District to "C-3" Central Business District,
214 & 216 South Main Street, Garden City, KS**

GENERAL INFORMATION

Date:	November 17, 2014	Jurisdiction:	Garden City
Owner:	Nicolas Juache		
Applicant:	City of Garden City		
Requested Action:	Rezoning from "I-1" Light Industrial District to "C-3" Central Business District		
Purpose:	Rezone property to open an ice cream shop without providing parking		
Location address:	214 & 216 South Main Street, Garden City		
Comprehensive Plan:	Proposed land use is consistent with the Comprehensive Plan		
Sites Existing Zoning:	"I-1" Light Industrial		
Surrounding Zoning:	North "I-1" Light Industrial District South "P-F" Public Facilities District East "I-1" Light Industrial District West "I-1" Light Industrial District		
Land Area:	Contains .24 acres +/-		
Notice Date:	This project was published and noticed by mail as required by code.		

COMMENTS & REQUIRED IMPROVEMENTS

1. The applicant would like to rezone this property to operate an ice cream shop, an allowed use in the "I-1" Light Industrial District; however, due to the building coverage on the lot the parking requirement could not be met.
2. The current buildings are non-conforming with the "I-1" Light Industrial front and side yard setback requirements (Article 17.050).
3. The building form and proposed use are consistent with the Central Business District Zoning Regulations.
4. There is no conflict with the Comprehensive Plan for the City, as it shows this property as part of the Central Business District with the new Downtown Area Boundary Map per Ordinance No. 2673-2014 as adopted October 7, 2014.

RECOMMENDATION

Staff Recommends approval.

PLANNING COMMISSION RECOMMENDATION: Approved

Members Present- 6

Yea vote- 6

Nay vote- 0

*Attached you will find an excerpt from the Planning Commission minutes regarding this case.



Case Number: GC2014-73
 Applicant: City of Garden City
 Address: 214 & 216 South Main Street
 Request: Rezone from "I-1" to "C-3"





View of the front of the properties looking east.



View of the properties to the north.



View of the properties to the south.



View of the streetscape in front of the property.



View of the properties to the west.



Rear view of 214 South Main



Rear view of 216 South Main.

These minutes are draft only. They have not been approved by the Planning Commission.

12/18/2014

GC2014-73: Rezone 214 & 216 S. Main

Staff Fisher reads staff report.

Member Laubach- So if it stayed industrial, they would have to have extra parking?

Secretary Kentner- Yes.

Member Laubach- Under this plan, it would just be street parking.

Secretary Kentner- Exactly. Anything in the downtown vicinity area does not require parking.

Member Lopez- Getting ice cream is a little different than sitting down for an entire meal at a restaurant. They won't be there for as long.

Secretary Kentner- Those buildings were originally built as downtown buildings.

Member Laubach- So it would be the same parking as you have downtown.

Member Lopez- Except here I think it is parallel parking.

Member Weber- Now, you can't have a tattoo parlor in "C-3", right?

Secretary Kentner- No.

Member Howard- Is this going to be anything like the mess we have on Mary Street where we have commercial right next to industrial?

Secretary Kentner- It would be similar. The tire shop will stay industrial because that's how it's being used. The building next door is being used as storage for the tire shop. The building on the end was recently rezoned for a commercial use on the bottom and residential use on the top floor.

Member Lopez- I think I'd be more concerned if we were sticking industrial in the middle of commercial. Where this is owned by the same person, the only issue I see is the parking.

Member Howard- What kind of trouble is the City going to be in if we allow this but then tell the properties on Mary that they can't be mixed?

Secretary Kentner- Right now, all of these properties in the downtown vicinity are grandfathered. As long as the use doesn't lapse for longer than a year, they can continue to operate.

Member Howard- I'm not against it, it just feels odd to say yes in one place and no in another.

Member Lopez- The good thing is that the same person owns pretty much the whole block. If he's not concerned about it then I don't think there is an issue.

OPEN PUBLIC COMMENT.

CLOSE PUBLIC COMMENT.

Member Howard- The person who owns the whole block is the same person trying to put in the ice cream store, right?

Secretary Kentner- Yes.

Member Laubach- I've been in these buildings and any improvement is a plus. They are pretty rough. I don't have any problem with it.

Member Lopez- It's an entryway to the City and I think Downtown Vision would approve.

Member Law- The proposed ice cream parlor is the yellow building, right?

Secretary Kentner- Yes. They actually started remodeling but the use can't go in until the zoning is changed because they don't meet the parking requirements.

Member Weber- How did they get a permit if it's not allowed?

Secretary Kentner- An ice cream shop is a permitted use in industrial districts. They just can't get occupancy because of the parking.

Member Weber- Wouldn't it be based on how many tables they have?

Secretary Kentner- Yes, in industrial, it would be based on the number of tables.

Member Weber- So if they only had two tables, they might be okay?

Staff Fisher- There just isn't any room on the property for parking.

Member Weber- So their options are rezone or not have any tables at all?

Secretary Kentner- The rezoning also opens up the building next door to be remodeled.

Member Howard- Did you say that and ice cream shop is an allowed use in industrial?

Secretary Kentner- Yes, restaurants are allowed in light industrial districts.

Member Lopez- Retail stores are not allowed though.

Secretary Kentner- You as the Planning Commission make recommendations on all those uses so we can go back and look at all of them if you'd like?

Member Lopez- Not now.

MEMBER LAUBACH MAKES MOTION TO REZONE.

MEMBER LAW SECONDS MOTION.

Votes were taken by yeas and nays and recorded as follows:

Weber	Lucas	Gigot	Howard	Law	Lopez	Laubach	Rishel	Hanneman
Yea	Not Present	Yea	Yea	Yea	Yea	Yea	Not Present	Not Present

Motion passed.

(Published in the Garden City Telegram on the _____ day of January, 2015)

ORDINANCE NO. _____-2015

AN ORDINANCE APPROVING THE REZONING OF LAND FROM "I-1" LIGHT INDUSTRIAL DISTRICT TO "C-3" CENTRAL BUSINESS 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.

BE IT ORDAINED by the Governing Body of the City of Garden City, Kansas:

SECTION 1. The below described real property is hereby rezoned from I-1 Light Industrial District to C-3 Central Commercial District and the boundary of the C-3 General Commercial District is amended to include the below described real property:

Lots Four (4), Five (5) and Six (6), Block Sixty-five (65), Original Plat, Garden City, Finney County, Kansas.

SECTION 2. The District Zoning Map referred to in the Zoning Regulations Article 3, Section 3, of the Garden City, Kansas, adopted by Ordinance No. 2528-2011, as previously existing and amended, be and the same is hereby amended, to be consistent with the amendments set forth herein.

SECTION 3. The current Zoning Ordinance and District Zoning Map of the City of Garden City, Kansas, as previously existing and amended, be and the same hereby are repealed, to be replaced as specified in this ordinance.

SECTION 4. That this ordinance shall be in full force and effect from and after its publication in the Garden City Telegram, the official city newspaper.

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, this 6th day of January, 2015.

ROY CESSNA, Mayor

ATTEST:

Celyn N. Hurtado, City Clerk

APPROVED AS TO FORM:

RANDALL D. GRISELL, City Counselor

STAFF REPORT

GC2014-74/75: Comprehensive Plan Amendment and Rezoning from "A" Agricultural District (Finney County) to "I-3" Heavy Industrial District, 310 S. US HWY 83, Garden City, KS

GENERAL INFORMATION

Date:	November 21, 2014	Jurisdiction:	Garden City
Owner:	City of Garden City		
Applicant:	City of Garden City		
Requested Action:	Rezoning from "A" Agricultural District (Finney County) to "I-3" Heavy Industrial District		
Purpose:	Rezone to market property for industrial use		
Location address:	310 S. US HWY 83, Garden City		
Comprehensive Plan:	Proposed land use is not consistent with the Comprehensive Plan		
Sites Existing Zoning:	"A" Agricultural (Finney County)		
Surrounding Zoning:	North "I-3" Heavy Industrial District South "A" Agricultural District East "P-F" Public Facilities District and "A" Agricultural District West "A" Agricultural District		
Land Area:	Contains 192.52 acres +/-		
Notice Date:	This project was published and noticed by mail as required by code.		

COMMENTS & REQUIRED IMPROVEMENTS

1. The applicant would like to rezone this property to make the property marketable for industrial uses.
2. The parcel was annexed into the city November 4, 2014 (Ordinance 2674-2014).
3. Currently the property is zoned "A" Agricultural District under the Finney County Zoning Regulations. Under the Garden City Zoning Regulations this is a non-conforming zoning district and needs to be re-zoned to an established zoning district under the Garden City Zoning Regulations.
4. The Comprehensive Plan for the City indicates this area as Light/Medium Industrial potential. The Comprehensive Plan for the city must also be amended to allow for the desired "I-3" land use. The applicant is also requesting that amendment. (Case GC2014-75)
5. It should be noted that a substantial portion of the parcel lies within the flood zone and any future development will need to adhere to the regulations of developing within a flood zone.

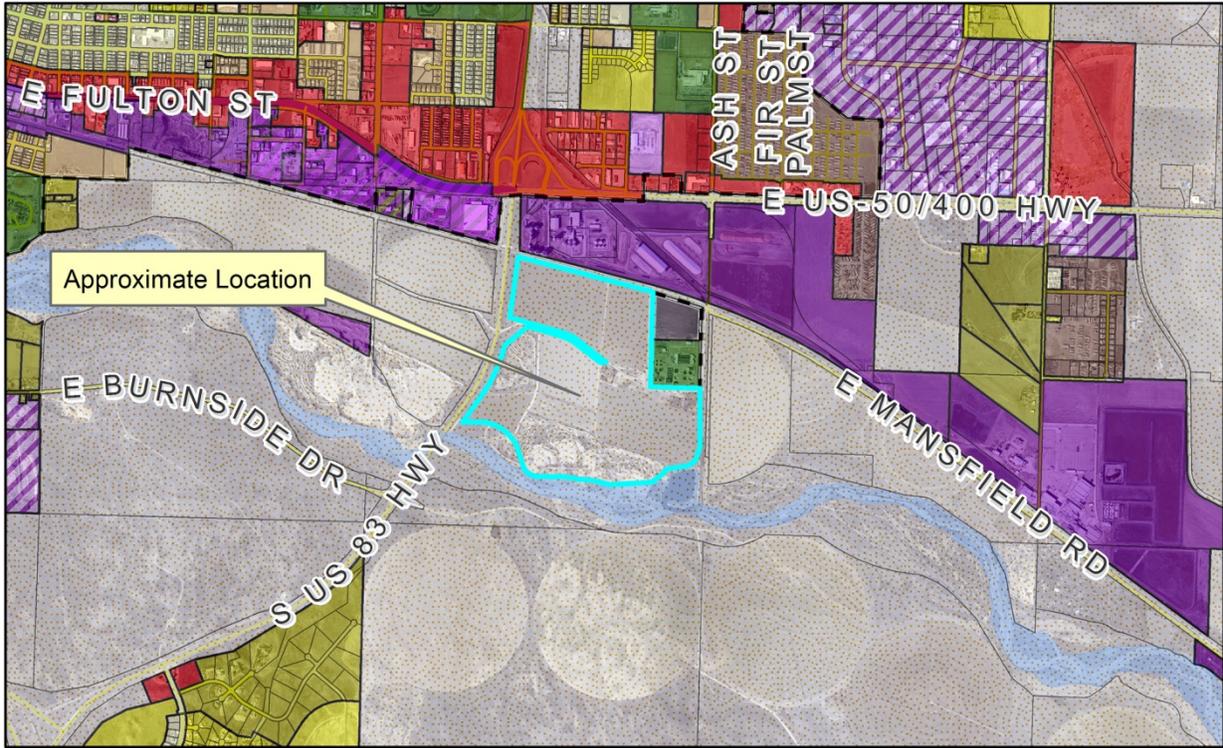
RECOMMENDATION

Staff is unable to recommend approval of the rezoning unless the comprehensive plan is amended.

PLANNING COMMISSION RECOMMENDATION:

Comp Plan Amendment	Rezoning
Approved	Approved
Members Present: 6	Members Present:6
Yea:6	Yea:6
Nay:0	Nay: 0

**Attached you will find an excerpt from the Planning Commission minutes regarding this case.*



Case Number: GC2014-73
Applicant: City of Garden City
Address: 214 & 216 South Main Street
Request: Rezone from "I-1" to "C-3"





Figure 1: Looking east at the property from US Hwy. 83.



Figure 5: The property to the east.



Figure 2: The northern half of the property from US Hwy. 83.



Figure 6: The property to the north.



Figure 3: The southern half of the property from US Hwy. 83.



Figure 7: Looking west from the eastern edge of the property, just south of the waste water treatment facility.



Figure 4: The property directly to the west across US Hwy. 83.



Figure 8: Looking northeast from the middle of the property.

These minutes are draft only. They have not been approved by the Planning Commission.

12/18/2014

GC2014-74/75: Rezone 310 S. US Hwy 83 and amend comp plan

Staff Fisher reads staff report.

OPEN PUBLIC COMMENT

Jeff Mai- Where is the access going to be for the property?

Secretary Kentner- Right now they are working with the State for access off the highway.

Jeff Mai- So there will be a turning lane?

Secretary Kentner- The extent of the improvements will be based on the use of the property. Mansfield Rd. may be connected as well but it's undetermined at this point.

CLOSE PUBLIC COMMENT

Member Laubach- Why did the original comp plan have this as light to medium?

Secretary Kentner- I don't know. The comp plan does show south of the river as residential so they may have been using the river as separation between industrial and residential. However, due to the fact that most of this property is in the flood zone, the uses would be limited in the area in the flood zone. It's heavy industrial to the north so I don't see a huge issue with this being heavy industrial.

Member Law- The north part is not in the flood zone?

Secretary Kentner- No. It ends at the road.

Staff Fisher- Having been on that property, you can tell there is a noticeable elevation change.

Member Gigot- So that would all be "I-3". Would that allow for more windmills to go in there?

Secretary Kentner- It would allow for industrial facilities. We don't have many industrial locations that have access to sewer, water and other utilities as well as the railroad. This is one of those locations.

Member Lopez- So you are just wanting to get this changed for the future?

Secretary Kentner- Yes, so we have the property to market. This is an ideal location for heavy industrial uses. The comp plan already has it as light to medium industrial and with the river as a buffer, staff doesn't feel like it would be that big of a change to go to heavy industrial.

Member Laubach- So if we rezone this, then it would still come back to us for the site plan?

Secretary Kentner- It would go through staff. If there were any variances or waivers filed it would go to the BZA.

Member Laubach- I guess my question is would the public be notified when someone purchases the property?

Secretary Kentner- No. As long as it's an approved use, there wouldn't be any issues.

MEMBER LAUBACH MAKES MOTION TO AMEND COMP PLAN.

MEMBER LAW SECONDS MOTION.

Votes were taken by yeas and nays and recorded as follows:

Weber	Lucas	Gigot	Howard	Law	Lopez	Laubach	Rishel	Hanneman
Yea	Not Present	Yea	Yea	Yea	Yea	Yea	Not Present	Not Present

Motion passed.

MEMBER LAUBACH MAKES MOTION TO REZONE.

MEMBER LAW SECONDS MOTION.

Votes were taken by yeas and nays and recorded as follows:

Weber	Lucas	Gigot	Howard	Law	Lopez	Laubach	Rishel	Hanneman
Yea	Not Present	Yea	Yea	Yea	Yea	Yea	Not Present	Not Present

Motion passed.

(Published in the Garden City Telegram on the _____ day of January, 2015)

ORDINANCE NO. _____ -2015

AN ORDINANCE APPROVING THE REZONING OF LAND FROM "A" AGRICULTURAL DISTRICT TO "I-3" HEAVY 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 BUT ONLY TO THE EXTENT AS AMENDED IN THIS ORDINANCE; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Garden City, Kansas:

SECTION 1. The below described real property is hereby rezoned from "A" Agricultural District to "I-3" Heavy Industrial District and the boundary of the "I-3" Heavy Industrial District is amended to include the below described real property:

A parcel of land located in Section 21, Township 24 South, Range 32 West of the 6th P.M., Finney County, Kansas, lying East of US-83 Highway, North of the North bank of the Arkansas River and South of the BNSF Ry right-of-way, and more particularly as follows:

Commencing at the Northeast corner of said Section 21,

Thence South 2,254.90 feet;

Thence West 104.00 feet,

Thence South parallel to the East Lone of said Section 21, 750.00 feet to the point of Beginning;

Thence West 780.00 feet; thence North on an interior angle of 90°00'00" and parallel to the Est lone of said Section 21 a distance of 1,496.16 feet, to the southerly right-of-way line of the BNSF Railroad;

Thence in a Westerly direction along said Southerly right-of-way, to the Easterly right-of-way line of US-83 highway;

Thence in a Southerly direction along said Easterly right-of-way line to the North bank of the Arkansas River;

Thence Easterly, meandering along the North bank of the Arkansas River to a line 104.00 feet west of, as measured perpendicular to and parallel with, the East line of Said Section 21;

Thence North along said parallel line to the Point of Beginning.

Said tract contains 195 acres, more or less.

SECTION 2. The District Zoning Map referred to in the Zoning Regulations Article 3, Section 3, of the Garden City, Kansas, adopted by Ordinance No. 2528-2011, as previously existing and amended, be and the same is hereby amended, to be consistent with the amendments set forth herein.

SECTION 3. The current Zoning Ordinance and District Zoning Map of the City of Garden City, Kansas, as previously existing and amended, be and the same hereby are repealed, to be replaced as specified in this ordinance.

SECTION 4. That this ordinance shall be in full force and effect from and after its publication in the Garden City Telegram, the official city newspaper.

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, this 6th day of January, 2015.

ROY CESSNA, Mayor

ATTEST:

Celyn N. Hurtado, City Clerk

APPROVED AS TO FORM:

RANDALL D. GRISELL, City Counselor



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Memo

To: City Commission
From: Kaleb Kentner
CC: File
Date: December 18, 2014, 2014
Re: GC2014-56, Amend Section 22.100 (B), Temporary and Accessory Uses for the City of Garden City

ISSUE: To amend Section 22.100 (B), Temporary and Accessory Uses, to permit structures that have been a wheeled vehicle or a metal container of any kind for the City of Garden City on a temporary basis only.

BACKGROUND: Staff has received a request from the Garden City Board of Zoning Appeals to amend the Temporary and Accessory Uses section (22.100 (B)) in the Garden City Zoning Regulations. In particular, the board members would like to permit accessory structures that have been a wheeled vehicle, or a portion of a wheeled vehicle, or a metal container of any kind in the commercial and industrial districts on a temporary basis only. Currently, the regulations allow these types of accessory structures on a permanent basis in the commercial and industrial districts with the issuance of a Conditional Use Permit.

UPDATE: This case was originally tabled at the October 16, 2014 Planning Commission meeting. At the November meeting, staff presented options for an amendment to this Section. At that time, the Planning Commission discussed the options and directed staff to draft the amendment according to their recommendations, and to present this recommendation at the following Planning Commission meeting. A summary of the proposed changes to Section 22.100 are listed below:

1. To simplify, the term "portable storage unit" is defined in Section 2.030 and used in Section 22.100.
2. To clarify, the wording in Section 22.100 has been modified to specifically require a building permit when using a portable storage unit on a temporary or permanent basis.
3. For temporary usage of a portable storage unit, there will be an expiration date placed on the building permit. These dates will be:
 - a. Residential: 30, 60, or 90 days
 - b. Commercial or Industrial: 30, 60, 90, or 120 days
4. For permanent usage of a portable storage unit, allowed in Commercial or Industrial districts, a Conditional Use Permit is required. And in addition, there are minimum requirements listed. The minimum requirements will be:
 - a. A permanent foundation as required by the current adopted building codes will be required for all permanent portable storage units.
 - b. The units shall be painted to match the main structure and the exterior shall be maintained in good condition which includes being free of rust.
 - c. If the business closes or changes location the portable storage units shall be removed.

The current Section 22.100 (B) reads as follows:

22.100 TEMPORARY AND ACCESSORY USES.



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(B) A building permit may be issued for an accessory building if the proposed structure is or has been a wheeled vehicle or a portion of a wheeled vehicle or a metal container of any kind, under the following provisions:

(1) In Residential Districts, no building permit will be issued for an accessory building if the proposed building is or has been a wheeled vehicle or a portion of a wheeled vehicle, or a metal container of any kind, except when the accessory building is to be used on a temporary basis for thirty (30) days only in connection with other temporary projects not related to building construction. The applicant may seek up to two (2) thirty (30) day extensions to the initial permit to be approved by the Director of the Planning and Community Development Department or his/her designee. In no case shall the permit exceed ninety (90) days.

(2) In Commercial or Industrial Districts, accessory buildings which are or have been a wheeled vehicle or a portion of a wheeled vehicle or a metal container of any kind, may be issued a building permit and become a permanent accessory structures if they are or will be used in excess of ninety (90) days, under the following provisions:

(a.) The accessory structure shall require a Conditional Use Permit, shall not exceed 15% of the total lot area, shall conform to the general character of the neighborhood including but not limited to the height, color, texture and materials of the main structure and to the location requirements for accessory structures, and shall meet all requirements to protect the safety of the public as outlined by the Zoning Regulations and Building Codes of the City.

The amended Section 22.100 will read (All of the proposed changes are highlighted in yellow.):

(B) Portable Storage Units. A building permit shall be issued for an accessory building if the proposed structure is considered a portable storage unit under the following provisions:

(1) In Residential Districts, building permits for portable storage units shall be issued on a temporary basis only. The permits shall have an expiration date of thirty (30), sixty (60), or ninety (90) days. The initial permit is to be approved by the Director of the Planning and Community Development Department or his/her designee. In no case shall the permit exceed ninety (90) days.

(2) In Commercial and Industrial Districts, building permits for portable storage units shall be issued on a temporary basis with an expiration date of thirty (30), sixty (60), ninety (90), or one hundred and twenty (120) days. The initial permit to be approved by the Director of the Planning and Community Development Department or his/her designee. Portable storage units used in excess of one hundred and twenty (120) days, shall require a Conditional Use Permit and:

(a.) shall be placed on a permanent foundation as required by the current adopted building codes,

(b.) shall not exceed 15% of the total lot area,

(c.) shall be removed if the business closes or changes locations,



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- (d.) shall be painted to match the main structure, and the exterior shall be maintained in good condition which includes being free of rust,
- (e.) shall meet the location requirements for accessory structures,
- (f.) shall meet any additional requirements placed by the Board of zoning Appeals,
- (g.) and shall meet all requirements to protect the safety of the public as outlined by the Zoning Regulations and Building Codes of the City.

The definition for portable storage unit in Section 2.030 will read:

“Portable Storage Unit – An accessory structure that has been a wheeled vehicle, or a portion of a wheeled vehicle, or a metal container of any kind. This transportable unit is designed and used for the storage of retail merchandise, household goods, personal items, construction materials, supplies and non-hazardous materials.”

- ALTERNATIVES:** The Commission may
1. Approve the amendment as requested.
 2. Approve the amendment with changes.
 3. Not approve the amendment.

STAFF RECOMMENDATION: Staff recommends approval based on the direction of the Planning Commission.

PLANNING COMMISSION RECOMMENDATION: Approved on December 18, 2014

Present - 6
Yea - 6
Nay - 0

**Attached you will find an excerpt from the Planning Commission minutes regarding this case.*

GC2014-56: Amendment regarding temporary storage

Secretary Kentner reads staff report.

OPEN PUBLIC COMMENT

CLOSE PUBLIC COMMENT

MEMBER LOPEZ MAKES MOTION TO APPROVE.

MEMBER LAUBACH SECONDS MOTION.

Votes were taken by yeas and nays and recorded as follows:

Weber	Lucas	Gigot	Howard	Law	Lopez	Laubach	Rishel	Hanneman
Yea	Not Present	Yea	Yea	Yea	Yea	Yea	Not Present	Not Present

Motion passed.

ORDINANCE NO. _____-2015

AN ORDINANCE AMENDING THE ZONING REGULATIONS FOR THE CITY OF GARDEN CITY, KANSAS; ADOPTING NEW ZONING REGULATIONS TO REGULATE TEMPORARY AND ACCESSORY USES REGULATIONS; AMENDING ZONING REGULATIONS SECTIONS 2.030 AND 22.100; REPEALING IN THEIR ENTIRETY CURRENT ZONING REGULATIONS SECTIONS 2.030 AND 22.100; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS:

SECTION 1. Section 2.030 of the Zoning Regulations for the City of Garden City, Kansas, is hereby amended to read as follows:

2.030 DEFINITIONS. For the purpose of this Zoning Regulation, certain terms or words used herein shall be interpreted or defined as follows, unless the contents clearly indicate otherwise:

1. Accessory Building or Use - A subordinate building located on the same lot or group of lots with the main building or a subordinate use of land. (See Article 21.)
2. Agricultural Uses - Farming operation including, dairying, agriculture, horticulture, viniculture, animal and poultry husbandry, including the structures necessary for carrying out farming operations. So long as such land and structures are used for such purposes, the regulations do not apply. The term agriculture as used in this Zoning Regulation shall not include commercial feed lots as defined by K.S.A. 47-1501.
3. Alley - A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.
4. Alteration - Alteration, as applied to a building or structure, is a change or rearrangement of the structural parts of any building or structure, or the enlargement of an existing building or structure by extending said building or structure to cover more of the lot area, by increasing the height or by moving said structure from one location or position to another.
5. Amateur - Means any individual holding a valid Federal Communications Commission Amateur Radio License.
6. Animal Hospital or Clinic - Any building or structure designed for examination, observation, treatment, board, or care of domestic animals by a doctor of veterinary medicine.
7. Antenna - Means any structure or device used for the purpose of collecting or transmitting, electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.
8. Apartment - (See Dwelling, Multiple Family).
9. Automobile and Trailer Sales Area - An open area, other than a street, alley, or other public way or open space, used for the display and/or sales of new or used automobiles or trailers, and where no repair work is done except for minor repair of automobiles or trailers to be displayed and/or sold on the premises.

10. Automobile Wrecking and Salvage Yards - A lot, plot, or parcel of land where three (3) or more motor vehicles, not in operating condition, are collected and/or stored for the purpose of processing parts for sale.
11. Board - Board of Zoning Appeals (BZA).
12. Boarding House - A building other than a hotel, where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.
13. Buildings - Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property. When a structure is divided into separate parts by un-pierced walls, from the ground up, each part is deemed a separate building.
14. Building Height - The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of the top story of a flat roof to the deck line of a mansard roof, and to the average height between the plat and ridge of a gable, hip, or gambrel roof.
15. Building Line - A line established, in general by plat or elsewhere in this ordinance parallel to the front street line between which no building or portion thereof shall project except as otherwise provided in this Zoning Regulation.
16. Building Main - A building or structure in which is conducted the principal use of the lot or group of lots on which it is located.
17. Canopy or Marquee - A roof-like structure, which may project or be separate from a building for the purpose of protection to pedestrians from the weather and in which no retail sales or business operation is performed, without special permit from the Governing Body.
18. Channel - Shall mean the geographical area within the natural or artificial banks of a watercourse required to convey continuously or intermittently flowing water.
19. Clinic, Dental or Medical - A building in which a group of physicians, dentists, or allied professional assistants are associated for the purpose of carrying on their profession. The clinic may include a dental or medical laboratory. It shall not include in-patient care or operating rooms for major surgery.
20. Condominium - Means a building containing two (2) or more dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the State Apartment Ownership Act. See K.S.A. 58-3102 for complete definition.
21. Convenience Store - Any building or premises used for the sale of food and other items as a "quick-service food/sundry store" which may include the dispensing of gasoline and oil but which does not provide automotive maintenance or repair services.
22. Court - An area enclosed or partially enclosed on not more than three (3) sides by exterior walls, building, or group of buildings and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley, or yard.
23. Curb Level - The officially established grade of the curb in front of the mid-point of the lot.
24. Licensed Day Care Home - Means the premises in which care is provided for a maximum of ten (10) children under sixteen (16) years of age with limited number of children under

kindergarten age in accordance with K.A.R. 28-4-114(e)(1). This total includes children less than eleven (11) years of age related to the provider; and which is licensed and regulated through the Finney County Health Department by the Kansas Department of Health and Environment.

25. Child Care Center - Means a non-residential facility in which care and educational activities are provided for thirteen (13) or more children two (2) weeks to sixteen (16) years of age for more than three (3) hours and less than twenty-four (24) hours per day including day time, evening, and nighttime care, or which provides before and after school care for school-age children. A facility may have fewer than thirteen (13) children and be licensed as a center if the program and building meet child care center regulations.
26. Group Day Care Home - Means the premises located in a single family dwelling unit where care is provided by two (2) providers, one of whom shall be a bona-fide resident of the, dwelling unit, in which care is provided for a maximum of twelve (12) children under sixteen (16) years of age with a limited number of children under kindergarten age in accordance with K.A.R. 28-4-114(f)(1). This total includes children under eleven (11) years of age related to the provider; and which is licensed and regulated through the Finney County Health Department by the Kansas Department of Health and Environment.
27. District - A section or sections of Garden City, Kansas for which the regulations governing the use of, the height of, and area of buildings and premises are uniform.
28. Dock (Loading) - A structure of which its height and primary purpose is to facilitate the loading and unloading of cargo and transportation vehicles.
29. Drainage Course (Water Course) - Any natural depression, draw, or ravine which directs and facilitates the flow of water.
30. Drive - A Private right-of-way which affords principle means of vehicular access to or through a mobile home park, and which is owned and maintained by the owner or operator of the park.
31. Dwelling - Any building designed or used for residential purposes.
32. Dwelling, Single-Family - A building designed for or occupied exclusively by one family.
33. Dwelling Two-Family - A building designed for or occupied exclusively by two (2) families.
34. Dwelling, Multiple Family - A building, or portion thereof designed for or occupied by three (3) or more families, but which may have joint services or facilities for more than one family.
35. Easement - A portion or strip of land which is part of a lot, parcel tract which has been reserved or dedicated for specific use for access of persons, utilities, or services.
36. Exception - An exception shall always mean the allowance of otherwise prohibited use within a given district, such use and conditions by which it may be permitted being clearly and specifically stated within these Zoning Regulations, and the allowance being granted by conditional use permit from the Board of Zoning Appeals.
37. Educational Institution - A college, university, or incorporated academy providing general academic instruction equivalent to the standards prescribed by the State Board of Education.
38. Fabrication - That part of manufacturing which relates to stamping, cutting, or otherwise shaping processed materials into objects and may include the assembly of standard component parts, but does not include extracting, refining, or other initial processing of basic

raw materials.

39. Facade - That portion of a building facing public street right-of-way.
40. Family - The word "family" shall be two (2) or more persons related by blood, marriage, or adoption living together in a dwelling unit. For the purpose of this Title, paying tenants in excess of two (2) shall be considered as boarders or roomers, and the building in which they abide shall be considered as a boarding, or rooming house.
41. Feed Lot - The use of land for commercial dry lot livestock feeding operations where any number of livestock or poultry is confined in a concentrated area for the distinct purpose of meat, milk, or egg production, where the livestock or poultry are fed at the place of confinement and crop or foliage is not sustained in the area of confinement. Also included are any feeding endeavors which are operated on a contract basis. Not included in this definition are farm feeding operations which are an agricultural endeavor used for personal need, income supplement, and are a seasonal operation. Also not included are pasturing and grazing operations.
42. Fence - A free-standing structure of metal, masonry, glass, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level and used for confinement, screening, or partition purposes.
43. Flood - Shall mean an overflow of water onto lands not normally covered by water. Floods have two (2) essential characteristics: The inundation of land is temporary, and the land is adjacent to and inundated by overflow from a watercourse, or lake, or other body of standing water.
44. Floodplain - Shall mean the land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of one percent (1%).
45. Floodway - Shall mean the channel of a watercourse and that portion of the adjoining floodplain required to provide passage of a 100-year flood with an insignificant increase in flood stage, above that of natural conditions. The limits of the floodway, as designated by order of the Planning Commission are delineated on the official zoning map and the attachments to it.
46. Floodway Fringe Area - Shall mean the area between the limits of the floodway and the floodplain of the 100-year flood.
47. Floor Area - For computing off-street parking requirements, the floor area shall mean the gross floor area used or intended to be used by the owner or tenant for service to the public as customers, patrons, or clients including areas occupied by fixtures and equipment used for display. It shall not include areas used principally for maintenance of the building, rest room, or utility rooms.
48. Frontage - All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead end of the street.
49. Frozen Food Locker - A facility or structure where livestock is slaughtered and prepared for distribution to butcher shops or retail sales establishments such as grocery stores. A frozen food locker is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises.

50. Garage Private - An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupant of the building to which it is an accessory.
51. Garage, Public - A building or portion thereof other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling, or storing motor driven vehicles.
52. Garage, Storage - A building or portion thereof designed or used exclusively for housing four (4) or more motor-driven vehicles, other than truck and commercial vehicles, pursuant to previous arrangements and not to transients, and at which no auto fuels are sold and no motor vehicles are equipped, repaired, hired, or sold.
53. Grade
- (A) For buildings having walls adjoining one street only, the elevation of the curb at the center of the wall adjoining the street.
- (B) For buildings having walls, adjoining more than one street, the average of the elevation of the curb at the center of all walls, adjoining the streets.
- (C) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.
- (D) Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists the grade shall be established by the City Engineer.
54. Height, Tower - shall be determined by measuring the vertical distance from the tower's point of contact with the ground or structure to the highest point of the tower. All antennas or other attachments shall not exceed ten (10) feet above the tower and shall not be included into the tower height measurement.
55. Home Occupation - The term "Home Occupation" shall mean any occupation conducted entirely within the dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof and in connection with which there is no display nor stock in trade or commodities sold - except those which are produced on the premises. (See Article 26).
56. Hotel - A building used as an abiding place on a daily or weekly basis for transient persons who, for compensation, are lodged with or without meals, whether such establishments are designated as a hotel inn, automobile court, motel, motor inn, motor, lodge, tourist cabin, tourist unit, or otherwise.
57. Institutional Home - A place where the specialized care of babies, children, pensioners, or older people - and those under care for drug or alcohol abuse, is provided, except those for correctional or mental cases. An Institutional Home shall in no way be interpreted to mean a Day Care Center.
58. Institutional Use - Shall include civic, service and fraternal organization buildings; cultural facilities; child care centers; dormitories; schools; group homes; nursing homes, rest homes and homes for the aged; government buildings; health institutions; religious institutions; stadiums, arenas and civic centers.
59. Junk Yard - A parcel of land used for the storage, keeping for sale, or abandonment of junk, including used metal, wood, building materials, household appliances, vehicles, machinery, or

parts thereof.

60. Landscaping - The improvement of a lot, parcel or tract of land with grass, shrubs, and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountain, statuary or other similar, natural, and artificial objects, designed and arranged to produce an aesthetically pleasing effect.
61. Lodging House - A building or place where lodging is provided or which is equipped regularly to provide lodging, by prearrangement for definite periods, for compensation, for three (3) or more persons in contradistinction to hotels open to transients.
62. Lot - A parcel of platted land occupied or intended for occupancy by one main building, together with its accessory buildings, including the open spaces required by this Zoning Regulation.
63. Lot, Corner - A lot abutting upon two (2) or more streets at their intersection.
64. Lot Depth of - The mean horizontal distance between the front and rear lot lines.
65. Lot, Double Frontage - A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.
66. Lot Line - Any line bounding a lot or separating one lot from another.
67. Lot of Record - A lot which is a part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds of Finney County, Kansas.
68. Manufacture - Any method of processing, developing, fabricating, or assembling; either raw materials, semi-finished materials, or parts into a semi-finished or finished product.
69. Manufactured Home - "Manufactured Home" means a structure which:
 - (A) Is transportable in one or more sections which, in the traveling mode is 8 body feet or more in width or 40 body feet in length, or, when erected on site, is 320 or more square feet and which is built on a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and
 - (B) Is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. 5403.
70. Minimum Building Elevation - Shall mean the elevation to which uses regulated by this regulation are required to be elevated or flood proofed. This elevation would be equal to the elevation that could be reached by the 100-year flood if it occurred under the conditions existing at the time this regulation was passed, plus one foot to allow for encroachments permitted, by the establishment of a floodway.

71. Non-Conforming Mobile Home - Shall mean a structure which:
- (A) Is transportable in one or more sections which, in traveling mode, is 8 body feet or more in width and 36 body feet or more in length and is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and
 - (B) Is not subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. 5403
72. Manufactured Home Park - A tract of land containing suitable drives, utilities, and other supporting elements, and devoted to the sole purpose of accommodating, on lease or rental basis, mobile homes, or manufactured homes, located therein permanently or semi-permanently.
73. Manufactured Home Space - That area of land within a manufactured home park set aside for use as a site for one manufactured home, including the open spaces around said home. As are required in this Zoning Regulation.
74. Manufactured Home, Double Wide - A manufactured or modular home which when assembled on the site has a width of not less than twenty-four (24) feet.
75. Manufactured Home Single Wide - Any residential structure assembled in total or in sections other than at the site of intended location and transported to such site.
76. Manufactured Home Subdivision - A subdivision developed for the purpose of selling individual lots on which manufactured homes or modular homes may be located.
77. Modular Home - Shall mean a structure which is:
- (A) Transportable in one or more sections; and
 - (B) Not constructed on a permanent chassis; and
 - (C) Designed to be used as a dwelling on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein, and
 - (D) Certified by its manufacturer as being constructed in accordance with a nationally recognized building code.
78. Natural Obstruction - Shall mean any rock, tree, gravel, or related natural matter that is an obstruction and has been located within the floodway by a non-human cause.
79. (Reserved)
80. Non-Conforming Use - Same; existing uses; alterations; exception.

Reasons adopted herein shall not apply to the existing use of any building or land, but shall apply to any alteration of a building to provide for a change in use or a change in the use of any building or land after the effective date of any regulations adopted. If a building is damaged by more than 50% of its fair market value such building shall not be restored if the use of such building is not in conformance with the regulations adopted.

Exception for flood plain regulations in areas designated as a flood plain, regulations adopted by the City pursuant to K.S.A.12-715b, and amendments thereto, shall not apply to the use of land for agriculture purposes so long as such land, and buildings are used for agricultural purposes and not otherwise.

81. Obstruction - Shall mean artificial obstructions, such as any dam, wall, wharf, embankment, levee, dike, pile, abutment, excavation, channel rectification, bridge, conduit, culvert, building, structure, wire, fence, rock, gravel, refuse, fill, or other related structures or matter in, along, across, or projecting into any floodway which may impede, retard, or change the direction of the flow of water, or increase the flood height, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.
82. Parking Space - An area surfaced with concrete, bituminous, or similar permanent surface, for the purpose of storing one parked automobile. For the purpose of this Zoning Regulation, one parking space shall have a minimum width of (9) feet and a minimum length of twenty (20) feet. In computing off-street parking, additional space shall be required, off-street, for access drives to each parking space.
83. Pasturage or Pasture - Shall be defined as land or a plot of land used for the grazing, feeding, and confinement of livestock.
84. Person - A person shall be understood in its broadest legal sense, including person, partnership, a company, corporation, or any other organized or unorganized group of persons acting together.
85. Planning Commission - The Holcomb-Garden City-Finney County Area Planning Commission.
86. Portable Storage Unit – An accessory structure that has been a wheeled vehicle, or a portion of a wheeled vehicle, or a metal container of any kind. This transportable unit is designed and used for the storage of retail merchandise, household goods, personal items, construction materials, supplies and non-hazardous materials.
87. Preschool - A non-residential facility which provides experiences for children who have not attained the age of eligibility to enter kindergarten and who are thirty (30) months of age or older; conducts sessions not exceeding three (3) hours per session; which does not enroll any child more than one session per day, and which does not serve a meal. (Ord. #1736, 7/8/91)
88. Professional Office - Any building used by one or more persons engaged in the practice of law, architecture, engineering, medicine, or in the business of real estate broker or agent.
89. Public Utility - Any business the purpose of which is to furnish to the general public:
 - (A) Telephone Service
 - (B) Telegraph Service
 - (C) Electricity
 - (D) Natural Gas
 - (E) Water
 - (F) Transportation of Persons

(G) Solid Waste Disposal

(H) Wastewater Treatment Plant

(I) Any other business so affecting the public interests to be subject to the supervision or regulation by any agency or the State.

(J) Community closed circuit telecast

90. Restaurant – Any eating establishment in which the primary function is the preparation and serving of food and beverages on the premises and whose sale of cereal malt beverages or alcoholic liquor accounts for less than 50% of its gross receipts in sales.

91. Right-of-Way - A strip of land between property lines, dedicated to the public or private interest, which is intended for use as an alley, crosswalk, court, place, road, street, thoroughfare, or utility easement.

92. Residential Designed Manufactured Home - A manufactured home on a permanent foundation which has a minimum dimension of twenty-two (22) feet in body width, a pitched roof and siding and roofing material which are customarily used on site-built homes.

93. Rooming House - Any dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire, with or without meals.

94. Service Station - Any building or premises used for the purpose of dispensing, sale, or offering for sale at retail of any automobile fuels or oils, when the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

95. Setback - The minimum horizontal distance between the property line and the building line.

(A) Front Yard - is determined from the face of the building, excluding steps, unenclosed porches, and eave overhang.

(B) Rear Yard - is determined from the face of the building, excluding steps, unenclosed porches, and eave overhang.

(C) Side Yard - shall be determined from the eave overhang.

96. Sidewalk - A hard surfaced walk for pedestrians at the side of a street. (All sidewalks will be constructed as specified in the Garden City Sidewalk Hand Book of 1978).

97. Sign - See Article 23, Section 23.020 of this Zoning Regulation for definitions.

98. Story - That portion of a building, other than a basement or cellar, included between the surface of any floor and surface of the floor next above it, if there be no floor above it, then the space between the floor and the ceiling next above it.

99. Story, Half - A space under a sloping roof which has the fine intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent living quarters shall be counted as a full story.

100. Street - A right-of-way, dedicated to the public use, which provides principle vehicular and pedestrian access to adjacent properties.

101. Street Classification

- (A) Arterial - A street which provides for through traffic movement between and around areas and across the City, with direct access to abutting property; subject to necessary control of entrances, exits, and curb uses.
 - (B) Collector - A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.
 - (C) Local - A street which provides for direct access to abutting land and for local traffic movement whether in business, industrial or residential areas.
102. Street Line - A dividing line between a lot, tract, or parcel of land and the contiguous street.
103. Structure - Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, but not including fences.
104. Structural Alterations - Any change in the supporting members of a building such as, bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this Zoning Regulation the following shall not be considered structural alterations:
- (A) Attachment of a new front where structural supports are not changed and that does not encroach beyond building line.
 - (B) Addition of fire escapes where lintels supports are not changed.
 - (C) New, windows where lintels and support walls are not materially changed.
 - (D) Minor repair or replacement of non-structural members.
105. Tavern/Class A Club/Class B Club/Private Club/Night Club/Fraternal Lodge/ Drinking Establishment/Lodge - Any establishment that meets at least one of the following:
- (A) Any establishment whose primary function is the sale and on-site consumption of cereal malt beverages or alcoholic liquor.
 - (B) Any establishment whose sale of cereal malt beverages or alcoholic liquor accounts for more than 50% of its gross receipts in sales.
 - (C) A premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, for the exclusive use of the corporate stockholders, partners, trust beneficiaries, associates, members, and their families and guests accompanying them.
 - (D) A premises which may be open to the general public, where alcoholic liquor by the individual drink is sold.
 - (E) A premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for consumption of food or any beverage and for entertainment.
106. Townhouse - Means one single-family townhouse residential unit which may be joined together with at least one additional single-family townhouse residence by a common wall or walls, and/or roof and/or foundation: Provided, however, that in any event, the term

“townhouse” shall not mean a condominium as defined in K.S.A. 58-3102.

107. Tower - Means any ground or structure-mounted pole, spire, structure, or combination thereof taller than 15 feet including supporting lines, cable, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.
108. Tower, Multi-User - means a tower to which is attached the antennas of the more than one commercial wireless telecommunications service provider or governmental entity.
109. Tower, Single-User - means a tower to which is attached only the antennas of a single-use, although the tower may be designed to accommodate the antennas of multiple users as required by this Code.
110. Tract - An area or parcel of land other than a lot of record described and recorded in the Office of the Register of Deeds of Finney County as a single parcel of land under individual ownership.
111. Trailer - Any structure used for living, sleeping, business, or storage purposes, having no foundation other than wheels blocks, skids, jacks, horses, or skirting and which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motor power or other means. The term “Trailer” shall include recreational vehicles.
112. Trailer Park - Means a tract of land containing sites for the overnight or short term parking of two (2) or more camping trailers. Camping trailers may be parked in a camp-ground or camper park provided such camp area is in conformance with the codes and ordinances of the City.
113. Trailer, Advertising - A trailer, as defined above, but carrying, or having attached thereto, a sign, billboard, or other media for advertising purposes, such advertising being the purpose and use of the trailer.
114. Trailer, Camping - A trailer, as defined above, and equipped with an enclosure for sleeping while on vacation, or other trips of short duration. Such camping trailers may also contain cooking, bath, and sanitary equipment. Size and furnishing of such camping trailers may vary widely, but in no case shall they be considered structures for residential use of a temporary or permanent nature, for purposes of this Zoning Regulation.
115. Trailer, Hauling - A trailer, as defined above, and designed and normally used for over-the-road transporting of belongings, equipment, merchandise, livestock, and other objects, but not equipped for human habitation.
116. Transitional Supportive Housing- Housing with no limit on length of stay, that provides shelter for domestic violence survivors and their dependent children, that provides safe housing coupled with supportive services to assist residents and walk-in clients by providing skill-specific services and support as needed.
117. Vision Clearance Area - A triangular area on a corner lot, which is formed by the street property lines and a line connecting them at points, twenty-five.(25) feet from the intersection of the street lines. The vision clearance area shall contain no temporary or permanent obstructions in the excess of one (1) foot in height. Street trees may be permitted provided such trees are pruned at least eight (8) feet above the surrounding grade. At the intersection of major or arterial streets the vision clearance area is created by points forty (40) feet from the intersection of the property lines.

118. Watercourse - Shall mean any stream, arroyo, or drainway having a channel that serves to give direction to a flow of water.
119. Yard - A space on the same lot with a main building, open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Zoning Regulation.
120. Yard, Front (Primary Front) - A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way line and the building setback line.
121. Yard, Secondary Front- A yard on a corner lot which fronts a public or private right-of-way but on which the building on the lot does not have a primary entrance; extending from the front line of the building to the rear line of the building.
122. Yard, Rear – A yard extending across the full width of the lot between the rear of the building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear line of such main building.
123. Yard, Side – A yard between the main building and the side lot line extending from the front yard lot line to the rear lot line. The width of the required side yard shall be measured horizontally, at ninety (90) degrees with the side lot line from the nearest part of the main building. (See Article 22, Supplemental Development Standards.)

SECTION 2. Section 22.100 of the Zoning Regulations for the City of Garden City, Kansas, is hereby amended to read as follows:

22.100 TEMPORARY AND ACCESSORY USES.

(A) Accessory Buildings - Refer to Figure 22.100 (1) – Accessory Buildings.

- (1) Accessory buildings which are equal to or less than one-hundred-eighty (180) square feet may be built in a yard adjacent to the side and rear property lines.
- (2) Accessory buildings in excess of one-hundred-eighty (180) square feet shall not be closer than four (4) feet to any adjacent private property line, except when a carport or garage is entered perpendicularly from an alley it shall not be located closer than twenty (20) feet from an alley line. However, carports and garages may be located four (4) feet from the alley line when a thirty (30) foot long driveway approach is provided, in which case, the approach shall be measured linearly or curvilinearly on the centerline of the drive way between the driveway entrance at the alley and the main entrance to the carport or garage.
- (3) Accessory buildings shall not be closer than ten (10) feet to the main structure.

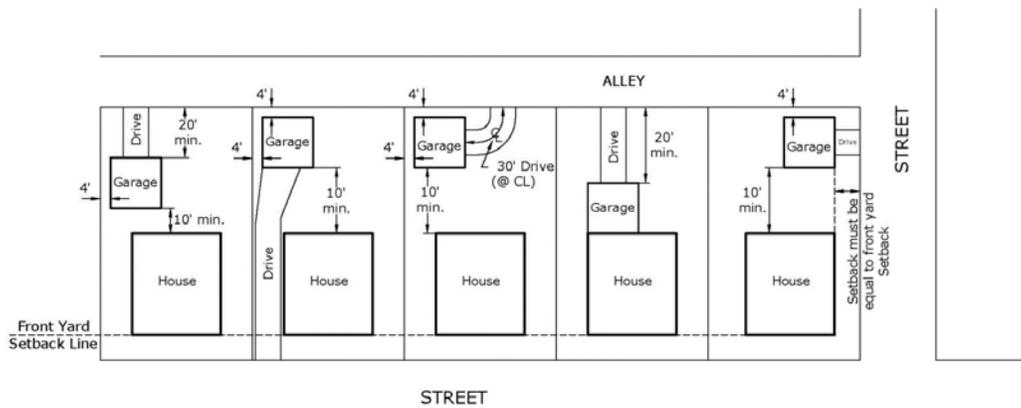


Figure 22.100 (1) - Accessory Buildings

(B) Portable Storage Units. A building permit shall be issued for an accessory building if the proposed structure is considered a portable storage unit under the following provisions:

(1) In Residential Districts, building permits for portable storage units shall be issued on a temporary basis only. The permits shall have an expiration date of thirty (30), sixty (60), or ninety (90) days. The initial permit is to be approved by the Director of the Planning and Community Development Department or his/her designee. In no case shall the permit exceed ninety (90) days.

(2) In Commercial and Industrial Districts, building permits for portable storage units shall be issued on a temporary basis with an expiration date of thirty (30), sixty (60), ninety (90), or one hundred and twenty (120) days. The initial permit to be approved by the Director of the Planning and Community Development Department or his/her designee. Portable storage units used in excess of one hundred and twenty (120) days, shall require a Conditional Use Permit and:

- (a.) shall be placed on a permanent foundation as required by the current adopted building codes,
- (b.) shall not exceed 15% of the total lot area,
- (c.) shall be removed if the business closes or changes locations,
- (d.) shall be painted to match the main structure, and the exterior shall be maintained in good condition which includes being free of rust,
- (e.) shall meet the location requirements for accessory structures,
- (f.) shall meet any additional requirements placed by the Board of zoning Appeals,
- (g.) and shall meet all requirements to protect the safety of the public as outlined by the Zoning Regulations and Building Codes of the City.

(C) Temporary buildings, portable storage units or trailers that are used in conjunction with construction work may be permitted in any district with the approval of the Director of the Planning and Community Development Department or his/her designee during the period that a building is being constructed, but such temporary building or trailer shall be removed within ten (10) days after completion of the construction work.

SECTION 3. The Zoning Regulations for the City of Garden City, Kansas, Sections 2.030 and 22.100 as previously existing, are hereby repealed, to be replaced as specified in this ordinance. All Zoning Regulation sections not specifically amended or deleted herein shall remain in full force and effect.

SECTION 4. This ordinance shall be in full force and effect from and after its publication in the Garden City Telegram, the official city newspaper.

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, this 6th day of January, 2015.

ROY CESSNA, Mayor

ATTEST:

CELYN N. HURTADO, City Clerk

APPROVED AS TO FORM:

RANDALL D. GRISELL

City Counselor

(Published in The Garden City Telegram on the _____ day of _____, 2015)

RESOLUTION NO. _____

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.

WHEREAS, the Governing Body of the City of Garden City has declared it unlawful for any person to maintain nuisance conditions on private property within the City of Garden City, and

WHEREAS, the resident and/or owners of the private property at the address listed herein have been notified pursuant to Section 38-137 of the Environmental Code of Ordinances and have neither abated the nuisance conditions nor requested a hearing before the Governing Body.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Garden City, Kansas:

SECTION 1. Ten (10) days after passage of this Resolution, and after notification of person in violation by one of the methods prescribed in Section 38-139, the Public Officer is hereby authorized to abate the following nuisance conditions:

*607 Mulberry Street – scrap wood, misc. furniture & tires on property,
1205 Mulberry Street – washer, trash & aluminum cans on property,
205 N. Taylor Avenue- Trash & broken swimming pool parts on property,*

SECTION 2. The abatement costs incurred by the City shall be charged against the lot or parcel of ground on which the nuisance is located.

PASSED AND APPROVED by the Governing Body of the City of Garden City, Kansas, on this 6th day of January, 2015.

Roy Cessna, MAYOR

ATTEST:

Celyn N. Hurtado, CITY CLERK

607 Mulberry Street



1205 Mulberry Street



205 N. Taylor Avenue



RESOLUTION NO. _____

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.

WHEREAS, the Governing Body of the City of Garden City has declared it unlawful for any person to maintain a motor vehicle nuisance on private property within the City of Garden City, and

WHEREAS, the residents and/or owners of the private property at the addresses listed herein have been notified pursuant to Section 38-63 of the Code of Ordinances and have neither abated the nuisance conditions nor requested a hearing before the Governing Body.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Garden City, Kansas:

SECTION 1. Ten (10) days after passage of this Resolution the Public Officer is hereby authorized to abate the following motor vehicle nuisance conditions:

*1611 Vinzant- Inoperable and/or unregistered vehicle-Black Chevy Camaro,
211 N. 11th Street- Inoperable and/or unregistered vehicle-Maroon 4 door car*

SECTION 2. The abatement costs incurred by the City shall be charged against the lots or parcels of ground on which the motor vehicle nuisance is located.

PASSED AND APPROVED by the Governing Body of the City of Garden City, Kansas, on this 6th day of December, 2015.

MAYOR

ATTEST:

Celyn N. Hurtado, CITY CLERK

1611 Vinzant



211 N. 11th Street



Old Business

New Business



CITY COMMISSION

ROY CESSNA,
Mayor

MELVIN L. DALE

JANET A. DOLL

DAN FANKHAUSER

J. CHRISTOPHER LAW

MATTHEW C. ALLEN
City Manager

MELINDA A. HITZ, CPA
Finance Director

RANDALL D. GRISELL
City Counselor

CITY ADMINISTRATIVE
CENTER
301 N. 8TH
P.O. Box 998
GARDEN CITY, KS
67846-0998
620.276.1160
FAX 620.276.1169
www.garden-city.org

To: City Commission
Date: December 31, 2014
From: Celyn Hurtado, City Clerk
RE: Records Destruction

Issue

Governing Body consideration and approval to destroy specific records from 2009 and older as provided for by the Kansas State Historical Society Department of Archives, and Section 2-742 of the Code of Ordinances of the City of Garden City.

Background

The City may not destroy certain city records for statutorily required periods of time. Other records maybe be photographed or microfilmed and the originals destroyed. (see K.S.A. 12-120 e seq). In addition, the Kansas State Historical Society publishes the Local Government Records Management Manual which lists requested minimum time periods which may guide cities' decisions regarding how long to keep those records for which there is no statutorily required time period.

The request also includes records pertaining to the following; accounts receivable, accounts payable, utility billing registers, utility accounting records, receipts, insurance policies, and canceled checks authorization to destroy the following Municipal Court records: 2009 & older traffic infraction closed traffic infraction cases non-misdemeanor, Municipal Court Bail Bonds cancelled checks and audited bank statements, Daily Revenue Reports, correspondence file, invoices, duplicate purchase orders, cash bond and warrant pick up sheets, and returned arrest warrants (traffic infractions only) from the Garden City Police Department that have expired in the year 2014.

The request before the City Commission is consistent with previous requests and Commission decisions regarding record destruction.

Alternatives

1. Move to approve and destroy the specific records from 2009 and older from Service & Finance, Municipal Court and Police Departments as identified above.
2. Deny the request to destroy the specific records.

Recommendation

Staff recommends the destruction of the specified records.

Fiscal Note

None



MEMORANDUM

DATE: December 23, 2014
TO: City Commission
FROM: Matt Allen, City Manager
RE: 2015 City Manager Employment Agreement

CITY COMMISSION

ROY D. CESSNA,
Mayor

MELVIN DALE

JANET DOLL

DAN FANKHAUSER

J. CHRISTOPHER LAW

MATTHEW C. ALLEN
City Manager

MELINDA A. HITZ, CPA
Finance Director

RANDALL D. GRISELL
City Counselor

Issue

Governing Body consideration of an Employment Agreement between the City of Garden City and Matthew C. Allen, City Manager.

Background

Each year, following a performance evaluation, the City Commission considers the terms of an employment agreement with the City Manager. The Commission concluded its evaluation process on December 16, 2014. Based on that evaluation and a review of comparable salary and benefit packages, the City Commission requested the City Attorney draft the attached Employment Agreement for 2015 and that it come before them for consideration at the January 6, 2015 regular meeting.

The agreement is consistent with the terms of the 2014 agreement, with the exception of an increase in base salary from \$125,000 to \$127,557 (Section 4), and an increase in the percentage of base salary contributed by the employer to a qualifying 457 retirement plan from 9% to 10% (Section 12).

Alternatives

1. Approve the Employment Agreement.
2. Deny the Employment Agreement.

Recommendation

I offer no recommendation as I am the other party to the agreement. The City Commission's attorney, Randy Grisell, can advise the Commission on any legal questions regarding the agreement.

Fiscal Note

The changes in this agreement result in a \$4,063 increase over the 2014 agreement.

CITY ADMINISTRATIVE
CENTER
301 N. 8TH
P.O. Box 998
GARDEN CITY, KS
67846-0998
620.276.1160
FAX 620.276.1169
www.garden-city.org

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT (Agreement), made and entered into this 1st day of January, 2015, by and between THE BOARD OF COMMISSIONERS OF THE CITY OF GARDEN CITY, KANSAS, (City or Governing Body), and MATTHEW C. ALLEN (Employee).

WITNESSETH:

WHEREAS, the City desires to retain the services of the Employee as City Manager, as contemplated and provided by the Code of Ordinances of City (Code) and state statutes; and

WHEREAS, it is the desire of the City to provide certain benefits, establish certain conditions of employment and to set working conditions of the Employee; and

WHEREAS, the Employee desires to be employed as City Manager of the City;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, and the performance thereof by the parties, it is agreed as follows:

1. **Duties.** The City hereby agrees to employ the Employee as City Manager in charge of the administration of the City's business, to perform the functions and duties specified in state statutes and the Code, and to perform other legally permissible and proper duties and functions as the Governing Body shall from time to time assign.

2. **Term.** The term of this Agreement shall be twelve (12) months, commencing January 1, 2015, and ending December 31, 2015. The Employee agrees to remain in the exclusive employment of the City and neither to accept other employment nor to become employed by any other employer until date of termination. The term "exclusive employment" shall not be construed to include occasional teaching, writing, consulting, or paid philanthropic work performed on the Employee's time off, provided that it does not interfere with the Employee's duties and responsibilities as City Manager. Regardless of the date of approval by the Governing Body and the Employee, the term of this Agreement shall commence January 1, 2015.

3. **Disability.** If the Employee is permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of thirty (30) successive days beyond any accrued sick leave, or for twenty (20) business days over a thirty (30) day period after exhaustion of accrued sick leave, the City shall have the option to terminate this Agreement, consistent with all applicable federal and state laws pertaining to required leave, disabilities and accommodations. Provided, in any such event the Employee shall be compensated for any accrued and compensable sick leave, vacation, holidays, and other accrued benefits, but Employee shall not be paid any severance pay or further compensation.

4. **Salary.** The City agrees to pay the Employee for his services rendered pursuant to this Agreement an annual gross salary of One Hundred Twenty-seven Thousand Five Hundred Fifty-seven Dollars (\$127,557.00), payable in installments at the same time as other employees of the City are paid.

5. **Performance Evaluation.** The Governing Body shall review and evaluate the performance of the Employee at least once annually, in December. The review and evaluation shall be in accordance with specific criteria developed by the City. The Mayor of the Governing Body shall provide the Employee with a summary written statement of the findings of the Governing Body and provide an adequate opportunity for the Employee to discuss his evaluation with the Governing Body. The evaluation shall also be used to determine salary adjustments for the Employee.

6. **Hours of Work.** It is recognized that the Employee must devote a great deal of time outside the normal office hours to business of the City, and to that end the Employee will be allowed to take compensatory time off as he shall deem appropriate during normal office hours.

7. **Vehicle and Communications Equipment.** The Employee shall be paid an annual vehicle and communications equipment (cell phones, home computer) allowance of Five Thousand Dollars (\$5,000.00) by the City for use of his personal vehicle and communications equipment for City related business. The Employee shall be responsible for the liability, property damage, and comprehensive insurance for the vehicle, as well as the purchase, operation, maintenance, repair and regular replacement of the vehicle or communications equipment.

8. **Travel and Related Expenses.** The Employee shall receive an annual stipend of Five Thousand Dollars (\$5,000.00) for expenses related to out of town travel, including, but not limited to airfare, vehicle, lodging and food expenses. The Employee shall be directly responsible for payment of such expenses. This stipend shall be in addition to, and exclusive of, the City's responsibilities for payment of registration expenses in Paragraph 14, Professional Development – Registration Expenses.

9. **Vacation and Sick Leave.** The Employee shall accrue, and have credited to his personal account, vacation and sick leave at the same rate as other employees of the City, and in accordance with policies of the City. The Employee shall not utilize more than five (5) consecutive business days of vacation leave at any one time without prior consent of the Governing Body, and shall so plan the use of vacation leave as to insure his presence during the budget process. Should Employee voluntarily resign during the term of this Agreement, he shall be paid accrued vacation leave, up to a maximum of four hundred (400) hours.

The Employee may convert up to one hundred twenty (120) hours of accrued vacation per year to taxable income. The rate of conversion shall be the annual salary established in Paragraph 4 divided by two thousand eighty (2,080) times the number of hours of accrued vacation converted. Notwithstanding the Employee's right to convert accrued vacation hours to taxable income, the Employee's accrued vacation hours shall not be less than three hundred twenty (320) hours after any conversion.

10. **Personal Leave.** The Employee shall receive seven (7) days of personal leave per year credited to his personal account at the beginning of each year. Annual personal leave must be used during the year granted and no personal leave will be paid upon termination of employment, whether voluntary or involuntary. As with the use of vacation leave, the Employee shall not utilize more than five (5) consecutive business days of personal leave, or the combination of personal leave and vacation leave, at any one time without prior consent of the Governing Body, and shall so plan the use of personal leave as to insure his presence during the budget process.

11. **Life and Health Insurance.** The City shall purchase and pay the required premiums on term life insurance policies equal in amount to two times the annual gross salary of the Employee, with the beneficiary named by the Employee to receive one-half of any benefits paid, and the City the other one-half. The City shall provide hospitalization, surgical, and comprehensive medical insurance for the Employee and his dependents and pay the premiums thereon equal to that which is provided all other employees of the City, in accordance with policies of the City.

12. **Retirement.** The City agrees to execute all necessary agreements required by the qualified 457K plan provider of the Employee's choice for participation in the selected plan and, in addition to the base salary paid by the City to the Employee, the City agrees to pay an amount equal to ten percent (10.0%) of the Employee's annual gross salary set forth in Paragraph 4, into the plan on the Employee's behalf, in equal proportionate amounts each pay period, as deferred compensation, and to transfer ownership to succeeding employers upon the Employee's resignation or termination.

13. **Dues and Subscriptions.** The City shall pay for the professional dues and subscriptions of the Employee for his participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth, and advancement, and for the good of the City. Such memberships shall be identified at the time the departmental budget is being determined by the Governing Body.

14. **Professional Development – Registration Expenses.** The City shall pay for the registration expenses of the Employee to afford the Employee opportunities to continue development of professional credentials (ICMA-CM) and to enable the Employee to adequately pursue necessary official and other functions for the City, including but not limited to the annual conference of the International City Management Association, the League of Kansas Municipalities and such other national, regional, state and local governmental groups and committees which the Employee serves as a member. The City also agrees to pay registration expenses of the Employee for short courses, institutes, and seminars that are necessary for his professional development and for the good of the City.

15. **Termination; Resignation; Severance Pay.**

(a) This Agreement may be terminated by the Governing Body, with or without cause, or as required by Paragraph 20. In the event the Employee is terminated by the Governing Body before expiration of the term set forth in Paragraph 2, or the Governing Body decides not to extend this Agreement for a subsequent annual term, and during such time the Employee is willing and able to perform his duties under this Agreement, then in that event the City agrees to pay the Employee a lump sum cash payment equal to nine (9) months' salary, as established in Paragraph 4; provided, however, that in the event the Employee is terminated for commission of a misdemeanor involving moral turpitude or veracity, or a felony, then, in that event, the City shall have no obligation to pay the aggregate severance sum designated in this paragraph.

(b) In the event the City at any time during the term of this Agreement reduces the salary or other financial benefits of the Employee in a greater percentage than an applicable across-the-board reduction for all employees of the City, or in the event the City refuses, following written notice, to comply with any other provision benefiting the Employee herein, or the Employee resigns following a suggestion, whether formal or informal, by the Governing Body that he resign, then, in that event, the Employee may at his option, be deemed to be terminated at the date of such reduction or such refusal to comply.

(c) In the event the Employee voluntarily resigns his position with the City before the expiration of the term of employment in Paragraph 2, the Employee shall give the City a minimum of two (2) months notice in advance, unless the parties otherwise agree. If Employee voluntarily resigns, Employee shall not be entitled to severance pay or any further compensation under this Agreement, from and after date of resignation, with the exception of any accrued vacation leave allowed by Paragraph 9.

16. **Suspension.** The City may suspend the Employee at any time during the term of this Agreement. The Employee shall be given written notice setting forth the reasons for the suspension. Suspension without pay for more than five (5) days in any twelve (12) month term of this Agreement shall be considered a reduction in salary under Paragraph 15(b).

17. **Other Terms and Conditions of Employment.** The Governing Body shall have the authority to fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Code, or any other law.

18. **Insurance.** The City shall maintain public officials' liability insurance to cover all insurable acts or omissions of the Employee within the scope of the Employee's employment with the City.

19. **Bonding.** The City shall bear the full cost of any fidelity or other bonds required of the Employee under any applicable law or ordinance.

20. **Sufficiency of Funds.** In the event sufficient funds shall not be appropriated by the City for the payments and obligations required under the terms and conditions of this Agreement, the City may terminate this Agreement pursuant to the notice requirements set forth herein. This Agreement is subject to the terms and provisions of the Cash Basis Law, K.S.A. 10-1101 et seq., and the Kansas Budget Law, K.S.A. 79-2925 et seq.

21. **General Provisions.**

(a) The text herein shall constitute the entire Agreement between the parties.

(b) If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

(c) There may be no modification or amendment of this Agreement (other than notice of change of address), except in writing and executed with the same formalities as this Agreement.

(d) This Agreement shall be construed in accordance with the laws of the state of Kansas.

(e) The paragraph headings appearing in this Agreement have been inserted for the purposes of convenience and ready reference, and do not purport to nor shall they be deemed to define, limit, or extend the scope or intent of the paragraph to which they pertain.

22. **Notices.** Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

CITY: City Clerk
City of Garden City
P. O. Box 998
Garden City, Kansas 67846

EMPLOYEE: Matthew C. Allen
1709 Pioneer Road
Garden City, Kansas 67846

Alternatively, notices required pursuant to this Agreement may be personally served. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

23. **Binding Effect**. This Agreement shall be binding upon and inure to the benefit of the Employee, his heirs, executors, administrators, and legal representatives.

IN WITNESS WHEREOF, on the 6th day of January, 2015, this Agreement has been approved by the Governing Body of the City and signed by the parties.

CITY OF GARDEN CITY, KANSAS

Date: January 6, 2015

By _____
ROY CESSNA, Mayor

ATTEST:

CELYN N. HURTADO, City Clerk

EMPLOYEE

Date: January 6, 2015

MATTHEW C. ALLEN

APPROVED AS TO FORM:

RANDALL D. GRISELL, City Counselor

MEMORANDUM

TO: City Commission
FROM: James R. Hawkins, Chief of Police
DATE: March 10, 2014
SUBJECT: Police / Citizen Advisory Board Recommendation



I am recommending Stan Kennedy, Vinh Nguyen and Mel Galvez be accepted to serve as members of the Police/Citizen Advisory Board.

The board would welcome Mr. Kennedy, Mr. Nguyen and Mr. Galvez as new members. Mr. Kennedy would serve as the Citizen at Large candidate, Mr. Nguyen would serve as the Asian/Vietnamese representative and Mr. Galvez would serve as the Hispanic representative.

If approved, the Police/Citizen Advisory Board would be left with three vacancies; Religious Community, Social Services and GCCC Student.

Your thoughtful consideration is appreciated.

James R. Hawkins
Chief of Police

GARDEN CITY IS MY TOWN TOO!

I would be willing to serve on a planning or advisory board/committee.

NAME: Stan Kennedy HOME PHONE: 276-0905
 ADDRESS: 1108 Kingsbury WORK PHONE: 277-2063
 E-MAIL ADDRESS: Stan.Kennedy@usd363.com
 OCCUPATION (if employed): Holcomb High School teacher
 PLACE OF EMPLOYMENT: Holcomb High School
 HOW LONG HAVE YOU BEEN A RESIDENT OF GARDEN CITY? 34 yrs.

DESCRIBE WHY YOU ARE INTERESTED IN SERVING ON A BOARD/COMMISSION:

Because of my teaching, I have had much experience with the GC Police dept. I feel I have much to offer the committee, and I want to be of help to the dept. and community.

OTHER APPLICABLE EXPERIENCE: teach s law class, grad joint GCCC law

instructor, member GCCC law advisory committee, GC PD Citizen's Academy participant

PLEASE CHECK THE ONES IN WHICH YOU ARE INTERESTED IN SERVING:

- | | |
|--|--|
| <input type="checkbox"/> Airport Advisory Board | <input type="checkbox"/> Local Housing Authority |
| <input type="checkbox"/> Alcohol Fund Advisory Committee | <input type="checkbox"/> Parks & Tree Board |
| <input type="checkbox"/> Art Grant Committee | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Building Safety Board of Appeals | <input checked="" type="checkbox"/> Police/Citizen Board |
| <input type="checkbox"/> Community Health Advisory Board | <input type="checkbox"/> Public Utilities Advisory Board |
| <input type="checkbox"/> Cultural Relations Board | <input type="checkbox"/> Recreation Commission |
| <input type="checkbox"/> Golf Advisory Board | <input type="checkbox"/> Traffic Advisory Committee |
| <input type="checkbox"/> Landmarks Commission | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Lee Richardson Zoo Advisory Board | |

RETURN THIS FORM TO:

City Manager's Office - Attn: Celyn
City Administrative Center
P.O. Box 998
Garden City, KS 67846-0998

GARDEN CITY IS MY TOWN TOO!

I would be willing to serve on a planning or advisory board/committee.

NAME: Vinh Nguyen HOME PHONE: (620) 276-6369
ADDRESS: 1021 Smokey Hill WORK PHONE: (620) 805-7174
E-MAIL ADDRESS: williamnguyen727@yahoo.com
OCCUPATION (if employed): Translator
PLACE OF EMPLOYMENT: USD 457

HOW LONG HAVE YOU BEEN A RESIDENT OF GARDEN CITY? 20 years

DESCRIBE WHY YOU ARE INTERESTED IN SERVING ON A BOARD/COMMISSION:

Because I have a responsibility to help someone to live in Garden City with the limited English and non-English, they

OTHER APPLICABLE EXPERIENCE: need to know what the police officer to work on.
I was a bilingual para in USD 457 with 20 years experience in the teaching job.

PLEASE CHECK THE ONES IN WHICH YOU ARE INTERESTED IN SERVING:

- | | |
|--|--|
| <input type="checkbox"/> Airport Advisory Board | <input type="checkbox"/> Local Housing Authority |
| <input type="checkbox"/> Alcohol Fund Advisory Committee | <input type="checkbox"/> Parks & Tree Board |
| <input type="checkbox"/> Art Grant Committee | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Building Safety Board of Appeals | <input checked="" type="checkbox"/> Police/Citizen Board |
| <input type="checkbox"/> Community Health Advisory Board | <input type="checkbox"/> Public Utilities Advisory Board |
| <input type="checkbox"/> Cultural Relations Board | <input type="checkbox"/> Recreation Commission |
| <input type="checkbox"/> Golf Advisory Board | <input type="checkbox"/> Traffic Advisory Committee |
| <input type="checkbox"/> Landmarks Commission | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Lee Richardson Zoo Advisory Board | |

RETURN THIS FORM TO:

City Manager's Office - Attn: Celyn
City Administrative Center
P.O. Box 998
Garden City, KS 67846-0998

GARDEN CITY IS MY TOWN TOO!

I would be willing to serve on a planning or advisory board/committee.

NAME: Mel Galvez HOME PHONE: (316) 239-4277

ADDRESS: 1202 Long Blvd, Garden City, KS WORK PHONE: (620) 275-1766 EXT 228

E-MAIL ADDRESS: melgalvez@me.com

OCCUPATION (if employed): Finances

PLACE OF EMPLOYMENT: United Methodist Mexican-American Ministries

HOW LONG HAVE YOU BEEN A RESIDENT OF GARDEN CITY? 25+ years

DESCRIBE WHY YOU ARE INTERESTED IN SERVING ON A BOARD/COMMISSION:

To help assist in planning, organizing, and evaluating principles, and strategies
that could help Garden City become a better community.

OTHER APPLICABLE EXPERIENCE: Bachelor's Degree in Business Administration.

Over 10 years of banking experience. Bilingual (Spanish), fluent writer, reader, and speaker.

PLEASE CHECK THE ONES IN WHICH YOU ARE INTERESTED IN SERVING:

Airport Advisory Board

Alcohol Fund Advisory Committee

Art Grant Committee

Building Safety Board of Appeals

Community Health Advisory Board

Cultural Relations Board

Golf Advisory Board

Landmarks Commission

Lee Richardson Zoo Advisory Board

Local Housing Authority

Parks & Tree Board

Planning Commission

Police/Citizen Board

Public Utilities Advisory Board

Recreation Commission

Traffic Advisory Committee

Zoning Board of Appeals

RETURN THIS FORM TO:

City Manager's Office – Attn: Celyn
City Administrative Center
P.O. Box 998
Garden City, KS 67846-0998



Consent Agenda



To: Governing Body
Date: December 26, 2014
From: Michelle Stegman
RE: 2015 City of Garden City Hay Group Pay Study Agreement

CITY COMMISSION

ROY CESSNA,
Mayor

MELVIN L. DALE

JANET A. DOLL

DAN FANKHAUSER

J. CHRISTOPHER LAW

MATTHEW C. ALLEN
City Manager

MELINDA A. HITZ, CPA
Finance Director

RANDALL D. GRISELL
City Counselor

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www.garden-city.org

Issue

The Governing Body is asked to authorize Mayor Roy Cessna to sign the 2015 City of Garden City Hay Group pay study agreement.

Background

On November 1, 2008, the City of Garden City adopted a new Pay Plan that was developed by the Hay Group. The Pay Plan established an entirely new set of grade ranges, each with minimums and maximums derived from a methodology which focuses on the specific prerequisite requirements, duties and responsibilities itemized within job descriptions. Since the implementation of the Pay Plan, the grade ranges have been adjusted for market and many jobs have been reevaluated.

During the 2014 Governing Body goal setting retreat and subsequent meetings, the Governing Body set a goal to support policies that encourage staff retention. As the community continues to grow and the Kansas economy improves, Staff recommended that another pay study be conducted by the Hay Group.

In advance of the preparation of the 2015 budget, Staff requested a pay study agreement from the Hay Group. The Hay Group agreement proposes to conduct a thorough analysis of both the current internal pay practices within the grade ranges as well as a comparison against the relevant market for the different positions. To determine the market competitiveness, they will use existing data available through public sources and conduct a special survey of jobs in surrounding communities to supplement available data. Any recommendations by the Hay Group that are adopted by the Governing Body would not go into effect until the preparation of the 2016 budget.

Alternatives

1. Change nothing. Staff will continue to adjust the grade ranges periodically, conduct job evaluations and compensation surveys as requested by Department Heads and the City Manager.
2. Authorize City Staff to hire the Hay Group for a pay study to begin January 2016.
3. The Governing Body is asked to authorize Mayor Roy Cessna to sign the 2015 pay study agreement (Attachment). Project commencement to begin first quarter 2015.

Recommendation

1. Staff recommends the Governing Body approve a motion to do the following: Authorize Mayor Roy Cessna to sign the 2015 City of Garden City Hay Group pay study agreement (Attachment) with a project commencement to begin first quarter 2015.

Fiscal Note

2015 estimated total expenses related to this project equate to \$34,500 which is included in the 2015 Human Resources budget, a general fund expense.

April 8, 2014

Ms. Michelle Stegman
Human Resources Director
City of Garden City
301 North 8th Street
Garden City, KS 67846-0499

Dear Michelle,

It was a pleasure to speak with you recently in regards to your desire to review the current compensation structures at the City and determine the need for adjustments in the 2015 fiscal year to ensure ongoing competitiveness. In preparation for this proposal, I have reviewed the original 2008 project findings and outlined the following steps to ensure a review of all structures and modification of the salary ranges to accommodate the current and projected market.

Since it has been several years since implementation, Hay Group proposes to conduct a thorough analysis of both the current internal pay practices within the structures as well as a comparison against the relevant market for the different positions. To determine the market competitiveness, we will use existing data available through public sources and conduct a special survey of jobs in surrounding communities to supplement available data.

Internal equity analysis

The first step of the analysis will be a review of the current salaries of each individual within the established grades and salary ranges.

Garden City will provide Hay Group with a detailed listing of data for all associates in each structure including title, name, grade, and salary. Additionally, Garden City will provide a table with the current salary ranges for all Grades.

Using this data, Hay Group will analyze the current pay practices within the current salary structures to determine the effectiveness of salary administration since implementation. The consultants will provide commentary regarding any internal pay practices which fall outside the parameters of the current ranges and identify areas where improvements are warranted.

External competitive analysis

The consultants will review the competitiveness of the current pay policy against selected cities within the region using available survey data from City Human Resources and publicly available data from similar size cities. We will examine the current salary structures in relation to the appropriate markets to determine the current competitive position for Garden City in relation to the desired pay philosophy. Additionally, the consultants will use available Hay Group data for a benchmark to the pay trends across industries throughout the Midwest, which will serve as a valid source for determining regional differences.

Special market survey

According to our recent discussion, the City does not currently have any available survey information. Therefore, Hay Group suggests that we conduct a special survey of benchmark positions for selected cities which are similar to Garden City or within a defined region. Conducting this survey will involve the following steps:

- Select benchmark positions to be surveyed
 - Includes approximately 20 core positions as well as key levels of Police and Fire departments
- Develop job model descriptors and survey submission documents
- Solicit contacts at selected cities with assistance of Garden City Human Resources
 - It is assumed that Garden City will have Human Resources contacts from neighboring cities to be efficient within the budget and not require “cold calling”
- Collect compensation data for benchmark jobs from each City
- Develop overview of compensation market by job title and grade level
- Create participant feedback report and incorporate data into Garden City analysis

2015 salary range recommendations

Based on the analysis of current pay within the structure and the competitiveness of the policy, Hay Group will develop preliminary recommended salary ranges for implementation in 2015 that achieve the City’s desired competitive position while considering cost implications.

The consultants will prepare a report detailing the findings of the analysis and the recommendations for structure movement, including details of how the recommended structure will impact each individual.

The consultants will deliver the findings and recommendations to Human Resources in an on-site meeting to discuss the implementation of the structure and determine if modifications to the preliminary recommendations are necessary. Based on the discussion, the consultants will prepare a revised final report for the City to use in implementing the structures.

Project pricing

Based on the work to be conducted as detailed above, consulting fees for the project will be \$34,500. This proposal and price quote are valid until January 31, 2015 with project commencement expected in the first quarter of 2015. If not contracted by then, the proposal will require modification. If the City desires to do the project without a special survey, we can provide an adjusted price.

Invoicing

It is Hay Group’s practice to invoice projects based on the timeline and deliverables for the work to be conducted. Based on the steps defined above, the project will require 10 - 12 weeks for completion considering time for the special survey. Considering the short timeline for the project, we will invoice the entire amount at commencement of the project. Invoices are due within thirty (30) days of receipt.

- Invoices for expenses will be in addition to the consulting fees and sent monthly as incurred.

Terms and conditions

This agreement, together with any attachments, is the entire agreement between Hay Group and the Client (“You”) as to the services described in and to be performed under this agreement, and is the only statement of this agreement. Any contrary terms are rejected. Your signature on a Hay Group proposal or order form means You accept these terms. This agreement may be changed only by a written amendment signed by the authorized representatives of the parties. “Authorized representatives” shall include the original signers of this agreement, their respective successors by role or title, and the respective corporate officers of each party. The provisions of this paragraph shall be enforceable regardless of the theory of recovery or defense.

You may not assign or transfer this agreement to another person and any attempt to do so will not be effective.

The project objectives, specific outcomes, and other detailed information shall be contained in the proposals to you, or as otherwise agreed in a service order. Hay Group will invoice for work conducted based on standard hourly or daily consulting rates and level of consultant required to perform the Services. Invoices will be rendered according to an agreed-upon schedule or monthly, depending on the specific scope of the work requested.

- Out-of-pocket and project-related direct expenses will be invoiced as incurred. The quoted fees and expenses are exclusive of any applicable taxes. Should these be required by law, we will adjust our invoices and bill You accordingly.

Invoices are payable within 10 days in US funds. Should any invoice remain unpaid after the due date, Hay Group reserves the right to add to the unpaid balance interest at the rate of 1.5% per month (18% per annum), or the highest interest rate permitted by law, whichever is less. The prevailing party in any dispute under this Agreement shall be entitled to reasonable attorneys’ fees and costs. “Prevailing Party” means the party that wins a judgment or award against the other party, for more than a nominal amount, even if less than all of that party’s claimed damages. A settlement or dismissal before trial shall preclude either party from being a “Prevailing Party”.

Should the scope of a project be reduced or expanded, we will discuss this with you in advance and modify the project fees, in writing, accordingly. If at any time you find it necessary to terminate our services, You may do so by making this request in writing. You are only obligated to pay fees and expenses incurred or committed up to that point, plus a cancellation fee of 10% of the original quoted price, if specified in a proposal or work order.

Hay Group shall maintain sole ownership of the written materials and data contained in any and all deliverables under this agreement which may be provided to You in connection with the projects. You agree not to disclose or reproduce such Licensed Materials in any manner whatsoever, except: (i) You may make a reasonable number of copies for Your internal use only; and (ii) You may comply with applicable public information laws or legal process. Unless Hay Group and You agree to a different term, this agreement shall begin on the date Hay Group and You sign this agreement, and end on the date either party has received written notice of termination from the other.

Neither Hay Group nor client shall be liable for any consequential, incidental, indirect, or punitive damages, regardless of the circumstances. Neither party shall be liable for any damages in excess of the amount of fees paid under this agreement. This clause is a separate, essential part of this agreement.

This agreement, together with any attachments, is the entire agreement between Hay Group and you as to the services described in and to be performed under this agreement, and is the only statement of this agreement. Any contrary terms are rejected. Your signature on a Hay Group proposal or order form means you accept these terms. Neither Hay Group nor you may recover from each other any damages other than actual, direct damages, even if one of us fails to perform under this agreement.

Conclusions

Michelle, I appreciate the opportunity to provide these services to the City. I look forward to working with you to ensure that the compensation structures continue to meet your needs and remain competitive over the next few years. When you are ready to begin, simply sign below and return to me. We will then begin to collect your data and set a timeline for completion.

Sincerely,



Cheryl A. Mikuls
Vice President

Accepted by: **City of Garden City** _____

Name *Title*

Signature *Date*

LEASE AMENDMENT

THIS LEASE AMENDMENT (Amendment) is made and entered into effective the 1st day of January, 2015, by and between **CITY OF GARDEN CITY, KANSAS** hereinafter referred to as "City" and **REGENCY AUTOGROUP, INC., d/b/a HERTZ RENT-A-CAR**, Garden City, Kansas, hereinafter referred to as "Tenant".

WITNESSETH:

WHEREAS, City and Tenant heretofore entered into a Consent to Assignment of Lease Agreement dated December 1, 2014, assigning a Vehicle Rental Lease Agreement between City and Wheat Lands, Inc. d/b/a Hertz (Lease), having a beginning date of July 1, 2013 and a termination date after all extensions of June 30, 2108; and

WHEREAS, Tenant desires to increase the number of rental parking spaces from 12 to 15.

NOW, THEREFORE, City and Tenant hereby agree to amend paragraph 3 of the Lease as follows:

3. **RENT.** Tenant shall pay to City as annual rent for the Leased Premises the following:
 - A. Office/Counter Space—\$1,440.00
(144 sq. ft. at \$10.00 per sq. ft.)
 - B. Parking Spaces—\$637.50
(15 x \$42.50/space) as depicted on Exhibit B of the Lease
 - C. Fee Per Vehicle Rental—\$2.50

In addition to rent for office/counter space and parking spaces, Tenant shall also pay City the designated fee for each vehicle rented during the year at the GCRA, to include vehicles rented at the terminal building and the FBO, at the rate indicated in paragraph 3C. Tenant shall prepare and deliver to City a written report of the number of vehicles rented for the previous month, by the 20th of each month, with an annual report due prior to the 10th of March of each year.

All office/counter space and parking space rent shall be due and payable on or before the 10th day of March of each year of the term of this Agreement, with the first rent due on July 10, 2013. The fee for each vehicle rented shall be paid by Tenant to City on a quarterly basis as follows: Within twenty (20) days of March 31, June 30, September 30, and December 31. All rent payments shall be made to the GCRA Director of Aviation.

LEASE RATIFICATION: The parties hereby ratify and confirm all of the remaining terms, provisions and conditions of the Lease, and agree that they shall remain in full force and effect for the mutual benefit of and be binding upon the parties hereto, and their respective successors and assigns.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement, effective as of the date first set forth above.

CITY OF GARDEN CITY, KANSAS

By _____
ROY CESSNA, Mayor

ATTEST:

CELYN N. HURTADO, City Clerk

REGENCY AUTOGROUP, INC.,
d/b/a HERTZ RENT-A-CAR

By _____
Shawn L. Audrain, President



**PUBLIC UTILITIES
DEPARTMENT**

MIKE MUIRHEAD
Public Utilities
Director
301 N 8th St
620.276.1577

CLIFF SONNENBERG
Electric Service's Center
Superintendent
140 Harvest Ave
620.276.1290

FRED JONES
Water Department
Resource Manager
106 S 11th St
620.276.1292

ED BORGMAN
Waste Water
Superintendent
345 S Jennie Barker Rd
620.276.1281

CITY ADMINISTRATIVE
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301 N 8TH ST
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620.276.1160
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www.garden-city.org

MEMORANDUM

TO: Governing Body
THRU: Matt Allen, City Manager
FROM: Mike Muirhead, Public Utilities Director
DATE : December 30, 2014
RE : Bid Acceptance / Utility Service Center Expansion

ISSUE:

Governing Body consideration and acceptance of bids for the Utility Service Center received December 30, 2014.

BACKGROUND:

Governing Body approved in 2014 the expansion of the existing Electrical Service Center on Harvest Street, to accommodate the consolidation of the Water Division with the Electrical Division. Governing Body also authorized issuing the necessary bonds for the construction of the facility in the amount of \$1.75M. We received four bids all of which were under the Architect's Estimate. The bid consisted of a base bid and two add alternates for fencing and alternating tread stairs.

The low bid was submitted by Dick Construction, Inc., in the amount of \$1,188,900.00. Accepting Alternate #1 in the amount of \$8,400.00 and Alternate #2 in the amount of \$4,500.00 brings the total cost to \$1,201,800.00. A copy of the bid tabulation is attached.

ALTERNATIVE:

- 1) Approve the low bid from Dick Construction in the amount of \$1,201,800 for the construction of the Utility Service Center expansion, including alternates.
- 2) Do not approve the low bid from Dick Construction in the amount of \$1,201,800 for the construction of the Utility Service Center expansion.

RECCOMENDATION:

Staff recommends approval of alternative #1

FISCAL NOTE:

Funding for this project has been secured in the 2014 bond issue.

CITY OF GARDEN CITY
 UTILITY SERVICE CENTER EXPANSION
 THE ARCHITECT, 214.014

TABULATION OF BIDS
 December 30, 2014
 10:00 AM CST

BIDDER	BASE BID	Alternate A-1	Alternate A-2			MECH. CONTR. ELEC. CONTR.
		<i>Parking Fence</i>	<i>Alter. Tread Stair</i>	% ADDS	DAYS	
Architect's Estimate	\$1,750,000	NA	NA			
Dick Construction, Garden City	\$1,188,900	\$8,400	\$ 4,500	20%	280	Comfort Specialists Pyramid Plumbing 3G Electric
Lee Construction, Garden City	\$1,332,000	\$13,900	\$ 5,200	18%	365	Comfort Specialists Pyramid Plumbing 3G Electric
Harbin Const.LLC, Salina	\$1,343,000	\$9,200	\$ 6,500	10%	270	Comfort Specialists Pyramid Plumbing 3G Electric
JAG Construction Dodge City	\$1,674,703	\$8,640	\$ 10,933	13%	240	Glassman Davis Electric
Hutton Construction, Garden City						
McBride Construction, Hugoton						

Other Entities Minutes



Cultural Relations Board Agenda

December 10, 2014

5:15 pm

CITY ADMINISTRATIVE
CENTER
301 N. 8TH
P.O. Box 998
GARDEN CITY, KS
67846-0998
620.276.1160
FAX 620.276.1169
www.garden-city.org

City of Garden City Meeting Room, 2nd Floor

- I. Call Meeting to Order
- II. Presenter(s)
- III. Approval of August 2014 minutes
- IV. Old Business
 - A. 2014 Diversity Dinner and Multi-Cultural Summit Planning Recap
 - B. 2014 Cultural Relations Board Initiative – “Religions of the World”
 - C. City of Garden City CRB Website Page Evaluation
- V. New Business
 - A. 2014 Chairperson Recognition
 - B. 2014 Board Term Expirations: Sabandith, Weber, Murungi-Kisekka, and Harness.
 - C. Christmas Celebration – Paskong Pinoy Request – Filipino – American Association SW Kansas
- VI. Monthly Financial Report
- VII. Adjournment



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**City of Garden City
Cultural Relations Board Meeting Minutes
August 14, 2014
5:15 pm**

Present: Verna Weber, Chairperson Adam Cassellius, Dan Le, Karen Aguilar, Racheal Murungi-Kisekka, Vice Chair Nancy Harness, Geovannie Goné and Dr. Debra Bolton

Absent: Liz Sabandith

Staff: Michelle Stegman

Guest(s): Ashley Frehburg, City of Garden City Communications Specialist and Tony Welch, Primary

I. Call the Meeting to Order

Chairperson Adam Cassellius called the meeting to order at 5:25 pm.

II. Guests:

Ashley Frehburg, City of Garden City Communications Specialist. Ashley gave an overview of the City website that included the CRB page and the City Face Book page. She asked the board members for their ideas and suggested that they consider the image. The board members shared the following:

- Information on what is sponsored.
- Diversity Dinner, Multicultural Summit and Fall Fest cuisine booths
- Goals advocated for the group.
- Previous issues – squirrels in the cemetery.
- Group shot of board
- Recommendations made
- Cultural awareness
- Rolling pictures of sponsored events
- Add a calendar of cultural events.

The board members requested that this be a website review be added to the September 2014 meeting agenda.

III. Approval of Minutes

Adam asked for a motion to approve the amended July 2014 minutes. Dr. Debra Bolton moved to accept the minutes with a second from Nancy Harness. Motion approved.

IV. Old Business

A. 2014 Diversity Dinner and Multi-Cultural Summit Update

Michelle and Debra provided an update on the MC Summit Planning meeting. The minutes of that meeting will be emailed to the board members. Michelle shared that HR staff has researched the option of centerpiece decorations and requested approval to purchase tropical flowers from Central America. She shared the prices of the flowers and additional vases needed. The board



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concurred with the Verna suggested Bird of Paradise as she saw it everywhere in Nicaragua. Verna said she would ask her grandchildren to make tissue paper flowers.

B. Religions of the World Presentation

The CRB continued to discuss this event. Michelle reported that she had visited City Manager Matt Allen about the status of this event and the recommendation to bring in a professor from a university to conduct the presentation. He recommended that the Cultural Relations Board bring in a professor from a faith based school to add to their credibility. The board members expressed concern as it was the belief that a speaker from a faith based of institution may only focus on that faith. The board will research this recommendation further.

V. New Business

A. Mexican Fiesta Sponsorship

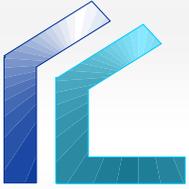
Michelle presented a request for the CRB to sponsor the 2014 event. Historically the board has sponsored it in the amount of \$250. Verna motioned first to sponsor at the \$250 amount and Debra seconded. Motion approved. The board elected not to participate in the parade this year.

VI. Financial Report

There were no new expenses to report.

B. Adjournment

Meeting adjourned at 6:30 pm.



GARDEN CITY RECREATION

REVISED AGENDA - Garden City Recreation

Regular Meeting

December 15, 2014 @ 5:15pm

Garden City Recreation Center, 310 N. 6th Street

- I. Call Meeting To Order**
- II. Approval of Agenda**
- III. Consent Agenda**

The following shall stand approved and/or accepted as presented unless action is taken to remove an item from the consent agenda.

 - Minutes of Regular Meeting November 24, 2014
 - Financial Reports for November 2014
 - Staff Reports for December 2014
 - Participation Reports
- IV. Superintendents Report**
 - RSVP for the 2014-Board/Staff Dinner January 10, 2015.
 - Building will be closed on Christmas Eve & Day, New Year Eve & New Year's Day...
 - CORE FITNESS CENTER Construction Update
 - Introduction of the Fitness Staff for 2015
- V. New Business**
 - a. Superintendent is seeking for the following Policy Changes (See Packet)
 - b. Pecos Baseball League 2015.
 - c. Approve Locker Purchases for CORE FITNESS.
- VI. Old Business**
- VII. Executive Session** – Upon Request for discussion of Real Property or Personnel (Superintendents Evaluation)
- VIII. GARDEN CITY RECREATION COMMISSION QUESTIONS & COMMENTS**
- IX. ADJOURNMENT**

Next Meeting

January 19, 2015

CORE FITNESS CENTER @ 5:15pm

941 Larue Road

**Garden City Recreation Commission
Minutes
Monday, November 24, 2014**

I. Call Meeting to Order

Vice Chairperson Marcus Ramos called the meeting to order at 5:24pm. GCRC Board present was Torre Mohler, Myca Bunch. Alyssa Benavidez arrived at 5:40pm. GCRC Staff present were Superintendent John Washington, Aquatics Director Monica Colborn, Wellness Director Meghan McFee and Finance Director Terri Hahn. Guest present was Water Resource Manager Fred Jones with the City of Garden City.

II. Approval of Agenda

John asked to add to the agenda under V. New Business, f., Approval of equipment supplies for Core Fitness. Motion by Myca Bunch to approve the amended agenda, seconded by Torre Mohler. Motion carried with all in favor.

III. Consent Agenda

The following shall stand approved and/or accepted as presented unless action is taken to remove an item from the consent agenda.

- **Minutes of Regular Meeting October 22, 2014**
- **Financial Reports for October 2014**
- **Staff Reports for November 2014**
- **Participation Reports**

Motion by Torre Mohler to approve the consent agenda, seconded by Alyssa Benavidez. Motion carried with all in favor.

IV. Superintendents Report

- **2014 Board/Staff Kick Off Dinner. (January 10, 2015) Additional information to follow in our December 15th meeting.** – Reminder about January 10, 2015 dinner.
- **Core Fitness tour will be scheduled at the end of our December 15th meeting** – crews are pouring concrete for curbing and drive, weather permitting. Losing 16,000 feet of space. Will set up meeting at Core Fitness for tour.
- **We are hoping that the Water Park project will be underway. Final plans have been submitted to the City Planning Committee for approval. Monica, Tim (I.T. with Clarion Inn) and I set down on November 6th for a final review of the POS system and setup.** – The theme of the water park is parrot.
- **Storage Room Clean-up has been a challenge but very successful. The outside of Gloria (campus Street Storage) and Fulton Street Storage were the sites under review along with the Class Rooms 1 & 2. These two class rooms have a shared storage area that over the years had become crowded. Several items that had not been used in years were disposed of. Staff was able to include gym storage and will continue working with department heads on the inside of Gloria.** – Gloria is looking better outside and inside. Working on cleaning.
- **Continued discussions with Pecos Baseball League.** – Still visiting with the Pecos Baseball League, looking at 2016. Will be two new teams one in Topeka area and in this area.

V. New Business

- a. **Monica Colborn will discuss water solutions with the “Big Pool” along with talks on how to fix the current issues and long term restructure.** - John introduced Fred Jones, Water Resources Manager with the City of Garden City. Aquatics Director Monica Colborn gave a presentation on the Big Pool on water loss and future use. Cracks and holes in the pool where you can stick your hold hand and arm into, deep in the worst. Band aid in the 2003. Lack of circulation also is an issue. Shallow in also has cracks. The Big Pool losses 200 thousand gallons a day. It takes 2.3 million gallons to fill. Last year we were filling the Big Pool every other day. Monica asked where the water is going. This cannot continue. Not safe. Monica is having Tatro Plumbing pressure test the lines. Monica asks do we fix leaks and increase the circulation to open in 2015 and repair after season is over or close the Big Pool. Working with Water Edge out of Lenexa on fixes. Monica and John said next step is presentation with the City Manager. No Action taken.
- b. **2014 Amended Budget Hearing certify the1) the hearing mentioned in the attached publication was held: (2) after the Budget Hearing the budget was duly approved and adopted as the maximum expenditure for the various funds for the year 2014.** – Open 2014 budget hearing at 6:26pm. No public presented. Motion by Alyssa Benavidez to approve the amended 2014 budget. The motion was seconded by Torre Mohler. Motion carried with all in favor. 2014 Budget Hearing closed at 6:29pm.
- c. **Recreation Commission shall designate the official depository for the next fiscal year. The Superintendent is asking for approval in keeping Commerce Bank as our 2014/15 Official Depository.** – GCREC Board Member Torre Mohler stepped down on this issue due to working at Commerce Bank. Motion by Myca Bunch to approve Commerce Bank as the Official Depository for 2014/15. The motion was seconded by Alyssa Benavidez. Motion carried with all in favor. Myca Bunch – yes, Alyssa Benavidez - yes.
- d. **Superintendent is asking for approval for Extra Pay (Policy 5.8.1) for the attached employees in an approved amount per your approval.** – John handed out three (3) different options for the Board to approve. John explained that this is budgeted for. This is a way for the GCREC Board to say Thank You to the staff for everything that they do. Motion by Torre Mohler to approve the Extra Pay (Policy 5.8.1) to GCREC Staff in the amount \$300 to full time staff and \$150 to employee six (6) months and less. The motion was seconded by Myca Bunch. Motion carried with all in favor.
- e. **Approval of Jaycee Building Rental Form** – John explained the updated form handed out in the packet. The changes are in red print which included: (Must be at least 21 years of age and provide current Kansas DL or ID to rent). Deposits will be issued by mail at the conclusion of an event provided facilities are left in a clean and orderly manner and no damage has occurred. Group 1 – Hourly rate \$20 changed to \$30, Group 2 Hourly rate \$10 changed to \$20. Deposit old rate \$175 now \$200.00. Group 1 Daily (4 hrs or more) was \$125 now \$150 and Group 2 \$70 changed to \$90. Deposit changed from \$175 to \$200. John explained that on the deposit was to cover damaged that happen at the Jaycee building. The current deposit it would not cover the cost of

repairs. Myca Bunch asked about whether this was legal or not and John ask that Randy Grisell has looked at the form and OK it. Motion by Alyssa Benavidez to approve the amended Jaycee rental form, seconded by Myca Bunch. Motion carried with all in favor.

- f. **Approval of equipment supplies for Core Fitness** – Wellness Director Meghan McFee is asking for approval of equipment supplies for the Core Fitness. BOSU Pro balance Trainers, cable attachments bars storage racks w/12 cable attachments, Calf Raiz, Elite Power Med-Balls, varies weights, jump ropes, steps. Meghan received quotes from Power Systems, Inc. for a total of \$5,628.48 and from Gopher Sports for \$6,484.17. Motion by Torre Mohler to approve the bid from Power Systems Inc. in the amount of \$5,628.48 for variety of wellness equipment supplies for the Core Fitness, seconded by Alyssa Benavidez. Motion carried with all in favor.

VI. Old Business

1. **Staff is recommending for review of the GCRC Purchasing Policy** – John explained that there have been no changes done to the Policy. Motion by Alyssa Benavidez to approve the GCRC Purchasing Policy, seconded by Myca Bunch. Motion carried with all in favor.

VII. Executive Session – Upon request by the Recreation Board or Staff member we will convene for one sole purpose, Real Property and/or Employee Discussions. At any given time only one subject can be visited and if it requires a second subject matter you must exit the current meeting and return to executive.

John asked to go into executive session for the purpose to discuss real property for ten (10) minutes. Motion by Alyssa Benavidez to go into executive session for ten (10) minutes for the purpose to discuss real property, seconded by Torre Mohler. Motion carried with all in favor.

Went into executive session at 7:02pm

Out of executive session at 7:05pm.

Motion by Torre Mohler to approve the commercial lease agreement on 941 Larue Rd, seconded by Alyssa Benavidez. Motion carried with all in favor.

Garden City Recreation Commission Questions and Comments

VIII. Adjournment

Motion by Alyssa Benavidez to adjourn the meeting. Seconded by Torre Mohler. Motion carried with all in favor. Meeting adjourned at 7:10pm.

Terri Hahn
Secretary

Approved December 15, 2014