

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

City of Garden City  
December 2, 2014

The regular meeting of the Board of Commissioners of the City of Garden City was held at 11:00 a.m. at the City Administrative Center on Tuesday, December 2, 2014 with all members present.

Commissioner Doll moved that the City Commission go into executive session pursuant to K.S.A. 75-4319(b)(1) for 120 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 1:00 p.m. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

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

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

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

For 30 years of service:

Allen Shelton	Chief	Fire
Bob Zundt	Equipment Operator I	Street
Mike Utz	Captain	Police

For 20 years of service:

Curtis Schlereth	Driver	Solid Waste
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For 10 years of service:

Toby Witthuhn	Superintendent	Golf
Clint Brock	Detective	Police
Oscar Flores	Master Patrol Officer	Police
Lester Ummel	Equipment Operator II	Street
James Daily	Firefighter II	Fire
Derk Rojas	Laborer I	Cemetery
Wesley Brungardt	Evidence Technician	Police
Ryan Hahn	Food & Beverage Manager	Golf
Kenny Becker	Equipment Operator II	Street
Kaleb Kentner	Director	Community Development
Bill Matheson	Superintendent	Street
Peter Ramirez	Judge	Municipal Court
Brett Harman	Service Installer	Electric
Donna Wohler	Administrative Assistant	Zoo
Jon Irsik	Firefighter II	Fire

The City Commission and City Manager Allen recognized Cynthia Beltran, Legal Clerk and Victim Advocate for receiving the distinguished service award.

At 1:30 p.m. Mayor Cessna opened the continuation of a hearing regarding a nuisance violation at 2509 N. Taylor Avenue which began at the November 4, 2014 City

Commission meeting. Mr. Kurt Osterbuhr previously requested this hearing regarding a weed violation at 2509 N. Taylor Avenue and requested that the City assume the liability for him cleaning and maintaining the area in the right-of-way.

Commissioner Fankhauser moved to direct staff to continue with the nuisance violation process and collect the \$200 for mowing. 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

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

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

Meetings of note:

- ✓ December 1, 2014 – 2014 Annual Finney County Historical Society Commissioner Chili Luncheon, 12:00 p.m. at Finney County Historical Museum
- ✓ December 6, 2014 – Garden City Recreation Commission’s Christmas Fun Day at the GCRC Activity Center from 1:00 p.m. – 5:00 p.m.
- ✓ December 7, 2014 – Evening Christmas Parade at 6:00 p.m.
- ✓ 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. 2377-2014A, “AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$2,431,946.38,” was read and considered section by section. Commissioner Fankhauser moved to approve and pass Appropriation Ordinance No. 2377-2014A. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Ordinance No. 2675-2014, “AN ORDINANCE AMENDING ARTICLE 5, SECTION 23 AND ARTICLE 19, SECTION 200 OF THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2014, WHICH WAS ADOPTED AND INCORPORATED BY ORDINANCE NO. 2665-2014 OF THE CITY OF GARDEN CITY, KANSAS,” was read and considered section by section. Commissioner Fankhauser moved to approve Ordinance No. 2675-2014. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Resolution No. 2611-2014, “A RESOLUTION AUTHORIZING THE REMOVAL OF MOTOR VEHICLE NUISANCES FROM CERTAIN PROPERTIES IN THE CITY OF GARDEN CITY, KANSAS, PURSUANT TO SECTION 38-63 OF THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS (201 E. Laurel Street – white 4-door car and grey 4-door car),” was read and considered section by section. Commissioner Doll moved to approve Resolution No. 2611-2014. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

At 2:00 p.m., Mayor Cessna opened the public hearing relating to 1904 Crestway Drive, at which the owner, owner's agent, any lienholder of record and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired, or demolished and removed, pursuant to Section 18-80 ET SEQ. of the Code of Ordinances of the City of Garden City, Kansas.

Mike Friesen, previous owner of the property located at 1904 Crestway Drive addressed the Governing Body and stated he considered himself owner of the property and was against having the house demolished and removed.

Following the testimony of Mr. Friesen, the Mayor closed the public hearing.

Commissioner Law moved to approve the Unsafe Structure Order with an effective date of December 16, 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

Commissioner Fankhauser moved to approve bids received for 2015 Property and Liability insurance coverage as presented with the reduction of the wind/hail deductible from \$50,000 to \$25,000 for an additional premium of \$7500.00. 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 authorize a Public Hearing on December 16, 2014 at 2:00 p.m. for the amendment to these listed funds in the 2014 Budget: DEA Forfeiture, Finnup Trust, 12-6a13 Revolving and Special Rec & Parks. 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 of settlement agreements reducing the local access service charge from Wheatland Electric Cooperative from \$2.39 per kW-month to \$1.30 per kW-month and approving the operations agreement of the Jameson Energy Center. 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 Fankhauser moved to approve the 2015 City of Garden City Legislative Policy documents. 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 the 2015 Southwest Kansas Coalition Legislative Policy documents. 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 Law moved to approve and re-appoint Curt Kinney and Bruce Glass and appoint Valerie Hess to three-year terms that will end December 2017 on the Landmarks Commission. 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 Fankhauser moved to approve and appoint Vicki Germann to fill a three-year term that will end December 2017 on the Planning Commission. 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 re-appoint Bruce Glass to a three-year term that will end December 2017 on the Garden City Board of Zoning Appeals. 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 re-appoint Roger Unruh to a two-year term that will end August 2016 on the Building Safety Board of Appeals. Commissioner Dale seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Doll moved to approve and appoint Jamie Warren to a four-year term that will end January 2019 on the Garden City Recreation Commission. 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 the following:

1. Governing Body consideration and acceptance of an Indigent Defense Agreement authorizing the City of Garden City, Kansas to retain Robert J. Kennington, an attorney licensed in the State of Kansas to represent indigent defendants who qualify for court-appointed attorneys in the Municipal Court of the City.

2. Governing Body consideration and acceptance of an Indigent Defense Agreement authorizing the City of Garden City, Kansas to retain Bors Law, P.A. law firm, licensed in the State of Kansas to represent indigent defendants who qualify for court-appointed attorneys in the Municipal Court of the City.
3. Governing Body consideration and acceptance of an Indigent Defense Agreement authorizing the City of Garden City, Kansas to retain Stephen Cott, an attorney licensed in the State of Kansas to represent indigent defendants who qualify for court-appointed attorneys in the Municipal Court of the City.
4. Governing Body consideration and approval of bids received November 21, 2014 for one (1) new, 2015 4-door sedan vehicle to be purchased for use by the Electric Utilities Division.
5. Governing Body consideration and approval of quotes received for lease agreements for three vehicles in the Community Development Department.
6. Quit Claim Deed from heir of Phyllis L. Corrigan transferring Space 5, Lot 750, Brookover Addition of Valley View Cemetery to Troy and/or Bonnie Corrigan.
7. Licenses:

**(2014 New)**

- a) Joseph P. Varley Construction, Inc ..... Class A General
- b) Brungardt Construction ..... Class B General

**(2015 Renewal)**

- c) Walgreens #07972 ..... Cereal Malt Beverage
- d) Dillons #60 ..... Cereal Malt Beverage
- e) Dillons #05 ..... Cereal Malt Beverage
- f) Mariscos Puerto Nuevo ..... Cereal Malt Beverage
- g) JAG Construction, Co ..... Class A General
- h) Roc Service Company, LLC ..... Class A General
- i) Creative Interiors ..... Class B General
- j) Ed Barb ..... Class B General
- k) Energy Guard Midwest, LLC ..... Class B General
- l) Germann Homes ..... Class B General
- m) Smart Construction, LLC ..... Class B General
- n) Travers Construction, Inc ..... Class B General
- o) Wards Garden Center, Inc ..... Class B General
- p) Hemmert Electric, Inc ..... Class D-E Electrical
- q) Roger W. Unruh ..... Class D-E Electrical
- r) Spike's Electric ..... Class D-E Electrical
- s) Wheatland Electric Co-op, Inc ..... Class D-E Electrical
- t) Wards Garden Center, Inc ..... Class E-B Backflow Device Tester
- u) Knipp Equipment, Inc. DBA Kansas Trane ..... Class D-M Mechanical
- v) Brick Block Works ..... Class E-SOC Specialized Other
- w) Green Shoes Lawn Care ..... Class E-SOC Specialized Other
- x) Pro-Cut Tree Service, Inc ..... Class E-SOC Specialized Other
- y) Spencer Contracting, Inc ..... Class E-SOC Specialized Other
- z) Wards Garden Center, Inc ..... Class E-SOC Specialized Other
- aa) Wehkamp Excavating, Inc ..... Class E-SOC Specialized Other
- bb) Westhusing's Inc ..... 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 2:45 p.m. with City Attorney Grisell, City Manager Allen, Assistant City Attorney Jacob Cunningham 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, Mayor Cessna stated no action was taken.

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

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Roy Cessna, Mayor

ATTEST:

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Celyn N. Hurtado, City Clerk

### **City Commission Reports**

Commissioner Fankhauser thanked the employees that received awards for their years of service with the City. Commissioner Fankhauser thanked the city employees and downtown businesses that put up the Christmas lights along the downtown area.

Commissioner Law congratulated and thanked the employees that received the years of service awards. Commissioner Law stated he received a call about the need for lighting replacement and maintenance on the Tally Trail. Commissioner Law received a call regarding the drainage ponds on the east side of town and asked if and when they will be fenced. City Engineer Cottrell stated after excavating the areas will be fenced.

Mayor Cessna congratulated and thanked the employees that received longevity awards and distinguished service award. Mayor Cessna stated it goes to show that the City has great employees that go above and beyond.

Commissioner Dale congratulated the employees that received years of service awards and stated they are the City's No. 1 asset. Commissioner Dale congratulated Cynthia Beltran and thanked her for her service. Commissioner Dale reminded and encouraged everyone to attend the Christmas parade on December 7, 2014.

Commissioner Doll congratulated the employees that received years of service awards and thanked Cynthia Beltran for her service to the City.