

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

City of Garden City

April 7, 2015

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, April 7, 2015 with all members present except Commissioner Fankhauser. Commissioner Dale opened the meeting with the Pledge of Allegiance to the Flag and Invocation.

State Representative John Doll reviewed with the Governing Body legislative items of importance to the City.

David Crase spoke to the Governing Body and presented an article regarding the exporting of elephants from Zimbabwe.

Kathy Friesen gave an update to the Governing Body regarding the house at 1904 Crestway Drive. She requested to be on the next City Commission meeting to further discuss the state of the unoccupied home.

Roberta & Dean Powell, owners of Berta's Flowers & Festivities located at 1211 Fleming Street requested a waiver of the sign ordinance for the electronic sign in the window of their business. Community Development Director Kentner stated staff would review the request.

Commissioner Law moved to approve and allow the Mayor to proclaim April 7, 2015 as Tevin Briscoe Day. 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	Absent	Yea

Mayor Cessna moved to approve and proclaim April 8, 2015 as Michael Prieto Day. 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

Commissioner Dale moved to approve and allow the Mayor to proclaim the week of April 7 - 14, 2015 as Garden City High School Wrestling Championship Week. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Absent	Yea

Commissioner Law moved to approve and allow the Mayor to proclaim the month of April 2015 as Child Abuse Prevention month. 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	Absent	Yea

Commissioner Doll moved to approve a request from the Appliance & Furniture Mart for a waiver of the sign and temporary structure requirements for a tent sale/sidewalk sale April 18 -27, 2015 at 1117 Fleming Street. 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 Cessna moved to approve a request from Sand Hills Amateur Radio to waive the noise ordinance from Saturday, June 27, 2015 at 12:00 p.m. to Sunday, June 28, 2015 in the south parking lot at the Law Enforcement Center. 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

Commissioner Law moved to approve a request from Primera Iglesia Bautista Hispana for a waiver of the noise ordinance and use of Stevens Park on Sunday, June 21, 2015 from 5:00 p.m. – 10:00 p.m. for a youth concert. 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	Absent	Yea

Commissioner Doll moved to approve a request from staff for an additional \$25,000 to make the total authorized amount \$200,000 for emergency repairs at the swimming pool. 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	Absent	Yea

Finance Director Hitz provided the 2015 Budget Calendar.

The City received correspondence from Cox Communication regarding renewal of programmers and broadcasters.

The Governing Body congratulated to Garden City Police Officer Troy Davis and Kenneth Henderson Middle School on their award from People Saving People.

Staff provided items of information for Governing Body review including the following: from Cemetery Director Stevenson the monthly activity report, from Finance Director Hitz the sales tax report and from Public Works Director Curran the transit report.

Meetings of note:

- ✓ March 30 – April 10, 2015 – Spring Cleanup
- ✓ April 4, 2015 – Lee Richardson Zoo’s Eggstravaganza from 8:30 a.m. – 3:30 p.m.
- ✓ April 7, 2015 – Election Day
- ✓ April 11-14, 2015 – Western Kansas Congressional Delegation reception in Washington, D.C.
- ✓ April 15, 2015 – Garden City Area Chamber of Commerce monthly breakfast – The Golf Club at Southwind at 7:30 a.m.
- ✓ April 18, 2015 – Legislative Coffee at St. Catherine Hospital, Classroom B at 10:00 a.m.
- ✓ April 18, 2015 – Shop Small Saturday in Downtown Garden City
- ✓ April 18, 2015 – The Taste of Garden City at the Clarion Inn from 6:00 – 8:30 p.m.
- ✓ April 22, 2015 – Earth Day at Lee Richardson Zoo
- ✓ April 30, 2015 – Citizens’ Academy Graduation – City Administration Center at 5:30 p.m.
- ✓ May 8, 2015 – 2<sup>nd</sup> Annual Downtown Vision Golf Tournament at The Golf Club at Southwind
- ✓ May 20, 2015 – Garden City Area Chamber of Commerce monthly breakfast – The Golf Club at Southwind at 7:30 a.m.

Appropriation Ordinance No. 2385-2015A, “AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE

AMOUNT OF \$3,103,910.00,” was read and considered section by section. Commissioner Dale moved to approve and pass Appropriation Ordinance No. 2385-2015A. 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

Ordinance No. 2693-2015, “AN ORDINANCE APPROVING THE REZONING OF LAND FROM “L-R” LOW DENSITY RESIDENTIAL DISTRICT TO “R-1” SINGLE FAMILY RESIDENTIAL 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 (Chappel Heights rezoning)” was read and considered section by section. Commissioner Law moved to approve Ordinance No. 2693-2015. 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	Absent	Yea

Ordinance No. 2694-2015, “AN ORDINANCE REGULATING SIGNS IN THE CITY OF GARDEN CITY, KANSAS; AMENDING THE ZONING REGULATIONS, THE COMPREHENSIVE PLAN AND THE SIGN OVERLAY OF THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; OF THE CITY; AMENDING ZONING REGULATION SECTIONS 23.020 AND 23.090; REPEALING IN ITS ENTIRETY CURRENT ZONING REGULATION SECTIONS 23.020 AND 23.090; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS (sign amendments),” was read and considered section by section. Commissioner Doll moved to approve Ordinance No. 2694-2015. 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	Absent	Yea

Resolution No. 2626-2015, “A RESOLUTION OF THE CITY OF GARDEN CITY, KANSAS APPROVING THE SALE OF A CERTAIN PROJECT FINANCED WITH THE PROCEEDS OF REVENUE BONDS OF THE CITY; AUTHORIZING THE EXECUTION AND DELIVERY OF (1) A BILL OF SALE, (2) A SPECIAL WARRANTY DEED, (3) A TERMINATION AND RELEASE OF EASEMENT AGREEMENT, (4) A TERMINATION AND RELEASE OF ASSIGNMENT OF EASEMENTS, (5) A TERMINATION AND RELEASE OF LEASE, AND (6) A SATISFACTION, DISCHARGE AND RELEASE OF INDENTURE. (Wheatland Electric Cooperative Industrial Revenue Bonds.),” was read and considered section by section. Commissioner Doll moved to approve Resolution No. 2626-2015. 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	Absent	Yea

Resolution No. 2627-2015, “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 (2001 Mohawk Drive – Beige & Brown GMC pickup and 1209 N. Ninth Street – grey 2 door car),” was read and considered section by section. Commissioner Law moved to approve Resolution No. 2627-2015. 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	Absent	Yea

Resolution No. 2628-2015, "A RESOLUTION AUTHORIZING THE CITY OF GARDEN CITY TO ENTER INTO A MUNICIPAL LEASE/PURCHASE AGREEMENT (Lease No. 5000127-007) for Police and Fire Department equipment with Clayton Holdings, LLC." was read and considered section by section. Commissioner Dale moved to approve Resolution No. 2628-2015. 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	Absent	Yea

Commissioner Law moved to approve an amendment to the development agreement that is part of the development plan for the Clarion Park Estates RHID. 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	Absent	Yea

Representatives from the Finney County Preservation Alliance, Strings Academy of the Plains, the Garden City Recreation Commission and the State Theater Project all discussed their proposals for the State Theater and answered Governing Body questions.

Commissioner Law moved to sell the State Theater located at 418 N. Main Street to Duane West for the amount of \$10,000.00 and to allow reimbursement to the subsequent owner of up to the \$50,000.00 previously allotted for environmental remediation and life safety issues in the building. 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	Absent	Yea

Commissioner Dale moved to approve a change order in the amount of \$285,672.00, from Dick Construction for an additional vehicle/inventory area to be constructed at the Electric Service Center. 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

An interlocal agreement between the City of Garden City, Kansas and the County of Finney, Kansas for Information Technology consulting services was tabled for this meeting to allow time for County Administrator Partington and City Manager Allen to discuss a detailed plan.

Commissioner Law moved to approve a request from County Administrator Partington, on behalf of the Finney County Commission, to waive material costs and fees related to the extension of City utility services in an amount not to exceed \$60,088.00 for the new County court services building. 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	Absent	Yea

Mayor Cessna moved to approve and appoint Commissioner Dale to the selection committee for the architectural firm for the Central Fire Station addition and remodeling. 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	Absent	Yea

Commissioner Dale moved to approve the following:

1. Governing Body consideration and approval of bids received on March 25, 2015 for an 8-passenger van for Lee Richardson Zoo.
2. Governing Body consideration and approval of the 2015 Vegetation Mowing applicants for code violations.
3. Governing Body consideration and approval of a Settlement Agreement and Mutual Release between Keith Alexander and the City of Garden City, Kansas.
4. Governing Body consideration and approval of bids received on March 18, 2015 for underground primary power cable for the Electric Department.
5. Governing Body consideration and approval of a bid received for contractual services to trench and install conduit, switch vaults, and transformer vaults along Jennie Barker Road.
6. Governing Body consideration and approval of bids received for padmounted switchgear.
7. Governing Body consideration and approval of bids received on April 1, 2015 for 2015 street chip sealing project.
8. Governing Body consideration and approval of bids received on April 1, 2015 for 2015 street mastic sealing project.
9. Governing Body consideration and approval of the Clarion Park Estates final plat.
10. Governing Body consideration and approval of the Chappel Heights final plat.
11. Permission for Paulette Baughman to reserve Space 4, Lot 124, Zone J of Valley View Cemetery for the consideration of \$50.00 for the period of one year.
12. Quit Claim Deed from Joann Reynolds transferring Spaces 5 and 6, Lot 75, Zone: I of Valley View Cemetery to the City of Garden City.

13. Licenses:

**(2015 New)**

- a) PECOS League..... Cereal Malt Beverage
- b) Taxi Cab Leos ..... Taxi Cab
- c) American Warrior Construction ..... Class A General
- d) Sperry Construction..... Class A General
- e) Western Kansas Baptist Association. .... Class B General
- f) RDH Electric ..... Class B General
- g) Thrasher Systems ..... Class D-M Mechanical

**(2015 Renewal)**

- h) E&E A/C (Gallegos A/C)..... Class D-E Electrical
- i) E&E A/C (Gallegos A/C)..... Class D-P Plumbing w/ Gas
- j) E&E A/C (Gallegos A/C)..... Class D-M Mechanical
- k) Acosta Homes, Inc. .... Class E-SOC Specialized Other
- l) Castrellon Construction..... Class E-SOC Specialized Other

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 Cessna 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 3:30 p.m. with City Attorney Grisell, City Manager Allen and Public Utilities Director Muirhead present. 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	Absent	Yea

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

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Cessna	Dale	Doll	Fankhauser	Law
Yea	Yea	Yea	Absent	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 Dale commended and thanked the Cemetery Department for the beautiful facility that Valley View Cemetery is now. Commissioner Dale congratulated the Garden City High School Wrestling Team for their third consecutive 6A State Championship. Commissioner Dale thanked Spirit of the Plains, CASA for their work and request for Child Abuse Prevention Month.

Commissioner Dale commented that this was a topic that was very near to him and that abuse comes in many different ways. Commissioner Dale thanked City staff for all that they do for the community.

Commissioner Doll thanked Water Resource Manager Jones for his work on the pre-meeting topic of water conservation strategies and the Consumer Confidence report. Commissioner Doll congratulated the GCHS wrestling, Tevin Briscoe, Michael Prieto and the whole team on their 6A State Championship. Commissioner Doll congratulated Master Police Officer Davis and Kenneth Henderson Middle School students for their award from the People Saving People program.

Commissioner Fankhauser was absent.

Commissioner Law congratulated the GCHS Wrestling Team on their on-going repeats and stated it is very rare and they obviously have worked very hard for those titles. Commissioner Law congratulated Master Police Officer Davis and Kenneth Henderson Middle School students for their award from the People Saving People program. Commissioner Law thanked the Spirit of the Plains, CASA for Child Abuse Prevention month proclamation.

Mayor Cessna echoed the thoughts from the other Commissioners regarding the GCHS Wrestling Team. Mayor Cessna congratulated Kenneth Henderson Middle School and Master Police Officer Davis. Mayor Cessna reminded everyone to go vote and that the polls were open until 7:00 p.m.