

THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City
December 6, 2011

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 6, 2011 with all members present. Commissioner Crase opened the meeting with the Pledge of Allegiance to the Flag and Invocation. The minutes of the last meeting were approved.

Dr. Rick Atha, USD 457 Superintendent, spoke about the proposed electric rate restructuring. For USD 457 the impact would be a 21% increase, or \$135,000 for 23 buildings. Dr. Atha requests to have incremental increases for USD 457 of about 4% per year for five years. Dr. Atha also estimated that the total impact of the rate change is the equivalent of 2/3rds of a mill.

Mr. Scott Taylor, President & CEO of St. Catherine Hospital said he understands the need of the City to run a financially sound utility and commends the city staff for being transparent. The proposed electric rate increase would have a \$45,000 impact on the annual budget of St. Catherine Hospital. Mr. Taylor noted that St. Catherine Hospital has a \$200 million impact to the community, is the largest employer in the community and largest charitable organization in the community. The hospital has a fiscal year that starts in July and like USD 457 requested a July 2012 implementation date with incremental increases.

Harold Starr presented a letter from Lee Messenger.

Karen Livingston spoke to the electric rate restricting and felt all classes of customers should pay the same rate.

Mr. Sam Hermocillo presented a petition of 300 citizens not in approval of the \$2.50 fee for incensing residential development.

Mr. Chris Gronquist introduced himself to the Governing Body and is the new Site Manager for Waste Connection, Inc. at the Finney County landfill.

Ms. Sharron Simmons, resident of Garden City spoke regarding several topics including the math and science education in Garden City, utility rates and renewable energy.

Mr. Darrel Combs said rate changes have gone up and haven't factored in what he believe are utility rate breaks given to big box retail stores. He asked about the utility rates paid by Wal-Mart, Target, Sears, Sam's Club, and Home Depot.

The City Commission and City Manager Allen wish to take this opportunity to recognize the dedicated service of the following employees who have reached milestones in their service for the City.

For 30 years of service:

Carlos Bribiesca	Foreman	Street
Alan Young	Foreman	Electric
Grant Meyers, III	Head Driver	Solid Waste

For 20 years of service:

Rodney Bachman	Captain	Police
Kent Pottorf	Foreman	Electric
Melinda Hitz	Finance Director	Service & Finance
Gary Ray	Foreman	WWTP
Ralph Rochat	Foreman	Water

For 10 years of service:

Javier Hernandez	Master Communication Officer	Police
Jose Rodriguez	Laborer II	Street
Rafael Hernandez	Utility Worker II	Water
Freddie Strawder	Detective	Police
Steve Phillis	Operations/Maintenance Worker	Airport
Andrew Roush	Master Patrol Officer	Police
Roque Flores	Equipment Operator I	Street
Mark Johnson	Detective	Police
Michael Milligan	Lieutenant	Fire
Deborah Lopez	Communication Supervisor	Police
Tabitha Penick	Administrative Assistant	Cemetery
Darren Leonard	Driver	Solid Waste
Billy Villanueva	Journeyman Lineman	Electric
Alice Bilberry	Prosecutor's Assistant	Prosecution
Lee Stevens	Master Patrol Officer	Police
Rachelle Powell	Director of Aviation	Airport
Alvaro Torres	Laborer II	Street

The City Commission and City Manager Allen recognized Robert Herrera, a driver in the Solid Waste Department for receiving the distinguished service award.

Mayor Doll moved to approve a request from Ms. Bonnie Bribiesca to consider her business a Local Itinerant Merchant for her temporary business located at 201 W. Kansas to allow for the temporary placement of a sales trailer. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Fankhauser moved to approve the request from Golf Professional Cole Wasinger to authorize the possession and consumption of alcoholic liquor on December 9, 2011 for an Open House event. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Cessna moved to approve the request from Golf Professional Cole Wasinger to allow the Mayor to proclaim December 10, 2011 as GCCC Men's Cross Country Team Day. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Fankhauser moved to approve the request from Golf Professional Cole Wasinger to allow the Mayor to proclaim December 10, 2011 as GCHS Cross Country Day. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Fankhauser moved to approve the request from Golf Professional Cole Wasinger to allow the Mayor to proclaim December 6, 2011 as GCHS Girls Golf Day. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

City Manager Matt Allen noted the following:

- Congratulations to GCFD Firefighter Calvin Brown for being chosen to appear in the 2012 Kansas Firefighter's Museum calendar. Proceeds from the calendar will benefit Coats for Kids and the Kansas Firefighters Museum. Firefighter Brown was selected to participate in the National Fallen Firefighters' Memorial Ceremony in Emmitsberg, Maryland in October and was invited and did participate and represent the Garden City Fire Department in the Kansas Fallen Firefighters' Memorial during the Kansas State Firefighters Conference in Wichita. Calvin has been instrumental in the development of our local Honor Guard and serves as Co-Leader of the Honor Guard.
- The City received correspondence from Cox Communication regarding a line-up change.
- The City has received the 3rd quarter franchise payment from Black Hills Energy in the amount of \$46,695.60, from Cox Communication in the amount of \$53,058.85, from AT&T in the amount of \$19,177.30 and from AT&T for the month of October 2011 in the amount of \$6,447.05.
- Communications Specialist Freburg presented information on the 2012 Citizens Academy.
- Aviation Director Powell provided Great Lakes' new flight schedule, which is effective December 5, 2011. The flight schedule does not reduce or increase flights, but evenly distributes flight times on weekdays.
- Staff provided several items of information for Governing Body review including the following: from Finance Director Hitz the monthly City and County sales tax reports, from City Clerk Hurtado the special events requests and from Public Works Director Curran the monthly City Link ridership.

Meetings of note:

- ✓ December 3-4, 2011 from 1:00 p.m.-6:00 p.m. at the 3i building for the Recreation Commission's Santa's Carnival.
- ✓ GCRC's 2nd Annual Christmas Benefit Production of *The Best Christmas Pageant Ever*, Dec. 8-10, 2011, 7:00 pm nightly, at Word of Life Church.
- ✓ Saturday, December 10, 2011 from 12:00 p.m. - 4:30 p.m. for the annual Tuba Christmas celebration on Grant Avenue.
- ✓ Saturday, December 10, 2011 at 6:00 p.m. for the annual Holiday Parade on Main Street.
- ✓ Monday, December 12, 2001 at noon – Finney County Historical Society luncheon at the museum.
- ✓ December 13, 2011 for the Mayor's Christmas dinner at 6:30 p.m. at Samy's Spirits and Steakhouse.

Appropriation Ordinance No. 2305-2011A. "AN APPROPRIATION ORDINANCE MAKING CERTAIN APPROPRIATIONS FOR CERTAIN CLAIMS IN THE AMOUNT OF \$2,873,048.05", was read and considered section by section. Commissioner Crase moved to approve and pass Appropriation Ordinance No. 2305-2011A. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Crase	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Ordinance No. 2531-2011, "AN ORDINANCE APPROVING THE REZONING OF LAND FROM "C-2" GENERAL COMMERCIAL DISTRICT TO "I-1" LIGHT INDUSTRIAL DISTRICT; AMENDING THE ZONING ORDINANCE AND THE DISTRICT ZONING MAP OF THE CITY; AND REPEALING THE CURRENT ZONING ORDINANCE AND DISTRICT ZONING MAY; ALL TO THE CODE OF

ORDINANCE OF THE CITY OF GARDEN CITY, KANSAS. (301 S. MAIN STREET)”, was read and considered section by section. Commissioner Law moved to approve Ordinance No. 2531-2011. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Ordinance No. 2532-2011, “AN ORDINANCE AMENDING THE ZONING REGULATIONS FOR THE CITY OF GARDEN CITY, KANSAS; ADOPTING NEW ZONING REGULATIONS TO REGULATE ITINERANT BUSINESSES; AMENDING ORDINANCE NO. 2528 2011; AMENDING ZONING REGULATION SECTIONS 14.020, 15.020, 17.020, 18.020 AND 22.100; REPEALING CURRENT ZONING REGULATIONS SECTIONS 14.020, 15.020, 17.020, 18.020 AND 22.100; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.” was read and considered section by section. Mayor Doll moved to approve Ordinance No. 2532-2011. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Resolution No. 2446-2011, “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.”, was read and considered section by section. Commissioner Fankhauser moved to approve Resolution No. 2446-2011. Mayor Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Resolution No. 2447-2011, “A RESOLUTION AUTHORIZING THE REMOVAL OF NUISANCE CONDITIONS FROM THE PROPERTY LISTED BELOW IN THE CITY OF GARDEN CITY, KANSAS, PURSUANT TO SECTION 38-139 OF THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS. (407 W. Mary Street and 703 Bancroft),” was read and considered section by section. Mayor Doll moved to approve Resolution No. 2447-2011. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

At 2:00 p.m., Mayor Doll 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 2011 City of Garden City budget for the following funds; Airport, DEA Forfeiture, Finnup Trust, Special Rec & Parks, Workers Comp, Health Insurance, Golf Course Building and Solid Waste.

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

Commissioner Fankhauser moved to the Certificate of Amendment of the 2011 Budget. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Mayor Doll moved to approve the Annual Capital Improvement Reserve Fund (05) transfers. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Law moved to direct City staff to prepare an electric rate ordinance which changed rate classes as proposed during the meeting, phasing over two phases the Church & School classes, and implementing the change on April 1, 2012. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Community Development Director Kentner and Public Utilities Director Muirhead provided Governing Body information about a proposed Neighborhood Development Incentive Program. The program was prepared for discussion purposes and represented the amount of funds necessary to cover utility infrastructure costs in new residential subdivisions.

Discussion was held regarding the Neighborhood Development Incentive Program with members of the public in attendance at the meeting. The City Commission directed staff to look at other possibilities.

Mayor Doll moved to approve the bid received from Travelers Insurance package as proposed by Rutter/ Cline Associates for the City of Garden City 2012 Property and Liability Insurance in the amount of \$251,244. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Fankhauser moved to the purchase of land adjacent to the current Wastewater Treatment Facility for current plant operations and for future plant expansion. Commissioner Cruse seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Mayor Doll moved to appoint Ms. Jennifer Brock to fill the vacant position and Ms. Melodie Sterling to fill the unexpired term of David Rupp on the Local Housing Authority Board. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Cessna moved to approve the following recommendations from the Traffic Advisory Board:

- a) Leaving in place the “Right Turn Only” signage installed on southbound J.C. Street at Kansas Avenue and revisiting the traffic patterns at this location after the signs have been in place for one year.
- b) Denying the request for turning restrictions on southbound Mildred Street at Kansas Avenue.
- c) Denying the request for decreased speed limit on South Park and Tonio Avenue.
- d) Deny request for stop sign on southbound J.C. Street at Kansas Plaza.

- e) Deny request for traffic signal at Kansas Avenue and 11th Street.
- f) Deny request for traffic signal at Fulton and Taylor Avenue.

Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Nay	Yea	Yea

Mayor Doll moved to reject all bids received on November 29, 2011 for the Grow Well Clinic remodeling project and re-bid the whole project. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Mayor Doll moved to approve the Northborough Addition replat. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

Commissioner Cruse moved to approve the following:

1. Governing Body consideration and approval for an extension of term of lease between the City of Garden City, Kansas and Russell Child Development Center, Inc.
2. Governing Body consideration and approval of an Indigent Defense Agreement between the City of Garden City and Susan H. Richmeier.
3. Governing Body consideration and approval of an Indigent Defense Agreement between the City of Garden City and Robert J. Kennington.
4. Governing Body consideration and approval of an Indigent Defense Agreement between the City of Garden City and William A. Wright.
5. Governing Body consideration and approval of a lease agreement between the City of Garden City and Pokey Feeders, Inc. and Fairleigh Corporation.
6. Governing Body consideration and approval of a lease amendment between the City of Garden City and Airport Raceway Corporation.
7. Permission for Vicente Leyva, Jr. to reserve Spaces 2, 3 & 4, Lot 120, Zone K, Valley View Cemetery for the period of one year for the consideration of \$150.00.
8. Quit Claim Deed from Heirs of Jacob Eichhorn, Valley View Cemetery, Zone B, Lot 519, Spaces 1-8 to Frank D. and Ellen M. Eichhorn Trust.
9. Quit Claim Deed from Heirs of Tom E. Irwin, Valley View Cemetery, Zone I, Lot 19, Spaces 3 & 4 to City of Garden City.
10. Quit Claim Deed from Heir of Tom E. Irwin, Valley View Cemetery, Zone I, Lot 20, Space 3 to Tina M. McMichael.

11. Quit Claim Deed from Heir of Tom E. Irwin, Valley View Cemetery, Zone I, Lot 20, Space 4 to City of Garden City.

12. Licenses:

(2012 New)

a) Barnett Home ImprovementsClass A General Contractor

(2012 Renewal)

- b) Carniceria Garcia Cereal Malt Beverage
- c) Carniceria Garcia Restaurant Cereal Malt Beverage
- d) Walgreens #7972 Cereal Malt Beverage
- e) U Pump It #203 Cereal Malt Beverage
- f) U Pump It #207 Cereal Malt Beverage
- g) Walmart Store #652 Cereal Malt Beverage
- h) Express Corner Cereal Malt Beverage
- i) Wheat Lands Country Store Cereal Malt Beverage
- j) Taco Salinas Cereal Malt Beverage
- k) Pizza Hut #125 Cereal Malt Beverage
- l) Pizza Hut #102 Cereal Malt Beverage
- m) Garden Bowl Cereal Malt Beverage
- n) Villa Hermosa Restaurant Cereal Malt Beverage
- o) Alamo Food Mart #3 Cereal Malt Beverage
- p) San Antonio Restaurant Cereal Malt Beverage
- q) Confederated Builders, Inc. Class A General
- r) Lee Construction, Inc. Class A General
- s) Morton Buildings, Inc. Class A General
- t) Hutton Construction Corporation Class A General
- u) BG Construction, Inc. Class A General
- v) Poor Boy Enterprises Class B General
- w) American Roofing Class B General
- x) Tuff Shed, Inc. Class B General
- y) Stoecklein Construction Class B General
- z) White's Roofing, LLC Class B General
- aa) Mitch's Trim & Cabinetry Class B General
- bb) Jackson Construction Class B General
- cc) Brian Barlow Constructions Class B General
- dd) Builder's Plus Concrete, LLC Class B General
- ee) T.J.'s Constructions Class B General
- ff) Byerly Construction Class B General
- gg) Stucky Builders, LLC Class B General
- hh) Germann Homes, Inc. Class B General
- ii) Hitz Builders, Inc. Class B General
- jj) Hayden Tower Service, Inc. Class B General
- kk) J2 Construction, Inc. Class B General
- ll) Premier Construction, LLC Class B General
- mm) Berry Roofing Class B General
- nn) Nuzum Handyman Service Class B General
- oo) Roger Schmidt Class B General
- pp) Johnson Septic Tank Service, LLC Class B General
- qq) D.V. Douglas Roofing, Inc. Class B General
- rr) Creative Interiors Class B General
- ss) Dan's Electrical Service Class D-E Electrical
- tt) VanCampen Electric Class D-E Electrical
- uu) Evinger's Heating & Air, Inc. Class D-M Mechanical
- vv) Arntt Plumbing Class D-P Plumbing w/ Gas
- ww) Johnson Septic Tank Service, LLC Class D-P Plumbing w/ Gas
- xx) Lianro Metal Roofs, Inc. Class D-R Roofing
- yy) A-1 Sign Company Class D-SI Sign Installation
- zz) Luminous Neon, Inc. Class D-SI Sign Installation
- aaa) St. Catherine Hospital Class E-BF Backflow Test
- bbb) American Fire Sprinkler Corporation Class E-F Sprinkler & Protection
- ccc) Pryor Automatic Fire Sprinkler Class E-F Sprinkler & Protection

- ddd) Dreiling Construction, LLC.... Class E-SOC Specialized Other
- eee) Wehkamp Excavating, Inc. Class E-SOC Specialized Other
- fff) Israel’s Windows & Siding..... Class E-SOC Specialized Other
- ggg) Westhusing’s Inc..... Class E-SOC Specialized Other
- hhh) The Green Solution..... Class E-SOC Specialized Other
- iii) Roger Schmidt Class E-SOC Specialized Other
- jjj) Garden True Value..... Class E-SOC Specialized Other
- kkk) Troy’s Tree Service..... Class E-SOC Specialized Other

Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

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.

Mayor Doll moved that the City Commission go into 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 and that the City Commission reconvene into open session in the City Commission Chambers at 6:05 p.m. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

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

Staff requests Governing Body consideration of an Executive Session pursuant to K.S.A. 75-4319(b)(1) pertaining to personnel 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.

Mayor Doll moved that the City Commission go into Executive Session pursuant to K.S.A. 75-4319(b)(1) pertaining to personnel 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 the that City Commission reconvene into open session in the City Commission Chambers at 7:00 p.m. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Cessna	Cruse	Doll	Fankhauser	Law
Yea	Yea	Yea	Yea	Yea

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

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

John Doll, Mayor

ATTEST:

Celyn N. Hurtado, City Clerk

City Commission Reports

Commissioner Crase brought up the issue of pit bulls. He had thought it was finished and resolved. As he understands that any dog that is picked up as a vicious dog would need the Judge and/or the Prosecutor to approve sending it to another shelter. There was a discussion by the staff regarding how the process with the animal shelter staff, the Judge and the Prosecutor works.

Mayor Doll thanked the employees. When the public engaged in the discussion on the rate increase he thought it was great. If Mayor Doll was to have a Christmas wish it would be that we could discuss issues without the negative tone. Stop war and KU basketball plays at 8 p.m.

Commissioner Fankhauser asked what the status of Tek-Vet. City Manager Allen stated the facility is not operational yet and they are still waiting on the funds from the State. The Finney County Economic Development Corporation has been in contact with them.

Commissioner Law wanted to go back to the earlier recognition of the employees that have chosen to stay with the City for so long, some for 10, 20, 30 and even 40 years and then also acknowledged Calvin Brown and Robert Herrera. At the end of the day it's the people that make it work. Commissioner Law stated we have a lot of good stuff going whether we are recognizing people, completed projects and accomplishments of the City. Kudos to them. Commissioner Law asked what can we do to define local itinerant merchant license for local and or non-local, more specifically are we going to include county or city. He would like to make it clear. In his opinion it is a City thing, but that is the cost of doing business and a line must be drawn from here on out.

Commissioner Cessna thanked the employees recognized. The City has great staff. Commissioner Cessna asked about the status of the Household Hazardous Waste Facility and why we postponed the opening. Commissioner Cessna said it great news from the Finney County Economic Development Corporation and shows we are moving forward with the economy. Commissioner Cessna would like all departments to review rates on an annual basis rather than doing it as a shock after 12 years.