

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

City of Garden City

December 17, 2019

## **Call to Order**

The regular meeting of the Board of Commissioners of the City of Garden City was held at 1:00 PM at the City Administrative Center on Tuesday, December 17, 2019.

All members were present. Mayor Fankhauser opened the meeting with the Pledge of Allegiance and the Invocation.

## **Approval of Minutes**

The December 3, 2019 Meeting City Commission minutes were approved as presented.

## **Public Comment**

### **Report of the City Manager**

Golf Professional Hase provided an update on Buffalo Dunes Golf Course.

Court and Defendant Coordinator Wehkamp provided an end of year presentation on the Municipal Court.

Garden City Fire Department has recently received gifts of fire and rescue equipment from Garden City Co-Op and Tyson Fresh Meats. We greatly appreciate their generosity and recognition of the public service provided by GCFD!

Director of Public Works Sam Curran provided an update on the Eighth Street Reconstruction Project scheduled for spring 2021.

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

Presentation of November 2019 Fire Department Activity Reports from Garden City Fire Department.

Presentation of the November 2019 Building Report from Neighborhood & Development Services.

Presentation of the November 2019 Code Compliance Report from Neighborhood & Development Services.

Presentation of the November 2019 City Link Ridership Report from Public Works.

Presentation of the November 2019 Master Activity Report from the Garden City Police Department.

Presentation of the GCPD Organizational Study Action Plan.

Presentation of the November 2019 Monthly Financial Report from the Service and Finance Department.

Presentation of the November 2019 monthly staff report from Lee Richardson Zoo.

### **Meetings of Note**

- December 19, 2019 - Garden City Area Chamber of Commerce Open House from 4:00 p.m. - 6:00 p.m. at the Chamber offices.
- January 7, 2020 - The Eighth Street Reconstruction and Streetscape Project Stakeholders Meeting at the City Administrative Center in the Meeting Room at 6:00 p.m.
- January 9, 2020 - CIP Project Review Meeting (Fire, IT, Police & Zoo) at the City Administrative Center at 5:30 p.m.
- January 13, 2020 - Reorganization Meeting of the Governing Body at the City Administrative Center, Commission Chambers at 1:00 p.m.
- January 16, 2020 - CIP Project Review Meeting ( Parks & Rec) at the City Administrative Center at 5:30 p.m.
- January 22, 2020 - League of Kansas Municipalities - Local Government Day at Capitol Plaza Hotel at 2:00 p.m.
- January 27, 2020 - Southwest Kansas Night out in Topeka at Capitol Plaza Hotel from 5:00 p.m. - 8:00 p.m.
- February 6, 2020 - CIP Project Review with City Manager at the City Administrative Center at 5:30 p.m.

### **Consideration of Appropriation Ordinance**

Appropriation Ordinance No. 2497-2019A, "an appropriation ordinance making certain appropriation for certain claims in the amount of \$1,951,404.51," was read and considered section by section.

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

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

### **Consideration of Ordinances and Resolutions**

At 1:30 p.m. Mayor Fankhauser opened a public hearing on the creation of a Community Improvement District.

Finance Director Hitz discussed the process for creating a Community Improvement District.

With no further discussion Mayor Fankhauser closed the public hearing. The Governing Body consider approval of an ordinance creating a Community Improvement District for NCKAN Partners, Inc. for the "Remaining Pad Site #1."

1. Ordinance No. 2857 - 2019, an ordinance creating the Schulman Crossing Community

Improvement District in the City of Garden City, Kansas and authorizing the levy of a community improvement district retailers' sales tax to be collected within the district.

Commissioner Dick moved to approve. Commissioner Unruh seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved changes to amend the Fire Code and sections regarding fire suppression systems for Mobile Food Vendors.

1. Ordinance No. 2858- 2019, an ordinance regulating and governing the safeguarding of life and property from the hazard of fire and explosion arising from the storage, handling or use of structures, property, processes, materials or devices, from conditions hazardous to life, property or public welfare in the occupancy of structures, premises or property and from fire hazards arising from the occupancy or operation of structures, premises or property within the corporate limits of the City of Garden City Kansas; regulating and governing matters related to the constructions, extension, repair, alteration or removal of fire suppression or alarm systems and conditions affecting the safety of fire fighters and emergency responders during emergency operations within the corporate limits of the City of Garden City, Kansas; incorporating by reference the International Fire Code, 2018 version, with certain, omissions, additions, or changes; prescribing additional regulations; providing certain penalties; amending section 46-31 and 46-32 of the Code of Ordinances of the City; repealing existing code sections 46-31 and 46-32; all to the Code of Ordinances of the City of Garden City, Kansas.

Commissioner Cessna moved to approve. Commissioner Byrnes seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved a revised version of the 2019 Uniform Public Offense Code (UPOC), as it relates to local ordinances on smoking, vapor products and tobacco products, as well as the use thereof in enclosed areas and outdoor public places.

1. Ordinance No. 2859-2019, an ordinance regulating public offenses within the Corporate limits of Garden City, Kansas; incorporating by reference the Uniform Public Offense Code for Kansas Cities, Edition of 2019, with certain omissions, additions or changes; prescribing additional regulations; amending Code Section 62-2; repealing existing Code Section 62-2; all to the Code of Ordinances of the City of Garden City, Kansas.

Commissioner Unruh moved to approve. Commissioner Byrnes seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Dick, Fankhauser, Unruh

Nays: Cessna

The Governing Body considered and approved a resolution declaring the boundary of the City of

Garden City as of January 1, 2020.

1. Resolution No. 2836-2019, a resolution declaring the boundaries of the City of Garden City, KS as of the 1st day of January 2020.

Commissioner Cessna moved to approve. Commissioner Dick seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved the renewal of the Rural Housing Incentive District (RHID) resolution, which outlines the policy and use of RHIDs within the City of Garden City for 2020.

1. Resolution No. 2837-2019, 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 a policy to incentivize housing developments.

Commissioner Byrnes moved to approve. Commissioner Dick seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved a Motor Vehicle Nuisance Resolution.

1. Resolution No. 2838-2019, 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 (715 St. John St. - Red Truck & Beige Car in Rear Yard).

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

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved a Motor Vehicle Nuisance Resolution.

1. Resolution No. 2839-2019, 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 (304 N. 3rd St. - Red Truck & Red Car Rear Yard, White & Green Truck Driveway).

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

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved a Motor Vehicle Nuisance Resolution.

1. Resolution No. 2840-2019, 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 (1403 Wallace - Black 4-Door Cadillac, Red 4-Door SUV, White 4-Door Car).

Commissioner Byrnes moved to approve. Commissioner Unruh seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved a Motor Vehicle Nuisance Resolution.

1. Resolution No. 2841-2019, 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 (705 Summit - White RV, Red 4-Door Car, Green Van).

Commissioner Byrnes moved to approve. Commissioner Unruh seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved a Motor Vehicle Nuisance Resolution.

1. Resolution No. 2842-2019, 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 (803 Summit - Green Toyota Pick-Up, Black Mercedes, Red Ford 4-Door Car, two (2) White 2-Door Pick-Ups, White Eclipse).

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

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

## **Old Business**

The Governing Body considered and approved a proposal for prosecution services from The Law Office of David West.

Commissioner Cessna moved to approve. Commissioner Byrnes seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved an interlocal agreement for the Municipal Judge/County Counselor between the City of Garden City and Finney County.

Commissioner Cessna moved to approve. Commissioner Unruh seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered the Garden City Aquatics Facility concepts designed by Confluence, Water Technologies, Ballard\*King and Barker Rinker Seacat Architecture.

Assistant City Manager Cunningham explained the process that led the City to the options presented to the Governing Body.

Joyce McGaughey, Patrice Shelton, Jack Koksall, John Standley and Janette Brungardt addressed the Governing Body with their questions and concerns regarding the Big Pool.

After a long discussion time with staff, representatives from Confluence and citizens in the audience the Governing Body approved Concept C with no changes and the addition of the Fly High Slide and the Ninja Course.

Commissioner Cessna moved to approve. Commissioner Byrnes seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

### **New Business**

The Governing Body considered and approved the 2020 Property & Liability Insurance renewal for the City of Garden City, Kansas in the amount of \$417,595.00.

Commissioner Cessna moved to approve. Commissioner Dick seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved year end transfers from the General Fund (#001) to the Capital Improvement Reserve (#005) for selected 2019 programs, capital projects and equipment purchases not completed by year's end.

DEPARTMENT	PROJECT	ACCOUNT CODE	TRANSFER AMOUNT
Human Resources	Advisory Board	001-18-116-5210	\$2,000
	City Wide Pay Study	001-18-116-6100.05	\$27,000

	Engagement Survey	001-18-116-6100.05	\$35,000
Police	Vehicle Decals	001-12-121-7370.15	\$3,800
	Revise Regulations	001-12-121-5347.01	\$19,800
	Lease Payment -2020 Vehicles	001-12-121-6100.16	\$68,000
	Motorola Contract	001-12-121-6100.08	\$90,000
Neighborhood & Development Services	Office Equipment	001-14-135-6100.04	\$2,000
	Survey & Engineering	001-14-135-6110.08	\$11,000
Parks	Ben Grimsley Resurface	001-14-135-6041	\$35,000
	Depot Repairs	001-14-135-5347.07	\$8,000
Cemetery	Third Street Sidewalk Phase 3	001-16-161-6010	\$20,000
Fire	Building Repair	001-15-151-5370.01	\$5,000
	Equipment	001-15-152-6100.08	\$10,000
Capital Improvement	Development Incentives	001-17-171-6010.06	\$50,000
	Airport Facilities	001-17-171-6015.01	\$7,000
TOTAL TRANSFER			\$393,600

Commissioner Byrnes moved to approve. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered a three-year contract with Exceleron Software Inc. to provided pre-pay options to utility customers. The Governing Body asked staff to get more information and bring back at another Commission meeting.

The Governing Body considered and approved a final agreement and purchase for 80 acre feet of water rights from Mr. Mike Gigot in the amount of \$72,000.00.

Commissioner Dick moved to approve. Commissioner Unruh seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved the City purchasing Tract "A" of Wilson Third Addition property in the amount of \$19,000.00.

Commissioner Cessna moved to approve. Commissioner Dick seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved HNTB Corporation as the Garden City Regional Airport consultant.

Commissioner Byrnes moved to approve. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved appointing Tyler Deines, Blair Loving and Aaron Anderson each to serve three-year terms from January 1, 2020 - December 31, 2022 on the Airport Advisory Board.

Commissioner Dick moved to approve. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved five appointments to the Public Utilities Advisory Board (PUAB).

<b>Board Member</b>	<b>Term</b>	<b>Term Dates</b>	
		<b>Start Date</b>	<b>End Date</b>
John Hahn	One Year	January 1, 2020	January 1, 2021
Beverly Schmitz Glass	Two Year	January 1, 2020	January 1, 2022
Steve Michel	Two Year	January 1, 2020	January 1, 2022
Chris Law	Three Year	January 1, 2020	January 1, 2023
Reynaldo Mesa	Three Year	January 1, 2020	January 1, 2023

Commissioner Byrnes moved to approve. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved appointing Jesus Diaz to a three year term from January 1, 2020 - December 31, 2022 on the Planning Commission.

Commissioner Byrnes moved to approve. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved appointing Nancy Mader to serve the unexpired term ending October 8, 2020 on the Finney County Transit Advisory Committee.

Commissioner Cessna moved to approve. Commissioner Dick seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

### ***Consent Agenda***

Mayor Fankhauser moved to approve the following items on the Consent Agenda. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Cessna, Dick, Fankhauser, Unruh

The Governing Body considered and approved a Lease Agreement between the City of Garden City and J. Kent Scott d/b/a/ Scott Auction for the lease of the warehouse building located at Garden City Regional Airport with an annual rent of \$25,200.00.

The Governing Body considered and accepted temporary and permanent easements from Kansas State University.

The Governing Body considered and accepted a Consent to Annexation Agreement from Kansas State University.

The Governing Body considered and approved Agreement No. 214-19 on Project No. 50B-28 KA-5432-01 (Fulton Street Drainage Project) between the Secretary of Transportation, Kansas Department of Transportation (KDOT) and the City of Garden City (City).

The Governing Body considered and approved Indigent Defense Agreements authorizing the current court-appointed attorneys of the Garden City Municipal Court to continue their legal representation of indigent defendants.

The Governing Body considered and approved the contractor licenses for December 17, 2019.

The Governing Body considered and approved the 2020 Cereal Malt Beverage, Taxi Cab, Precious Metal Dealers and Pawnbroker licenses.

### **Other Entities**

Presentation of the November 12, 2019 minutes from the Garden City Regional Airport Advisory Board.

Presentation of the September 10, 2019 Garden City Board of Zoning Appeals approved minutes.

Presentation of the December 3, 2019 Zoo Advisory Board agenda and minutes

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

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Dan Fankhauser, Mayor

ATTEST:

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Celyn N. Hurtado, City Clerk

### **City Commission Reports**

A. Mayor Fankhauser thanked Chief Utz for the update on the Garden City Police Department organizational road-map. Mayor Fankhauser expressed gratitude toward Tyson Fresh Meats for the support shown to the community. Mayor Fankhauser wished everyone happy holidays and a happy new year.

B. Commissioner Cessna stated that he attended the pre-meeting at Pioneer Pathway, that offered a walking trail for the West part of the community. Commissioner Cessna thanked Garden City Co-op and Tyson Fresh Meats for the equipment that was donated to Garden City Fire Department. Commissioner Cessna informed everyone that the bypass project has been delayed. Commissioner Cessna wished everyone safe and happy holidays and a safe new year.

C. Commissioner Dick stated that it was a great year and the he is looking forward to the next year. Commissioner Dick thanked everyone who was involved in the pool discussion for participating.

D. Commissioner Unruh stated that he is celebrating the Tyson Fresh Meats reopening. Commissioner Unruh thanked the Garden City Fire Department for their work in responding to the fire at Tyson Fresh Meats. Commissioner Unruh stated that he attended pre-meeting where there was a ribbon cutting for Pioneer Pathway, an additional asset to the community. Commissioner Unruh thanked staff for their work on the Big Pool project and is excited about moving forward. Commissioner Unruh wished everyone happy holidays.

E. Commissioner Byrnes wished everyone happy holidays and a safe new year.