

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

City of Garden City

July 16, 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, July 16, 2019.

All members present except Commissioner Cessna. Mayor Fankhauser opened the meeting with the Pledge of Allegiance and Invocation.

## **Approval of Minutes**

July 2, 2019 City Commission Minutes.

## **Public Comment**

Harold Orosco contacted staff prior to the meeting and asked to have his request for a second City Commission candidate forum removed from the agenda.

## **Consideration of Petitions, Memorials and Remonstrances**

The City of Garden City and the Garden City Police Department (GCPD) recognized Sergeant Brecken Ralston from the GCPD Law Enforcement Explorer Program (LEEP) for his participation in the 2019 FBI National Academy's Youth Leadership Program.

The City of Garden City and the Garden City Police Department (GCPD) recognized Explorers from the GCPD Law Enforcement Explorer Program (LEEP) for their participation in the 2019 Capital City Challenge Competition in Topeka.

The Governing Body considered and approved the Mayor proclaiming August 4-10, 2019 as National Health Center Week.

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

Absent: Cessna

The Governing Body considered and approved requests from Carole Fry, on behalf of the Finney County Fair Board for solid waste special rates of \$20 per container, a waiver of the deposit and daily fees required for carnivals. The motion did not include approving the request to waive the beer garden fee.

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

Ayes: Byrnes, Dick, Fankhauser, Unruh

Absent: Cessna

The Governing Body considered and approved a request from Aaron Stewart, Garden City Recreation Commission, under Code Section 6-35 and 6-133 to allow possession, consumption and sale of cereal malt beverages or alcoholic liquors during the The Siege 5K Obstacle Course on Saturday, August 17, 2019 at 3502 N. Campus Drive (in front of the Crazy House).

Mayor Fankhauser 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

Absent: Cessna

The Governing Body considered and approved a request from Genesis Family Health Center, to waive the \$25 park reservation fee for use of Ayala Park on Friday, August 9, 2019 for a 45th Anniversary Celebration event from 3:00 p.m. - 8:30 p.m.

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

Ayes: Byrnes, Dick, Fankhauser, Unruh

Absent: Cessna

The Governing Body considered and approved proclaiming July 22, 2019 as Kaleb Kentner Day in Garden City, Kansas.

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

Ayes: Byrnes, Dick, Fankhauser, Unruh

Absent: Cessna

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

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

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

Presentation of the Monthly Financial Report from Service and Finance.

### **Meetings of Note**

- July 22, 2019 - Going Away Party for Neighborhood & Development Services Director Kaleb Kentner at 3:00 p.m.
- July 24, 2019 - Finney County Economic Development Corporation Board meeting at the City Administrative Center in the Commission Chambers at 7:30 a.m.
- July 24-27, 2019 - Finney County Fair
- July 30, 2019 - Town Hall meeting at the City Administrative Center in the Commission Chambers at 7:00 p.m.
- August 2, 2019 - Downtown Vision - First Friday Food Truck from 11:00 a.m. - 7:30 p.m.
- August 2, 2019 - Downtown Vision - Downtown Banner Art Walk from 4:00 p.m. - 7:00 p.m.
- August 6, 2019 - National Night Out - 4:30 p.m.
- August 28, 2019 - Finney County Economic Development Corporation Board meeting at the City Administrative Center in the Commission Chambers at 7:30 a.m.
- August 28, 2019 - Kansas Department of Transportation - Local Consult Meeting at the Dodge House in Dodge City, Kansas from 9:00 a.m. - 12:00 p.m.
- September 6, 2019 - Downtown Vision's Historic Downtown Walking Tours at 7:30 p.m.

### **Consideration of Appropriation Ordinance**

Appropriation Ordinance No. 2487-2019A, "an appropriation ordinance making certain appropriations for certain claims in the amount of \$2,166,816.66.

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

Ayes: Byrnes, Dick, Fankhauser, Unruh

Absent: Cessna

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

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 2019.

1. Resolution No. 2820-2019, 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 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

Absent: Cessna

The Governing Body considered and approved an ordinance rezoning from "R-2" Single Family Residential and "R-C" Condominium Townhouse Districts to "C-2" General Commercial District (900 Lareu Road - Sports of the World complex).

1. Ordinance No. 2839- 2019, an ordinance approving the rezoning of land from "R-2" Single Family Residential District and "R-C" Condominium-Townhouse District to "C-2" General Commercial; amending the Zoning ordinance, the Zoning Regulations and the District map of the City; and repealing the current Zoning Ordinance, the Zoning Regulations, and the District Zoning map; all to the Code of Ordinances of the City of Garden City, Kansas.

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

Ayes: Byrnes, Dick, Fankhauser, Unruh

Absent: Cessna

The Governing Body considered and approved an ordinance to amend the Garden City Zoning Regulations "R-3" Multiple Family Residential District to allow commercial towers by Conditional Use Permit.

1. Ordinance No. 2840-2019, an ordinance amending the Zoning Regulations for the City of Garden City, Kansas; amending the Zoning Regulation Section 7.030; repealing in its entirety current Zoning Regulation Section 7.030; all to the Code of Ordinances of the City of Garden City, Kansas.

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

Ayes: Byrnes, Dick, Fankhauser, Unruh

Absent: Cessna

The Governing Body considered and approved an ordinance to amend the Garden City Zoning Regulations regarding cell towers and antennas.

1. Ordinance No. 2841-2019, an ordinance amending the Zoning Regulations for the City of Garden City, Kansas; amending Zoning Regulation Sections 2.030, 37.030, 37.050, 37.060, 37.070, 37.080, 37.090, 37.110, 37.120 and 37.130; repealing in its entirety current Zoning Regulations Sections 2.030, 37.010, 37.030, 37.050, 37.060, 37.070, 37.080, 37.090, 37.100, 37.110, 37.120 and 37.130; all to the Code of Ordinances of the City of Garden City, Kansas.

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

Ayes: Byrnes, Dick, Fankhauser, Unruh

Absent: Cessna

### **New Business**

At 1:30 p.m., Mayor Fankhauser opened the Public Hearing on the matter of the Governing Body

hearing questions, concerns and comments from the public with regard to the proposed 2020 budget for the City of Garden City.

Finance Director Hitz explained the process to authorize the 2020 Budget.

There being no further comment from the public, Mayor Fankhauser closed the public hearing.

The Governing Body considered and approved the authorization of the 2020 Budget Certificate, which summarizes the maximum levy of property tax for specific funds and the maximum expenditure for all funds of the City's budget.

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

Ayes: Byrnes, Dick, Fankhauser, Unruh

Absent: Cessna

The Governing Body considered and approved to seek damages from SMI (Smith Mountain Investments) and accept the next lowest bid from Alamon, Inc.

Mayor Fankhauser 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

Absent: Cessna

The Governing Body considered and approved the installation of a new irrigation system at Valley View Cemetery.

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

Ayes: Byrnes, Dick, Fankhauser, Unruh

Absent: Cessna

The Governing Body considered the following questions related to the future of publicly funded water recreation.

1. Will the City open the Big Pool for the 2020 season?
2. Does the City continue to provide publicly funded water recreation?
3. If #2 is yes, does the Governing Body desire to select a professional firm to assist in preparing future public water recreation options?

Assistant City Manager Cunningham explained the options.

Bob Lewis, Heather Kneeland, Manuel Ortiz and Marla Garcia all spoke about the importance of the Big Pool and what they desired in a new aquatics facility.

Commissioner Byrnes moved to direct staff to decommission the Big Pool at the end of the 2019 season and begin working with Confluence on the design of a new water recreation facility. Mayor Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes

Nays: Dick, Fankhauser, Unruh

Absent: Cessna

Commissioner Unruh moved to direct staff to operate the Big Pool in 2020 for its final season, and begin working with Confluence on the design of a new water recreation facility. Commissioner Dick seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Dick, Fankhauser, Unruh

Nays: Byrnes

Absent: Cessna

Commissioner Byrnes moved to approve the Governing Body to go into Executive Session for 15 minutes pursuant to K.S.A. 75-4319(b)(2) for the purpose of consultation with an attorney 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 3:25 p.m. with City Attorney Grisell, City Manager Allen, Assistant City Manager Cunningham and Public Utilities Director Muirhead present. Commissioner Unruh seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Byrnes, Dick, Fankhauser, Unruh

### ***Consent Agenda***

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

Ayes: Byrnes, Dick, Fankhauser, Unruh

Absent: Cessna

The Governing Body considered and approved the purchase and installation contract for an inclusive playground at A. Harold Long Park.

The Governing Body considered and approved the Final Plat for Sports of the World Addition.

The Governing Body considered and approved a 2019 Temporary Cereal Malt Beverage license renewal for the Garden City Recreation Commission.

## **Other Entities**

Presentation of the March 19, 2019, Park and Tree Advisory Board minutes.

Presentation of the April 16, 2019, Park and Tree Advisory Board 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 stated that there was a lot of good information shared at the Pre-Meeting regarding Census 2020. Mayor Fankhauser congratulated Brecken Ralston for his participation in the 2019 FBI National Academy's Youth Leadership Program. Mayor Fankhauser thanked and congratulated Kaleb Kentner on his years of service and new job opportunity in Texas. Mayor Fankhauser thanked Assistant City Manager Cunningham, Communications & Project Manager Stewart and Communications Specialist Lohfink for their work on the Big Pool project.

B. Commissioner Cessna was absent.

C. Commissioner Dick stated that he recognizes where we are in Garden City and the decision on the Big Pool is one that will leave a dot on Garden City's timeline. Commissioner Dick thanked Kaleb Kentner for his work at the City and in the community. Commissioner Dick commented that the flags are getting caught on the flagpoles on Main Street and asked staff to look into the situation. Commissioner Dick thanked staff for the Pre-Meeting on the Census 2020.

D. Commissioner Unruh stated the Census 2020 presentation was excellent. Commissioner Unruh stated the City will miss Kaleb Kentner and thanked him for his service. Commissioner Unruh thanked everyone for the discussion on the Big Pool and stated it was a lot of information and they received a lot of feedback from the public. Commissioner Unruh commented that he is excited about upcoming opportunities in the community including Garden City Recreation Commission's The Siege. Commissioner Unruh thanked Chief Utz and Captain Ralston for engaging the youth of our city.

E. Commissioner Byrnes encouraged the public to attend the Finney County Fair. Commissioner Byrnes apologized for not being able to attend the Town Hall meeting, the first Commission meeting in August and the candidate forum.