

May 28, 2019
Garnett, Kansas

The Governing Body of the City of Garnett met in regular session on May 28, 2019 at 6:00 p.m. at City Hall with the following individuals present Greg A. Gwin, Mayor; Jody Cole and Brigitte Brecheisen-Huss, City Commissioners; Chris Weiner, City Manager; Terry J. Solander, City Attorney; and Travis Wilson, City Clerk. Student Representative Will Mechnig was absent.

CALL TO ORDER

Mayor Gwin called the meeting to order at 6:00 p.m.

The Pledge of Allegiance was recited, followed by Doug Meyer, First Christian Church, giving the invocation.

APPROVAL OF MINUTES

The Governing Body reviewed the May 14, 2019 City Commission Meeting minutes. A motion was made by Mayor Gwin to approve the May 14, 2019 City Commission Meeting minutes as amended. Commissioner Cole seconded the motion. Motion passed 3-0.

CITIZENS TO BE HEARD

There were no citizens to be heard.

GOVERNING BODY

Commissioner Cole welcomed Brian Grissell and John Rogers to the Public Works Crew and offered congratulations to Eric Trammell on his Class II Wastewater Operator Certification, Ray Arnett on passing his Cathodic Protection testing, and Matthew Jones on passing his second course in Water Treatment Plant Operations. Commissioner Cole also thanked everyone who worked to provide this year's Celebration of service and thanked the Volunteer Firemen and women as well as City employees and anyone else who helped put the flags up at the Cemetery.

Commissioner Brecheisen-Huss thanked the City employees who were involved with putting the Flags up for Memorial weekend.

Mayor Gwin commented he attended the ribbon cutting for AirMed Care at the Anderson County Hospital and welcomed them as a new Chamber member. He also thanked City staff, mainly the Electric Department for putting in all their hours distributing the banners throughout the town. Mayor Gwin commented the Memorial service and flags were very nice. He also apologized for not attending the Employee Appreciation Lunch as the Commissioners were not notified of the luncheon. Mayor Gwin asked if anyone had filed for the open Commission seat. City Manager Weiner replied that currently only one (1) individual had filed.

EMPLOYEE OF THE MONTH

Phil Bures was recognized as Employee of the Month.

REGULAR BUSINESS

- Presentation of Official City Flag, Emma Self and Eddie Gruver. This has been tabled until the next meeting.
- Appointment of KMGGA Director. After discussion, Commissioner Brecheisen-Huss made a motion to appoint Chris Weiner as the City's KMGGA Director. Commissioner Cole seconded the motion. Motion passed 3-0.
- Discussion of the 2019 Transportation Plan. City Manager Weiner distributed a map of a proposal from City staff recommending projects around the Garnett community that are needing maintenance and repairs. City Manager Weiner explained he hasn't received bids on any work yet however he expected the plan would use the majority of the street and special highway resources. City Manager Weiner also mentioned that the bridge on the north side of North Lake road just north of the 4-H building has begun to collapse and is progressively getting worse. Although the road itself hasn't collapsed, the ground underneath it is eroding and it's only a matter of time before the road itself collapses. He mentioned with the poor condition of the road, the Enduro Kart Race event will likely not be able to be held however he planned on meeting with engineers later in the week to look at the bridge and confirm closure is necessary and to get a plan in place for repair. Mayor Gwin commented he would like City Manager Weiner to get estimates on all of this road work and would like to see an estimate on Catalpa, from Fourth (4th) Avenue to Park Road.
- Discussion Regarding Ballot Question for a Five-Member City Commission. Commissioner Brecheisen-Huss commented she heard back from the Secretary of State's Office and there is nothing prohibiting a mail ballot election and that it is up to the City Governing Body and the County Election Official to work it out depending on the County Election Official's timeline. City Manager Weiner explained that he spoke with City Attorney Solander and had him draft a Charter Ordinance and a trailer ordinance calling for a special election. However, the City Attorney still believes the Kansas Constitution does not allow for a mail in ballot and may provide future challenges and concerns including litigation costs.

City Attorney Solander commented that he spoke with the Eric Smith, the Deputy Director of the League of Municipalities Legal Department who indicated concurrence with City Attorney Solander's interpretation of the Constitution. City Attorney Solander stated that if the Governing Body wishes to go forward with the mail in ballot, they should not adopt the new charter ordinance as a specific date must be identified first. He again stated his interpretation of the Constitution that a mail ballot election cannot be conducted for the purpose of electing, ratifying, or removing an officer. City Attorney Solander recommended to follow the schedule he suggested at the last meeting and adopt the new Charter Ordinance as well as the ordinance calling for a special election as a cost savings for calling for the election in November. He also commented that if they intended to move forward with the mail ballot, it would be done but cautioned it would be against legal advice.

Commissioner Brecheisen-Huss played a voicemail left for her from the Secretary of State's Office regarding the mail ballot election question. City Attorney Solander commented it would be unwise to proceed with anything that might be questionable when a significant contingent who are concerned with the outcome and may take those concerns to court. City Manager Weiner commented he contacted County Clerk Julie Heck and let her know the Governing Body was looking at doing a mail ballot election. She said the earliest she could do the election would be late July, early August but would need to coordinate the date with the County Election Officer and make that first priority prior to passing the ordinances. City Manager Weiner mentioned that the discussion regarding an election date could take place at the City/County Commission meeting on June 3rd, 2019 at 6:00 p.m. After discussion, this was tabled to the next City Commission meeting to discuss possible dates for the special election.

- Discussion Regarding Welcome Signs. Commissioner Brecheisen-Huss asked for an update on the Welcome Sign project because she heard that work on the boards had stopped per the orders of the City Manager. City Manager Weiner presented photos of the welcome sign showing work that had been done and mentioned the boards are in rough shape and in a condition difficult to repair so work was stopped on the boards. City Manager Weiner spoke with project facilitator Scott Rogers and he commented that he would be able to repair the boards and return them to a condition to get them to last at least another 5 years. City Manager Weiner commented that we need to look long term and find replacement options for the signs in five (5) years.
- Consideration of Semi-Monthly Bills in the amount of \$143,428.02. After discussion, Commissioner Brecheisen-Huss motioned to approve the semi-monthly bills in the amount of \$143,428.02. Commissioner Cole seconded the motion. Motion passed 3-0.

INFORMATIONAL ITEMS

The City Manager's Report was received and discussed.

The Area Business Awards list was reviewed and discussed.

Mayor Gwin mentioned there will be a Special City Commission Meeting City Code Workshop held on May 30th from 6:00 p.m. to 8:00 p.m.

CITIZENS TO BE HEARD

There were no citizens to be heard.

EXECUTIVE SESSION

Mayor Gwin made a motion to recess executive session to discuss individual employee pursuant to non-elected personnel matter exception K.S.A. Statue 75-4319 (b) 1 for five (5) minutes with the executive session starting at 7:35 p.m. with the following present: City Manager Weiner and the Commission. Regular session to resume at 7:40 p.m. Commissioner Brecheisen-Huss seconded the motion. Motion passed 3-0.

At 7:40 p.m. a motion was made by Mayor Gwin, seconded by Commissioner Brecheisen-Huss to extend executive session for five (5) minutes.

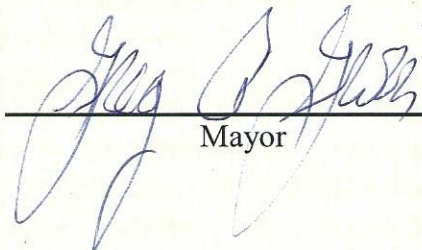
At 7:45 p.m. a motion was made by Mayor Gwin, seconded by Commissioner Brecheisen-Huss to extend executive session for five (5) minutes.

At 7:50 p.m. Mayor Gwin called the meeting back to order and mentioned no action was taken during the executive session.

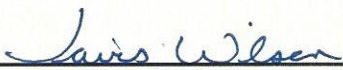
ADJOURNMENT

With no further business to discuss, Mayor Gwin adjourned the meeting at 7:50 p.m.

Attest:



Mayor



City Clerk