

July 26, 2016
Garnett, Kansas

The Governing Body of the City of Garnett met in regular session on July 26, 2016 at 6:00 p.m. at City Hall with the following present: Greg A. Gwin, Mayor; W. Gordon Blackie and Jody M. Cole, City Commissioners; Joyce E. Martin, City Manager, Terry J. Solander, City Attorney and Kristina L. Kinney, City Clerk. Also attending: Jeremy DuPont, ACHS Youth in Government Representative.

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 of the First Christian Church, giving the invocation.

MINUTES APPROVED

Commissioner Blackie noted that the minutes of July 12, 2016 were incorrect and needed to be corrected to read Nicole Stovall as the Youth Pastor of the Nazarene Church. A motion was made by Commissioner Blackie, seconded by Commissioner Cole to approve the minutes of July 12, 2016 as corrected. On roll call, the following vote was recorded: Ayes – three; Noes – none.

COMMUNICATIONS & REPORTS

Mayor Gwin commented on how great the tractor pull was and the fact that it was a very good fundraiser for the Boy Scouts.

Mayor Gwin expressed his satisfaction with the Garnett Area Paint Project and stated that he really enjoyed getting to meet with the youth who participated. He mentioned that the GAPP workers said the community was very supportive and they received discounts from several businesses. He thanked the community and businesses for their kindness.

Commissioner Blackie echoed Mayor Gwin's statements on the Garnett Area Paint Project. He thanked Mayor Gwin for going to each site to recognize those individuals.

Commissioner Blackie discussed information on noise control at the train crossings throughout Garnett. He contacted Fort Scott City Hall about their "Quiet Zones". He mentioned that Parsons and Fort Scott have signs near railroad crossings that say "NO TRAIN HORN" that warns drivers that there are no train horns at that crossing. He suggested that we speak to a consultant about the possibility of implementing this in Garnett. He asked the city manager to contact the consultant from Olsen and Associates located in Springfield.

Commissioner Cole offered special thanks to everyone working on the Garnett Area Paint Project.

Jeremy DuPont followed up with the commission about the skate park project. The City Manager mentioned that she has a file about the project that was started several years ago and offered to meet with the group to answer any questions they might have.

COMMUNICATIONS & REPORTS (CONTINUED)

Desiree Donovan was present to speak about the Prayer Vigil to be held on Saturday, July 30, 2016 at 6:30 p.m. to honor local law enforcement, fire fighters and healthcare providers. She thanked Mayor Gwin and the city manager for agreeing to speak at the event.

Garnett Police Sergeant Robert McLeod was present to answer questions the Governing Body might have in light of recent national events involving the shooting of law enforcement officers. Mayor Gwin asked if Sergeant McLeod feels comfortable with the equipment and amount of training the city has provided to the police department. Sergeant McLeod said he absolutely feels comfortable with what the PD has been provided. He stated that since 2008 our agency has been ahead of the curb as far as equipment and training. They have been able to filter that training down into such things as Active Shooter.

Commissioner Blackie asked if he had any concerns specific to Garnett. Sgt. McLeod responded that the officers must have the mindset that anything can happen anywhere. They have been working with their officers to prepare for these instances. He mentioned they have had world class trainers come in once or twice a year to conduct training.

Commissioner Blackie stated that if something comes to mind in the future as far as additional equipment or training is concerned that the department needs to let the commission know as soon as possible.

Commissioner Cole expressed gratitude for our officers and thanked them for everything they do for our community. She echoed Commissioner Blackie's request to have the Police Department let them know if they ever need anything from the governing body.

Mayor Gwin asked for the commissioner's thoughts and for advice from the city attorney about the penalties of battery on a police officer. He stated it is against state law and is a misdemeanor for simple battery. Aggravated battery, which is processed through district court is a felony and can result in a fairly lengthy sentence, depending on the criminal history of the offender. Mayor Gwin stated that he saw in the paper there was a recent case of battery on a police officer that had been dismissed. Mr. Solander responded that it is not uncommon to see those charges dropped in order to reach a plea on a case. Mayor Gwin expressed his concern that this behavior is not to be tolerated and we need to express to the Municipal Judge that this behavior is not to be taken lightly.

City Manager Martin mentioned that Judge Sams is very open minded and is willing to speak with city staff about any concerns with decisions that come from the courtroom.

Mayor Gwin said that when it comes to bargaining down a case, this is one charge he would not like to see bargained down. Terry stated it all depends on the case and is left up to the prosecution.

City Manager Martin asked Sgt. McLeod if he has encountered any situations like this. He responded they are trained to handle these situations whenever they happen. Suspects that he has arrested have approached him in Country Mart and make comments to his daughter. This is more common in small towns like Garnett than you would think.

Commissioner Blackie asked if Sgt. McLeod feels that the municipal court isn't supporting them. Sgt. McLeod stated that he feels the municipal court is being fair to both the PD and the suspects. The commission asked the city manager to mention this information to Judge Sams.

City Manager Martin spoke about the Garnett Area Paint Project and how wonderful it was having them in town. She mentioned that 68 of them were able to swim in the pool and utilize the Recreation Center for free as a thank you from the city. She said this project is a win/win for the businesses because all of the supplies are purchased locally. The monetary donations and purchases are made through the Garnett Community Foundation which provides a tax write-off for the donor. The city manager complimented Scott Rogers and Chris Goetz for their hard work. She mentioned that city street crews remove all of the debris from the porches and ramps that are rebuilt. She stated that there are 10 frisbee disc golf baskets up at the North Lake, which was also a part of this project.

City Manager Martin stated that Charmaine Messick has provided more than enough letters from business owners concerning closing the streets during the car show to be held in June, 2017.

City Manager Martin provided information on the 2017 budget. She stated it has been very difficult to prepare the budget because of the ethanol plant's decision to pay their taxes under protest. They have filed their protest with the Board of Tax Appeals. While they have to pay the amount assessed by the county, there is a chance that the BOTA may rule in their favor which will require the taxing entities to repay a portion or all of the money received. Therefore, she plans to show line items that reflect the anticipated revenue along with an expenditure of the same amount going to a reserve fund that will hold the money until a decision is made by BOTA. If the decision is made in favor of EKAE, the city will have the money set aside to repay them.

City workers have talked to the city manager about the high temperatures and the possibility of working summer hours. It was discussed that when it is 85 degrees at 5:30 in the morning, there isn't a cool time to work. She stated they all know the importance of staying hydrated and she instructed them to find a cool place to sit if they feel like they need a break.

OLD BUSINESS

Mayor Gwin asked if there was any discussion on the Neighborhood Revitalization Plan. The City Manager replied that Susan Wettstein brought to her attention that the agreement with the school board ended on June 30, 2016. Both of these entities have approved the entirety of Garnett to participate

in this program. The county has approved selected areas in Garnett, not the entire city. The commission was asked if they wanted to approach the county commissioners asking them to approve the entirety of Garnett. Mayor Gwin asked the city manager to attend a County Commission meeting to address this issue.

City Attorney Solander spoke about the concealed carry regulation updates. He stated that state law will overrule our personnel policies when it comes to concealed carry in the workplace. He said the City applied for and obtained a 4-year exemption to permit a thorough study to investigate how municipal buildings can be brought into security compliance. He stated that until such time as our exemption expires, which is December 31, 2017, the City can prohibit the concealed carry of firearms whether you are licensed or not, within certain city buildings. He stated that is why the signs are still posted on city buildings. He stated that if the city were to adopt a security plan that complies with state law, those temporary signs could be taken down and replaced with permanent signs.

City Manager Martin stated that she and the city attorney had met with Debbie Edwards of KsFiberNet. This company has been in contact with the local cable company and another company about joining forces to provide high speed internet service to the residential areas in Garnett. City Manager Martin suggested that we invite business owners to a meeting with KSFiberNet to see who might be interested in this service. This meeting could be a question and answer type for all the businesses to learn exactly what will be provided. The next city/county commission meeting is September 6, 2016 and the City Manager suggested that a meeting with the business owners be held after the governing body business meeting is concluded. Mayor Gwin asked her to go ahead with this plan.

NEW BUSINESS

Cody Gettler spoke to the commission about the consideration of an extension of premises license for Trade Winds to extend out into Fifth Avenue after Cornfest on September 24, 2016. After discussion, the commissioners agreed there had been no problems in the past and would be receptive to approving this request. City Attorney Solander said that a Resolution would need to be approved.

RESOLUTION 7/26/16-1 was read as follows: A RESOLUTION AUTHORIZING THE TEMPORARY EXTENSION OF PREMISES OF TRADE WINDS BAR & GRILL FOR A SPECIAL EVENT, EXTENDING SAID PREMISES INTO AND UPON THE PUBLIC RIGHT OF WAY ADJACENT TO THE PERMANENT PREMISES THEREOF. A motion was made by Mayor Gwin, seconded by Commissioner Cole to approve Resolution 7/26/16-1. On roll call, the following vote was recorded: Ayes – 3, Noes – 0.

CLAIMS, BONDS & COMMERCIAL LIABILITY INSURANCE

The City Manager explained that James Buckley submitted a claim in the amount of \$153.52 for dirty water. He filed a similar claim In August of 2015. The water superintendent was questioned as to why this happened again. When investigating this last episode, they discovered a valve had not been

reopened from the previous incident therefore the water wouldn't circulate properly. Once the valve was opened, the water began circulating which corrected the problem. A motion was made by Commissioner Cole, seconded by Commissioner Blackie that they City reimburse Mr. Buckley \$153.52. On roll call, the following vote was recorded: Ayes – three; noes – none.

Ordinance #4152 was read as follows: AN ORDINANCE FOR THE APPROPRIATION OF CERTAIN CLAIMS. A motion was made by Commissioner Blackie, seconded by Commissioner Cole to approve Ordinance #4152 as read. Ordinance #4152 paid bills in the amount of \$117,186.75.

EXECUTIVE SESSION

At 7:20 p.m., Mayor Gwin adjourned the regular meeting to executive session for 35 minutes until 7:55 p.m. to discuss personnel. The executive session was extended to 8:10 p.m.

The Commissioners requested the City Manager write a letter to the League of Kansas Municipalities thanking them for providing an update on how Senator Caryn Tyson and Representative Kevin Jones voted on various pieces of legislation.

There being no further business to come before the governing body, Mayor Gwin adjourned the meeting at 8:15 p.m.

/s/ W. Gordon Blackie
Mayor Pro Tem

Attest:

/s/ Kristina L. Kinney
Kristina L. Kinney, City Clerk