

October 25, 2016  
Garnett, Kansas

The Governing Body of the City of Garnett met in regular session on October 25, 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 and Terry J. Solander, City Attorney. Absent: Kristina L. Kinney, City Clerk. Also attending: Jeremy DuPont, ACH Youth in Government Representative.

#### **CALL TO ORDER**

Mayor Gwin called the meeting to order at 6:05 p.m.

The Pledge of Allegiance was recited followed by Commissioner Blackie giving the invocation.

At this time, Fire Chief Pat Tate presented certificates of thanks and plaques to Police Sergeant Mike Carpenter, Deputy Frank Gregg and private citizen Brandon Hopkins. These three (3) individuals helped save the life of a young boy and his dog during a house fire at 715 East Fourth on September 13, 2016. This was a tragic fire as two (2) lives were lost. Keith Raddatz, grandfather of the three (3) young boys living in the house and father of Erica Raddatz, who lost her life, read a letter of thanks acknowledging the police, county and fire department officers. He also thanked the community for the outpouring of love, clothing, food and financial donations for his family. The family plans to plant two (2) apple trees in the North Park as a memorial to the two (2) individuals who perished in the fire.

Chief Tate thanked the city commission for providing the necessary equipment for the police and fire departments to do their jobs.

#### **MINUTES APPROVED**

A motion was made by Commissioner Cole, seconded by Mayor Gwin to approve the minutes of October 11, 2016 as written. On roll call, the following vote was recorded: Ayes – three; noes – none

A motion was made by Commissioner Blackie, seconded by Commissioner Cole to approve the minutes of October 18, 2016 as written. On roll call, the following vote was recorded: Ayes – three; noes – none.

#### **CITIZENS TO BE HEARD**

Paula Scott discussed the matter of an incorrect statement credited to her in the September 27, 2016 minutes. She said she had listened to the tape recording of this meeting on the city's website and wanted her statement corrected. Discussion was held as the commission felt the

minutes for that meeting had already been approved and they weren't sure how to make a correction. After discussion with the city manager and city attorney, a motion was made by Commissioner Blackie, seconded by Commissioner Cole to include the corrected statement provided by Ms. Scott in these minutes. On roll call, the following vote was recorded: Ayes – three; noes – none. Ms. Scott was asked to give her written information to the City Manager. Her requested comment is: "I think if you're doing the right thing you don't need a role like this to hide behind". Her note indicated this should be in place of "as this gives them the opportunity to hide behind the policies".

### **NEW BUSINESS**

Economic Development Director Dennis Arnold asked the commission to adjourn to executive session to discuss trade secrets with Michael Gencarelli of GENCO Mfg. The executive session would include the commission, city manager, city attorney and Mr. Arnold. City Attorney Solander explained that previously he was unsure of the role Mayor Gwin could play in this matter as he is an employee of GENCO and specifically if he should be included in the executive session. Discussions in executive session could lead to the city commission considering an offer to provide various incentives to the company which could be an appearance of conflict of interest. After talking to Mr. Arnold about the matter, he said he didn't see Mr. Gwin's attendance in the executive session as a problem as long as he understood he couldn't participate in the discussion or vote on any decisions made. At 6:40 p.m., a motion was made by Commissioner Cole, seconded by Commissioner Blackie to adjourn to executive session for ten (10) minutes until 6:50 p.m. At 6:50 p.m., the executive session was extended to 7:00 p.m.

At 7:00 p.m., Mayor Pro Tem Blackie ended the executive session and called the regular meeting back to order. Mr. Gencarelli discussed the possibility of installing a set of 15" Power Beam discs to the upper part of the water tower located on East First Street and the Prairie Spirit Trail. This would give them a means of communication from their existing building on North Highway 59 to the building they plan to purchase on 1221 East Second Avenue. The matter of a monthly fee was discussed, with Dennis Arnold requesting no fee be charged, rather this should be considered as an economic development incentive to help the company move a part of their operation into Garnett and the fact that the company would not be making any money off of this connection. A motion was made by Commissioner Cole, seconded by Mayor Pro Tem Blackie to allow GENCO to attach two (2) Power Beams to the water tower as requested at no cost to the company with the understanding an appropriate contract will be prepared between the City and GENCO. On roll call, the following vote was recorded: Ayes – Commissioner Cole and Mayor Pro Tem Blackie; Abstention – Mayor Gwin.

### **COMMUNICATIONS & REPORTS**

No reports were given by the Mayor or City Commissioners.

ACH Youth Representative Jeremy Dupont reported that he is putting together a list of local organizations that might be willing to donate to the skate park project. The group of students plans to set out donation buckets at various locations. He said that some of the lights at the skate park aren't working. The City Manager will have the electricians look at this. He continues to recruit help for the Halloween fun night at the recreation center.

The Commission tabled the appointment of Nick Durand to the Anderson County Development Agency Board because it was learned that he is not a city resident but lives in Greeley. After reviewing the list of board members for ACDA, the City Manager said she felt the residency requirements of the board were not being met; therefore it was decided not to take any action on this matter until the manager has an opportunity to determine what should be done.

A motion was made by Commissioner Cole, seconded by Commissioner Blackie to appoint Jenny Schooler to fill the unexpired term of Marcia Wiltsey on the Walker Art Collection Board. On roll call, the following vote was recorded: Ayes – three; noes – none.

The General Report of City Manager Joyce E. Martin was read and discussed, a copy of which is attached hereto and made a part hereof.

The city manager reported that a CenturyLink representative was in Garnett today and is preparing plans for their crew to begin moving their equipment off the old poles to the new poles along Walnut Street. Asst. Electric Superintendent Duane Hastert met with this individual.

Debbie Edwards and other officers from Kansas Fiber Net will meet on Thursday, October 27th with the City Manager, Burt Peterson of Auburn Pharmacies and possibly representatives from St. Luke's Hospital to continue discussions on the installation of high speed internet service.

The city manager advised the Governing Body that she will have the Mayor sign the following documents to close out the industrial revenue bonds issued by the City in 2005 for East Kansas Agri-Energy: Certificate of Redemption of the Bonds; Receipt; Release of Indenture, Lease & Memorandum; Exhibit A: Legal Description; Quit Claim Bill of Sale; Special Warranty Deed. The law firm of Gilmore & Bell prepared these documents and has taken the position that the transfer of property to EKAE does not require any city commission action since it was authorized in the original lease.

Discussion was held on a request from HR Director Jenny Meyers to change employee pay dates from the 3<sup>rd</sup> and 18<sup>th</sup> of each month to the 7<sup>th</sup> and 22<sup>nd</sup>. The City Manager explained that the majority of employees are using direct deposit rather than receiving a paper check. The bank requires the payroll information to be turned in to them no later than four (4) days preceding the payroll date which makes HR ask for time cards several days before the end of the pay period. There is concern about this practice because unexpected vacation and sick leave as well as overtime can occur after the time cards have been processed causing the payroll to be adjusted after the fact. The City Manager expressed her concern that it is not good practice to print a payroll one way then alter it after the checks or pay advice has been distributed to the employees. A motion was made by Mayor Gwin, seconded by Commissioner Cole to accept the recommendation of the City Manager and HR Director to change the payroll dates to the 7<sup>th</sup> and 22<sup>nd</sup> day of each month. On roll call, the following vote was recorded: Ayes – Mayor Gwin and Commissioner Cole; no – Commissioner Blackie.

Mayor Gwin reported that the Commission had interviewed representatives from the League of Kansas Municipalities and CityCode to lead the search for a new city manager. After discussion of the company qualifications and fees, it was agreed that each commissioner needs to be allowed to express their reaction to the two (2) proposals and state their opinions. City Attorney Solander said he would need to review the contract of whichever group was chosen before it is signed.

Commissioner Blackie said that both firms had something to offer and the commission needs to go with one or the other rather than trying to do this themselves.

Commissioner Cole said both groups knew their stuff and she could go either way but would probably back the League.

Mayor Gwin said that Don Osenbaugh was in tune with the city manager form of government. He said that previously the City used the League and there were some problems with the background checks which could have led to some problems for the city which gives him a little more concern with the League. He said he needed extra time to review the two (2) proposals and wasn't prepared to make a decision at this time.

Commissioner Blackie said Osenbaugh appears to have more depth of experience on his team and he felt like he tended to favor him at this point but did not object to the League. He said he wasn't prepared to vote and would like some time to read through the two proposals.

It was agreed to call a special meeting on Thursday, October 27, 2016 at 5:30 p.m.

Commissioner Cole asked the city manager to request background information on the other two (2) members of CityCode's team.

**CLAIMS, BONDS & COMMERCIAL LIABILITY INSURANCE**

Ordinance #4161 was read as follows: AN ORDINANCE FOR THE APPROPRIATION OF CERTAIN CLAIMS. Commissioner Cole questioned the payment to the Dairy Queen for a sales tax refund. The City Manager explained the procedures that allow companies the opportunity to request a percentage reduction on the amount of utilities that have sales tax charged on them. A motion was made by Commissioner Blackie, seconded by Mayor Gwin to approve Ordinance #4161 as written. On roll call, the following vote was recorded: Ayes – three; noes – none. Ordinance #4160 paid warrants in the amount of \$108,954.68.

There being no further business to come before the Governing Body, Mayor Gwin adjourned the meeting at 7:50 p.m.

/s/ Greg A. Gwin

Mayor

Attest:

/s/ Kristina L. Kinney

City Clerk