

June 13, 2017
Garnett, Kansas

The Governing Body of the City of Garnett met in regular session on June 13, 2017 at 6:00 p.m. at City Hall with the following present: W. Gordon Blackie, Mayor; and Greg A. Gwin, City Commissioner; Joyce E. Martin, City Manager; Kristina L. Kinney, City Clerk and Terry J. Solander, City Attorney. Arriving late: Jody M. Cole, City Commissioner. Also attending: Jeremy DuPont, ACHS Youth in Government Representative.

CALL TO ORDER

Mayor Blackie 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.

APPROVAL OF MINUTES

A motion was made by Commissioner Gwin, seconded by Mayor Blackie to approve the minutes of May 23, 2017 as read. On roll call, the following vote was recorded: Ayes – two; Noes – none.

CITIZENS TO BE HEARD

Charmaine Messick reported on the first Southland Cruisers car show that was held on June 3, 2017. There were 82 cars participating. She requested the governing body's approval to have another car show next year on June 2, 2018. Commissioner Gwin suggested she put in a request for a rain date next year. Information will be provided at the next meeting for the 2018 event.

On behalf of Southland Cruisers, Mr. & Mrs. Messick presented a check for \$150 to Mayor Blackie for the Libertyfest fireworks show. Mrs. Messick said she was able to give \$150 donations to three (3) different organizations.

BIDS, PLANS & SPECIFICATIONS

Discussion was held on the bids received to construct the south bound turn lane on Highway 59. The engineer's estimate is \$467,707.30. Bids received were: Bettis Asphalt & Construction - \$372,606.80; Killough Construction - \$318,674.14; and Tom Adams Construction - \$461,053.70. The engineer has reviewed the bids and recommends approval of the low bid submitted by Killough Construction. KDOT's estimate is \$500,000 and they will fund the entire project. A motion was made by Commissioner Gwin, seconded by Mayor Blackie to approve the bid of Killough Construction in the amount of \$318,674.14. On roll call, the following vote was recorded: Ayes – two; Noes – none.

A bid from Killough Construction to mill and asphalt Sixth Avenue from Maple Street west to High Street was discussed. Construction of the hospital and dentist office has torn this road up. Commissioner Gwin questioned whether the large hole on High Street between Sixth and Seventh Avenues had been repaired. The City Manager will check to make sure this repair has been made. Commissioner Gwin questioned where the funds to do the additional work would

come from. City Manager Martin replied that right now the proposed expenditure for road improvements, including this portion of Sixth Avenue and the curb replacement on the south side of the courthouse stands at \$172,173 of the \$175,000 that was budgeted. A motion was made by Mayor Blackie, seconded by Commissioner Gwin to approve the bid of Killough Construction in the amount of \$15,566.30. On roll call, the following vote was recorded: Ayes – two; Noes – none.

COMMUNICATIONS & REPORTS

Mayor Blackie stated that the car show was well attended. He said he was too busy that day to stop, but it looked like a nice turn out.

Mayor Blackie said the veteran's banner project continues to grow and this year's ceremony was well attended. Commissioner Gwin concurred and said the band and KC Betty's performance was good. City Manager Martin reported that more requests are coming in to do this another year. We are required to order 25-30 banners but she believes we can meet that number. Mayor Blackie said he would like to get the word out that this may be the last chance to purchase a banner. City Manager Martin reported that money has been coming in to help with banner repairs. The pole bracket price has increased so the banners will cost more next year. We had hoped to put the banners on Park Road, but the ditch on this road is too wide and deep for the electricians to set-up their trucks. Additional banners can be placed in residential areas.

Jeremy DuPont reported that the skateboarders have come up with another idea to help raise funds for equipment at the skate park. They plan to have five (5) workers do manual labor for people. Money earned will go through the Garnett Community Foundation. Commissioner Gwin suggested they talk to various clubs and organizations who might need help.

Jeremy introduced Will Mechnig who will be taking his place as the ACHS Youth in Government Representative. Will is a high school junior this year so he can serve two (2) years if he chooses.

Discussion was held on the appointment of Casey Smith to the ACDA Board. Casey works at Auburn Pharmacy. While he is a city resident, the membership will still not be right as far as city/county representatives are concerned. However, one (1) county member has health issues and may want to resign. At some point in the past, all members were business owners in Garnett even though some didn't live in Garnett, and they were allowed to serve as a city representative. One option to remedy the misaligned membership is to redo the agreement with the county. City Attorney Solander stated that he prepared a memo with various options to remedy the membership variance since positions that require city residents are currently filled with a county resident. The county could choose not to reappoint a current member or a county member might choose to not be reappointed. City Manager Martin stated that she will give the governing body a copy of City Attorney Solander's memo after the meeting.

City Manager Martin stated that Dennis Arnold, Economic Development Director prepared a report for the commission, however some of the information is proprietary so it can't be discussed in open session. City Attorney Solander stated the information should be considered confidential. Mr. Arnold will attend a meeting in the near future to answer any questions the

commission might have. Some topics might need to be discussed with Mr. Arnold in executive session.

A motion was made by Mayor Blackie, seconded by Commissioner Gwin to approve the transient guest tax application of Greeley Smoke-Off in the amount of \$2,114. On roll call, the following vote was recorded: Ayes – two; Noes – none.

Mayor Blackie said the tourism board minutes suggested this board considered an application from the Friends of the Library for their annual holiday homes tour. City Manager Martin reported that the tourism board questioned some of the answers on this application and voted to table any recommendation until after their July meeting to allow Susan Wettstein time to talk with the individual who submitted this application.

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

City Manager Martin reported that she spoke to some local restaurant owners who said they were extremely busy during the car show and were very appreciative that the event was held.

City Manager Martin reported that she and Chris Weiner have reached out to each other and are communicating about certain issues.

City Manager Martin reported that approximately \$1,000 has been received in donations for the fireworks. City Hall office staff members are paying money to wear jeans on Wednesdays with this money going towards the fireworks display.

City Manager Martin reported that CenturyLink is finally working on their portion of the Walnut Street project by switching their services from the old poles to the new.

City Manager Martin reported that she signed a permit for CenturyLink to provide high speed internet to Patriot's Bank. This line will run from Maple Street down the alley between Third and Fourth Avenues to the bank that is located in the 100 block of East Fourth.

City Manager Martin questioned whether the governing body wants to spend this year's budgeted money for skate park equipment or if they would rather wait to see how much money the skaters raise. It was agreed that Jeremy will meet with the City Manager to prepare a list of what equipment can be purchased this year and present this information to the Commission.

City Manager Martin reported that there is a small water leak where the sidewalk is being removed on the south side of the one-way. Commissioner Gwin questioned the use of insituform to repair the leak. City Manager Martin stated there is a main about 100-years old under the road and this may be causing the problems. A French drain pipe will be laid next to the new storm water pipe to catch any excess water.

City Manager Martin reported the airport board was unable to meet at their regular time. At Commissioner Gwin's request, she has prepared airport budget and mill levy information for them to review.

City Manager Martin reported the Pathways to a Healthy Kansas grant application was denied. The community foundation board has agreed to write letters to out-of-town vendors the city does business with asking them to donate money to the park. Commissioner Gwin suggested she contact KCP&L and Southern Star.

City Manager Martin reported that VYVE sent a letter to the city advising that Esquire and Universal HD channels will no longer be available on their lineup as of July 1st. They are looking for replacement channels.

ORDINANCES

Ordinance # 4183 was read as follows: AN ORDINANCE REPEALING CERTAIN ORDINANCES, ELIMINATING CERTAIN TIME-RESTRICTED PARKING STALLS AND LOCATIONS. City Attorney Solander stated that areas listed in this ordinance had time limit parking as requested by building owners or school superintendents. The locations in this ordinance no longer need to have these restricted parking sites. Sites include: Josephine's former location on South Oak; the Walnut side of GEC on North Oak; Irving bus parking area; original high school bus parking on the west side of Oak; loading zone for Garnett Monument & Glass which is no longer there. A motion was made by Mayor Blackie, seconded by Commissioner Gwin to approve Ordinance # 4183 as written. On roll call, the following vote was recorded: Ayes – two; Noes – none.

Zoning Officer Gary Gizewski reported that, at the request of the City Commission, the Planning Commission met on May 16, 2017 to discuss the definition of "depository" and how it should fit into the O-I zone grid. The Planning Commission voted unanimously to recommend to the commission that "depository" should be classified as a special use rather than a permitted use. City Attorney Solander recommended approval of the Planning Commission's vote as outlined by Mr. Gizewski. A motion was made by Commissioner Gwin, seconded by Mayor Blackie to approve the Planning Commission's recommendation on the O-I zoning classification usages. On roll call, the following vote was recorded: Ayes – two; Noes – none.

Ordinance # 4184 was read as follows: AN ORDINANCE AMENDING ORDINANCE NO. 3059 OF THE CITY OF GARNETT, KANSAS AMENDING THE GRID OF USES AS TO CERTAIN USES IN THE OFFICE INSTITUTIONAL (O-I) DISTRICT. A motion was made by Mayor Blackie, seconded by Commissioner Gwin to approve Ordinance # 4184 as read. On roll call, the following vote was recorded: Ayes – two; Noes – none.

City Attorney Solander recommended the governing body remove the temporary suspension of issuing permits in the O-I zone. A motion was made by Commissioner Gwin, seconded by Mayor Blackie to rescind the temporary suspension of issuing permits in the O-I zone. On roll call, the following vote was recorded: Ayes – two; Noes – none.

RESOLUTIONS

Resolution 6/13/17-1 was read as follows: A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR CREDITOR'S ASSUMPTION OF KANSAS FIBER NETWORK FRANCHISE AS ADDITIONAL COLLATERAL FOR A CERTAIN LOAN TO FRANCHISEE. City Attorney Solander reported that the franchise agreement, itself, allowed assignment to a lender by franchisee, but the attorney representing the franchisee said the company wanted to have express permission for such assignment from all franchisor cities involved. This resolution authorizes the city to execute the permission agreement with the franchisee. The agreement has been reviewed by the city and all provisions which could have required disputes to be settled in Colorado have been removed by franchisee's attorney. Mayor Blackie and Commissioner Gwin thanked City Attorney Solander for his attentive review of the agreements so he is able to catch these things that might be an issue in the future. A motion was made by Mayor Blackie, seconded by Commissioner Gwin to approve Resolution 6/13/17-1 as read. On roll call, the following vote was recorded: Ayes – two; Noes – none.

CLAIMS, BONDS & COMMERCIAL LIABILITY INSURANCE

Ordinance # 4185 was read as follows: AN ORDINANCE FOR THE APPROPRIATION OF CERTAIN CLAIMS. Commissioner Gwin questioned what the women's t-shirt for \$15.50 was for. City Clerk Kinney replied that she believed the report showed it was for the summer reading program but she would verify.

Commissioner Cole arrived to the meeting at 7:15 p.m.

Commissioner Gwin questioned what the charges for Empower, Internal Revenue Service, and Kansas Department of Revenue were for. City Manager Martin replied these are payroll deductions that are transmitted via the internet. It appears the report that was prepared to post these expenditures against the various funds were not updated and showed on the council report. City Attorney Solander questioned if it was approved on a separate warrant and the City Manager replied no because it is for payroll. City Attorney Solander stated he understands that, but questioned where these expenditures were approved. City Manager Martin replied that they are not approved on a warrant register as there is a deadline when the payroll expenditures have to be submitted. City Attorney Solander said the expenditures still have to be approved. City Manager Martin stated that the auditors are aware of what we are doing and have never questioned the process. City Attorney Solander stated he needs to talk to Abram Chrislip, Managing Director at Mize Houser & Company who does our audits, because if the charges are never brought before the governing body, then they are not authorized. City Manager Martin said she would contact Mr. Chrislip for verification.

Commissioner Gwin stated he would leave the t-shirt amount charged to the library fund and asked City Clerk Kinney to let the governing body know if it was for the summer reading program or something else.

Commissioner Gwin stated he would like the following amounts deducted from the warrant totals: Empower in the amount of \$1,093.50; Internal Revenue Service in the amount of \$28,750.19 and Kansas Department of Revenue in the amount of \$3,446.60.

A motion was made by Commissioner Gwin, seconded by Commissioner Cole to approve Ordinance #4185 as adjusted. On roll call, the following vote was recorded: Ayes – three; Noes –none. Ordinance #4185 paid warrants in the amount of \$230,666.83 after the previous charges were removed.

EXECUTIVE SESSION

Commissioner Cole stated she would like to have an executive session to discuss personnel for 30 minutes from 7:25 p.m. to 7:55 p.m. Commissioner Gwin seconded the motion. On roll call, the following vote was recorded: Ayes – three; Noes – none. Those attending the executive session were Mayor Blackie and Commissioners Gwin and Cole.

At 8:00 p.m., Mayor Blackie called the meeting back to order. The City Manager and City Attorney returned to the meeting. No action was taken after the executive session.

There being no further business to come before the Governing Body, Mayor Blackie adjourned the meeting at 8:00 p.m.

/s/ W. Gordon Blackie
Mayor

Attest:

/s/ Kristina L. Kinney
City Clerk