

September 27, 2016
Garnett, Kansas

The Governing Body of the City of Garnett met in regular session on September 27, 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 Joe Johnson, Minister of the Assembly of God Church, giving the invocation.

MINUTES APPROVED

Mayor Gwin stated that under Communications & Reports, the minutes of September 13, 2016 indicated that he had gone to the job site and told Killough Construction to go ahead and repair the entire road on the south side of Garnett Inn & Suites even though, at a special meeting held the night before, the Commission agreed to mill and overlay only from Neosho Road east to Hurricane's driveway. Mayor Gwin said he went out to the location at 12:30 p.m. and saw they had milled the entire street causing him to question the foreman what was going on. He said that Ken Massengale called Farrel King and the City Manager to come to the job site. He asked that the September 13, 2016 minutes be amended to remove the statement that indicated the job foreman had apparently misunderstood what Mr. Gwin said when he stopped by the job site and thought he was to go ahead with the original bid.

Commissioner Blackie asked that on Page 3, third paragraph, last sentence should read "Commissioner Blackie stated a child could be run down in a matter of seconds and the chase should have been terminated immediately".

Commissioner Cole asked that on Page 4, fifth paragraph, last three sentences should read "Their policies have nothing that exempts them out of their employee handbook. They lead by example and follow the same procedures as their city employees."

It was noted that City Attorney Solander was absent from the September 13, 2016 meeting.

On Page 7, second paragraph, second sentence under CLAIMS the word "in" needs to be added after the word point.

A motion was made by Mayor Gwin, seconded by Commissioner Blackie to approve the minutes of September 13, 2016 as corrected. On roll call, the following vote was recorded: Ayes – three; noes – none.

CITIZENS TO BE HEARD

Paula Scott talked about the deleted requirement in the City's Personnel Policies that says an employee must retire the first of the month following their 70th birthday. She said that in 1987 Congress lifted the mandatory age requirement. She offered that she had looked at the personnel policies that were adopted in October, 1990 and they contained the same restriction. She said this is in violation of state and federal laws. She said she agreed with Commissioner Cole's opinion that the city manager and elected officials should not be exempted from the provisions of the personnel policies as this gives them the opportunity to hide behind the policies. Her last comment was if the commission wants to attract people to Garnett we need to respect their rights.

Scott Rogers talked about a conversation he had with Phil Bures to paint the wood on the outside of the football field press box. Ryan Disbrow, who started the tackle football program, asked Mr. Rogers to paint the wood white and black and to also paint the letter "G" over the letter "AC". Some parents have suggested that vinyl lettering be used. Mayor Gwin ask that this matter be discussed with city hall staff.

Mr. Rogers said a long term plan needs to be developed to repair or replace some of the football stadium seats because the brackets are worn and the planks are loose.

Mr. Rogers was recently appointed to the Garnett Community Foundation and he believes it is time to start conversations to make sure it is on a more solid path. He discussed the Your Foundation in Allen County and their desire to have Garnett's foundation be a part of their program. He said he didn't believe we used the Greater Kansas City Foundation very much and it would be better if funds could be held locally or in conjunction with the Your Foundation. He believes there are people who would be willing to contribute rather large sums of money if they are approached the right way.

The City Manager offered that Mr. Rogers had only attended one (1) Foundation meeting so far and she felt he wasn't fully aware of all the dollars raised by the local foundation since its inception. She reviewed the many projects overseen by this board and said the entire board needs to weigh in on what should be done. Mr. Rogers gave the commissioners information from the Your Foundation and invited them to attend the local meeting on Monday, October 3rd.

Desiree Donovan, Chamber Executive Director, commented on the success of the community coming together on September 17th to show their respect for Deputy Brandon Collins as his funeral procession passed through town on its way to Oklahoma. City Manager Martin commended Mrs. Donovan for organizing this event.

COMMUNICATIONS AND REPORTS

Mayor Gwin commented on the success of Cornstock and thanked the volunteers and organizers who helped with the event.

Commissioner Blackie offered his congratulations to the Cornstock organizers for a very successful event.

Commissioner Blackie asked the City Attorney to provide an explanation of the car chase that went through Garnett on September 10th specifically if the local agency has the right to keep out-of-county agencies from coming into Garnett for this purpose. Mr. Solander replied “no we can’t”. The chase was initiated by outside agencies and we can’t stop another entity from entering our jurisdiction. Local law enforcement officers were asked to participate. The officer on duty thought he had enough time to throw down stop sticks but was nearly hit by the car being pursued which added justification for local law enforcement to enter into the chase. Mr. Solander has talked to both Lieutenant King and Patrolman Turner who were involved and is currently reviewing their reports along with copies of reports from the other two (2) agency drivers. Once his review of the reports and videos are complete, he will provide a confidential report to the governing body as the individual has been charged with a felony in district court and will be prosecuted by the County Attorney. Mr. Solander said he didn’t want to provide any public information that might impede County Attorney Jones in his prosecution of the case.

Commissioner Blackie expressed his concern that the Chief of Police was off duty and the second in command (Lt. King) was working for the county. He believes this gives the city very little depth as far as a supervisor is concerned. Mr. Solander responded that there are two (2) sergeants in line to take calls, however Lt. King was acting in a dual capacity during the chase and was in a better position to know what was going on. It appears that sometime during the chase, city officers were driving as slow as 20 mph because of the danger and were extremely prudent in their actions. Mr. Solander offered that the videos should show the different speeds of all vehicles involved, however he believes he will have to watch them more than once to understand exactly what happened. Mr. Blackie stated that he would like to review all videos and reports

Commissioner Cole said she had received three (3) calls as well. This matter was discussed at the last meeting and some things were answered. She said she wants clarification on the procedures that we have so we can move forward. She questioned if the city needs to purchase some type of equipment that will allow the officers to do a better job if this situation ever happens again. City Attorney Solander responded that technology is always changing. Officers need some time to deploy stop sticks. In this particular incident, the chase was much closer than our officer realized. He will talk with the officers about this. Stop sticks are a good way to stop a vehicle, but perhaps there is a better way. The first reaction of the city's officer was actually right. He tried to get it shut down before it got to town. He believes the police department has a good policy that can be reviewed by the city commission. She said she wasn't interested in finding fault, just wants to see if we need to get additional equipment.

Commissioner Cole offered kudos to the Cornstock organizers and city workers.

Student representative Jeremy Dupont reported on the skate park activities. He said that the city manager had checked with American Ramp on the price of a half pipe which was \$25,000. The skate boarders felt this was too high and asked the manager to check with the City of LaCygne to see how much they paid for this same piece of equipment. The manager talked to the individual who was instrumental in getting a skate park in LaCygne and she reported they paid the same price. The group has decided to wait to see what the estimate will be to resurface the existing skate park, select the equipment they want then decide on fund raising activities.

Discussion was held on filling vacancies on three (3) city advisory boards. The following motions were made:

#1. A motion was made by Commissioner Cole, seconded by Commissioner Blackie to appoint Joe Johnson to a three (3) year term on the Garnett Community Foundation Board. On roll call, the following vote was recorded: Ayes – three; noes – none.

#2. A motion was made by Commissioner Cole, seconded by Mayor Gwin to appoint Matt Stevenson to a three (3) year term on the Parks & Recreation Advisory Board. On roll call, the following vote was recorded: Ayes – three; noes – none.

#3. A motion was made by Commissioner Cole, seconded by Mayor Gwin to appoint Robert Risch to a three (3) year term on the Tourism Advisory Board. On roll call, the following vote was recorded: Ayes – three; noes – none.

The City Manager stated that she was in the process of reviewing the Housing Authority files so she could give the Commissioners a complete and accurate report on how this board was appointed and what their responsibilities are.

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

ORDINANCES

Ordinance #4156 was read as follows: AN ORDINANCE REGULATING PARKING ON FIFTH AVENUE, AMENDING TITLE 10, CHAPTER 2, SECTION 4 BY ADDING AN ADDITIONAL SUB-SECTION THERETO, CREATING A VAN-ACCESSIBLE HANDICAP PARKING STALL. The City Attorney explained that the owner of Salon Connections, located at 501 South Oak, had contacted City Hall about the possibility of having a handicap parking space on the north side of her business to accommodate her and Larry Varvel's customers. Mr. Solander said he owns the building where both businesses are located and he won't profit in any way if the ordinance is approved. He said both occupants felt it would be helpful to have a handicap parking stall. A motion was made by Commissioner Blackie, seconded by Mayor Gwin to approve Ordinance #4156 as read. Commissioner Cole said she would abstain from voting because her daughter-in-law is one of the tenants requesting the change. However, City Attorney Solander said she didn't need to do this as she wouldn't receive any financial gain from the sign being installed. Therefore, Commissioner Cole changed her vote to yes. On roll call, the following vote was recorded: Ayes – three; noes – none.

RESOLUTION

Resolution 9/27/16-1 was read as follows: A RESOLUTION AUTHORIZING THE TEMPORARY EXTENSION OF PREMISES OF MALOAN'S BAR & GRILLE FOR A SPECIAL EVENT, EXTENDING SAID PREMISES INTO AND UPON THE PUBLIC RIGHT OF WAY ADJACENT TO THE PERMANENT PREMISES THEREOF. The City Attorney explained that this has been an annual event for the Lake Garnett Grand Prix Revival and gives Kevin Maloan permission to extend his premises into the Donna Harris Park. No problems have occurred in the past. A motion was made by Mayor Gwin, seconded by Commissioner Cole to approve Resolution 9/27/16-1 as read. On roll call, the following vote was recorded: Ayes – three; noes – none.

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CLAIMS, BONDS & PAYROLL

Ordinance #4157 was read as follows: AN ORDINANCE FOR THE APPROPRIATION OF CERTAIN CLAIMS. A motion was made by Commissioner Blackie, seconded by Mayor Gwin to approve Ordinance #4157 as written. On roll call, the following vote was recorded: Ayes – three; noes – none. Ordinance #4157 paid warrants in the amount of \$181,087.02.

There being no further business to come before the Governing Body, Mayor Gwin adjourned the meeting at 7:45 p.m.

/s/ Greg A. Gwin

Mayor

Attest:

/s/ Kristina L. Kinney

City Clerk