

Garnett, Kansas

April 25, 2017

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

### **CALL TO ORDER**

Mayor Blackie called the meeting to order at 6:10 p.m.

The Pledge of Allegiance was recited followed by Vernon Yoder of the Mt. Ida Church of the Brethren giving the invocation.

### **APPROVAL OF MINUTES**

Commissioner Gwin questioned the wording in paragraph #4 on page five of the April 11, 2017 minutes concerning the issuance of an occupancy permit to the owners of the Garnett House. City Attorney Solander said this was worded correctly as the building will have to be inspected by a structural engineer before the occupancy permit can be issued. A motion was made by Commissioner Cole, seconded by Commissioner Gwin to approve the minutes of April 11, 2017 as written. On roll call, the following vote was recorded: Ayes – three; noes – none.

### **BIDS, PLANS & SPECIFICATIONS**

The Commission considered a bid from Lickteig Construction in the amount of \$13,021 to replace the curb on the south side of the courthouse. The City Manager advised that city crews will be able to tear out and haul off the old sidewalk and curb which will save money on the project. Building official Gary Giczewski advised that there might need to be some drainage work done in this area which would mean additional costs to the project. A motion was made by Mayor Blackie, seconded by Commissioner Cole to approve the bid of Lickteig Construction in the amount of \$13,021. On roll call, the following vote was recorded: Ayes – three; noes – none.

### **COMMUNICATIONS & REPORTS**

Student representative Jeremy Dupont said the skate board group had another Pizza Hut fund raiser and would be selling Krispy Kreme donuts the next two (2) weeks to help raise their matching funds for the skate park equipment.

Zoning Officer Gary Giczewski discussed the proposed revision of the use grid for O-I zones. The revisions, as submitted by the Planning Commission, were reviewed. City Attorney Solander said the options available to the City Commission would be to approve the revisions as proposed or send the matter back to the Planning Commission for further study. Mayor Blackie questioned the definition of “depository” as it is proposed to be a permitted use while other financial institutions such as “credit unions”, “commercial banks” and “saving institutions” would require a special use permit. Commissioner Gwin said he felt the commission needed some explanation from the Planning Commission as they might have overlooked this particular use. A motion was made by Commissioner Gwin, seconded by Commissioner Cole to send this matter back to the Planning Commission for further study and clarification. On roll call, the following vote was recorded: Ayes – three; noes – none. Commissioner Cole offered her appreciation to the Planning Commission for reviewing this matter so quickly. City Attorney Solander said that Mayor Blackie, as a private citizen, had compiled a schedule of the current, permitted uses for O-I which allowed the Planning Commission to get the matter to the City Commission on a much shorter schedule. The next Planning Commission meeting will be May 18, 2017.

### **OLD BUSINESS**

The Commission reviewed a bid from Killough Construction in the amount of \$144,893.70 to do a leveling course on eight (8) different streets as previously discussed. A motion was made by Commissioner Gwin, seconded by Commissioner Cole to approve the bid as presented. On roll call, the following vote was recorded: Ayes – three; noes – none. It is anticipated that county crews will do the chip and seal work on these streets in 2018.

### **ORDINANCES**

Ordinance #4179 was read as follows: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LAND LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 3059 OF SAID CITY. City Attorney Solander explained that this ordinance carries out the commission’s vote to accept the Planning Commission report for the rezoning of the property where the Garnett House is located, their planned parking lot and the property where the Baptist Church is located. A motion was made by Commissioner Gwin, seconded by Commissioner Cole to approve Ordinance #4179 as read. On roll call, the following vote was recorded: Ayes – three; noes – none.

## **RESOLUTIONS**

Resolution 4/25/17-1 was read as follows: A RESOLUTION APPOINTING A CITY MANAGER AND AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF GARNETT OF AN EMPLOYMENT AGREEMENT FOR SUCH APPOINTEE. City Attorney Solander said following discussions in executive session and the final update of the proposed contract, he advised Mr. Chris Weiner that the city needed to hear, one way or the other, no later than April 24, 2017 if he would accept the job as city manager. Mr. Solander received a call at noon on Monday, April 24<sup>th</sup>, that he would accept the city's offer. Mr. Solander told him the commission was meeting this evening and a resolution would be prepared for their consideration. He stated further that all further items regarding Mr. Weiner's employment would need to be discussed in open session from this point forward. Mr. Solander said there had been some questions about insurance coverage and he was able to resolve those with the help of the Human Resources Officer. He said the interesting thing about this matter is that Mr. Weiner's announcement to come to Garnett was received locally prior to the phone call to Mr. Solander that he would accept Garnett's offer. Mr. Solander said that the Girard City Commission had reviewed the original offer made by Garnett and made a counter proposal. Mr. Weiner had initially accepted the counter offer from Girard with that decision being received, as well, in Garnett prior to Mr. Weiner's phone call to Mr. Solander. He believes the city has an acceptance from Mr. Weiner and the contract has been drawn as last agreed by the city commission. There is a question as to when Mr. Weiner will begin his employment with the city but he indicated he would be no later than July 17, 2017. Mr. Solander said he believed everything was in place to adopt the Resolution.

Commissioner Gwin asked the City Attorney to call Mr. Weiner to find out when he can sign the contract; use an overnight courier service and get the signed document back this week. A motion was made by Commissioner Cole, seconded by Commissioner Gwin to adopt Resolution 4/25/17-1 as read. On roll call, the following vote was recorded: Ayes – three; noes.

## **CLAIMS, BONDS & COMMERCIAL LIABILITY INSURANCE**

The commission considered a claim for damages from Prairie Belles. Mayor Blackie asked if there had been an inspection of the secondary connections on the transformer or if the transformer had been changed out. A question was asked if staff knew how the owner arrived at the lost profit amount. The City Manager

explained that a great deal of time had been spent talking to KCP&L officials and researching the logs at the power plant to see if the city lost power on June 14, 2016. So far, no indication of this happening has been found. Mayor Blackie asked why it had taken so long for the claim to be presented with the city manager explaining that while it was received in November, staff was trying to be vigilant in determining what had happened so a proper recommendation could be made. A motion was made by Commissioner Cole, seconded by Commissioner Gwin to table consideration of this claim until such time as staff can request how the loss was calculated and that city electric crews look at the secondary service at this location. On roll call, the following vote was recorded: Ayes – Cole and Gwin; Nay – Blackie.

Ordinance No. 4180 was read as follows: AN ORDINANCE FOR THE APPROPRIATION OF CERTAIN CLAIMS. A motion was made by Commissioner Gwin, seconded by Commissioner Cole to approve the warrants in the amount of \$100,501.18. On roll call, the following vote was recorded: Ayes – three; noes – none.

A motion was made by Commissioner Gwin, seconded by Commissioner Cole to adjourn to executive session at 7:25 p.m. until 7:55 p.m. for attorney client privilege. The city manager, city attorney and zoning officer was asked to attend this executive session. At 7:55 p.m. the executive session was extended for another 10 minutes. At 8:05 p.m., the executive session was adjourned and the regular meeting called back to order. No action was taken outside executive session.

There being no further business to come before the Governing Body, Mayor Blackie adjourned the meeting at 8:05 p.m.

/s/ W. Gordon Blackie  
Mayor

Attest:

/s/ Kristina L. Kinney  
City Clerk