

May 23, 2017  
Garnett, Kansas

The Governing Body of the City of Garnett met in regular session on May 23, 2017 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; Kristina L. Kinney, City Clerk and Terry J. Solander, City Attorney. 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 Phil Rhoades, Minister of The Nazarene Church, giving the invocation.

### **APPROVAL OF MINUTES**

Commissioner Gwin noted a correction needed to be made in the minutes of May 9, 2017 showing Mayor Blackie called the meeting to order. A motion was made by Commissioner Gwin, seconded by Mayor Blackie to approve the minutes of May 9, 2017 as amended. On roll call, the following vote was recorded: Ayes – three; Noes – none.

### **COMMUNICATIONS & REPORTS**

Mayor Blackie commended the organizers of Air Fair and Square Fair and said both events were well attended.

Mayor Blackie reminded everyone that the Garnett Remembers program that honors people who have served in the armed forces will be held on May 25, 2017 beginning at 7:00 p.m. on the square. City Manager Martin said a total of 146 banners have been placed on Fourth and Sixth Avenues, Olive Street, around the square and along Highway 59.

Commissioner Gwin echoed Mayor Blackie's comments on Air Fair and Square Fair.

Commissioner Gwin reviewed the Tourism Advisory Board's decision not to recommend approval of the transient guest tax application submitted by the Anderson County Fair Board for the carnival deposit in the amount of \$2,500 and the recommendation from this same board to approve their second application in the amount of \$2,800. Mr. Gwin said he hated not approving the first application but did stand behind the Tourism Advisory Board's decision as they spend a great deal of time reviewing the applications. He proposed making a \$2,500 contribution for advertising from utility reserve funds. City Manager Martin said if the Governing Body chooses to do this she would like to talk with the city's auditors to make sure this is done appropriately so the city isn't cited for any statutory violation. City Attorney Solander stated this would be a formality and is not a match to advertising funding.

Commissioner Cole suggested running the money through the Garnett Community Foundation. City Manager Martin said this is a good suggestion and a clean way to make the donation. A

motion was made by Commissioner Gwin, seconded by Commissioner Cole to approve a donation of \$2,500 to the Anderson County Fair Association following the City Manager's discussion with the city's auditors on how this should be done. On roll call, the following vote was recorded: Ayes – three; Noes – none.

Jess Rockers, President of the Anderson County Fair Association, asked if the transient guest tax application could be changed. Debbie Davis, fair board member, concurred and explained that she has completed the application the past two (2) years. Last year, the tourism committee picked who the Fair Association could advertise with so when they turned in the application this year, they just listed the total for advertising assuming the committee would choose which vendors to use. Commissioner Cole stated she wasn't aware of the tourism committee deciding which event sponsors can advertise with.

County Commissioner Chairman Jerry Howarter questioned if a committee has always been in charge of the transient guest tax funds. City Manager Martin replied in the beginning the city commissioners would review verbal requests and make their decision accordingly. However, a few years ago the Commission decided to appoint the tourism committee to do the leg work on reviewing the applications to make sure the city was following state statute requirements.

Commissioner Gwin stated he would like the heading in the newspapers to note that the City of Garnett contributed a total of \$5,300 in transient guest tax and utility reserve funds to the fair. Bill Pracht, former fair board member, said in a previous article it mentioned the amount approved by the city in past years which he felt was somewhat misleading.

City Manager Martin stated the amount listed in the paper includes transient guest tax funds, 3,500 kilowatts of electricity plus water and trash service that has been provided over a number of years. Mr. Pracht said this should have been explained in the article with the city manager responding that the city doesn't approve the reporter's articles. The amount of free kilowatts was increased a few years ago. Jess Rockers said it was increased when Chris Maynard was on the commission because he signed the agreement to do this. After the agreement was amended, the carnival campers starting using air conditioners every day which caused the kilowatt overage.

Bill Pracht said the fair is about the community aspect rather than making money for the fair. If they have one (1) year of not meeting the guarantee they are on the hook for the money. He hopes the community will support the fair. The fair board had a hard time finding a carnival to come here. The fair focuses on our county's agriculture heritage and it is a big industry in this county. The board members thanked the Governing Body for their reconsideration and support.

Commissioner Cole said she appreciated the electric crews hanging the memorial banners prior to Square Fair and Air Fair.

Jeremy DuPont reported that he has been talking with the skaters to get them on board for fundraising for the skate park equipment.

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 there will be 146 names read at the Garnett Remembers banner program on May 25, 2017. Members of the Garnett High School Band and the Garnett Community Band will perform; the K.C. Bettys will perform; the fire department will participate by displaying the ladder truck with the large U.S. Flag; and the American Legion Riders will line the north side of the sidewalk adjacent to the courthouse and also put up the flags around the perimeter of the sidewalks.

City Manager Martin reported there were 223 kids, from 4-years old to 6<sup>th</sup> grade, who played soccer. Phil Bures has been busy preparing for the baseball/softball program.

City Manager Martin reported that a CenturyLink network engineer from Gardner requested the City sign a construction agreement to deliver high speed internet to the Patriot's Bank. She informed this engineer about the issues we are having with CenturyLink moving their service from the old poles on Walnut Street and her reluctance to sign the agreement until such time as this situation is resolved. The engineer was not aware of this and will get back with her.

City Manager Martin reported that she verified the latest ordinance concerning Airport Advisory Board members shows the number was increased to six (6); however, only two (2) members can be county residents.

City Manager Martin reported that VYVE Communication will be here Thursday to work on their microwave tower to increase the internet speed in Garnett. Plans for Kansas Fiber Net to deliver their high speed internet service to local businesses is falling into place. They plan to make an announcement about signing contracts with several users by the end of next week.

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

Ordinance # 4182 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 Ordinance #4182 as written. On roll call, the following vote was recorded: Ayes – three; Noes –none. Ordinance #4182 paid warrants in the amount of \$31,804.45.

The claim for damages as submitted by Prairie Bells was revisited. City Manager Martin stated that staff reviewed the power plant log books and were able to see some spikes in service on this circuit during the time the business experienced voltage problems. Commissioner Cole thanked city staff for reinvestigating this. A motion was made by Mayor Blackie, seconded by Commissioner Cole to approve the claim for damages as submitted by Prairie Belles in the amount of \$2,500. On roll call, the following vote was recorded: Ayes – three; Noes – none.

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There being no further business to come before the Governing Body, Mayor Blackie adjourned the meeting at 6:45 p.m.

/s/ W. Gordon Blackie  
Mayor

Attest:

/s/ Kristina L. Kinney  
City Clerk