

November 22, 2016
Garnett, Kansas

The Governing Body of the City of Garnett met in regular session on November 22, 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 6:00 p.m.

The Pledge of Allegiance was recited followed by Pastor Chris Goetz of the First Christian Church giving the invocation.

MINUTES APPROVED

A motion was made by Commissioner Cole, seconded by Commissioner Blackie to approve the minutes of November 8, 2016 as written. On roll call, the following vote was recorded: Ayes – three; noes – none.

CITIZENS TO BE HEARD

Dennis Runyon stated that he and his wife are preparing to move to Garnett next spring. They received a letter from the zoning officer concerning a hearing to consider rezoning the property to the west of their home from O-I to B-1. Mr. Runyon said they were distressed to hear this as they are not looking forward to having a used car lot with outside lights and additional traffic in their back yard. He also discussed decreased property values. He said the zoning board considered and approved this rezoning request on November 15, 2016; however, he, his wife and her grandmother arrived after the hearing had adjourned. He expressed additional concerns about the lack of privacy because of the type of business that will be locating on the property, noise and property values. The City Manager advised Mr. Runyon that the commission was not prepared to discuss this rezoning issue at this meeting as it is scheduled to be on their December 13, 2016 agenda.

COMMUNICATIONS & REPORTS

Mayor Gwin reminded everyone of the Christmas Parade that will be Saturday, November 26th.

Student representative Jeremy Dupont said he was still planning to arrange a meeting with interested skate boarders to discuss fund raising to buy additional equipment. He said the City Manager was advised by the Tony Hawk Foundation that an application from the city for grant money wouldn't be funded because it will not meet the criteria of helping inner city youth and

the facility will not be concrete. Jeremy and the City Manager will continue to look for other grants.

A special presentation was made to Pastor Ron Jones. Mayor Gwin thanked Ron for his dedication to the people of this community, commending him for his work with Harvesters, the summer youth feeding program and the Ministerial Alliance. City employees and local volunteers who help with the Harvester's food distribution came forward when a plaque was given to Ron. City Manager Martin thanked Ron for involving the city employees in the Harvester program which allows them the opportunity to give back to their community.

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.

The City Manager reported that she and Water Plant Superintendent Jim James met with the PEC engineers. They should soon be ready to give a report to the city commission. Mayor Gwin said he understood that Jim was very knowledgeable about the operation of the plant. The Manager responded that the City was very lucky to have him as an employee as he understands the chemical processes and daily procedures which will help the engineers design the type of plant Garnett needs.

NEW BUSINESS

A motion was made by Commissioner Blackie, seconded by Mayor Gwin to reappoint Betts Abraham to another three (3) year term on the Housing Authority Board. On roll call, the following vote was recorded: Ayes – three; noes – none.

A motion was made by Mayor Gwin, seconded by Commissioner Blackie to appoint John Wilson to a three (3) year term on the Anderson County Economic Development Board. On roll call, the following vote was recorded: Ayes – three; noes – none. The City Manager advised that members of this board are contacting other city residents to fill the remaining vacancy on the board.

ORDINANCES

Ordinance No. 4163 was read as follows: AN ORDINANCE REGULATING TRAFFIC WITHIN THE CITY OF GARNETT, KANSAS, AMENDING TITLE 10, CHAPTER 7, SECTIONS 1 AND 3 OF THE MUNICIPAL CODE; ADOPTING AND INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION 2016, WITH CERTAIN OMISSIONS; AND REPEALING EXISTING SECTIONS OF THE MUNICIPAL CODE THUS AMENDED. City Attorney Solander reviewed the history of the Standard Traffic Ordinance. Adoption of a new ordinance is

necessary because of the decision by the Kansas Supreme Court in the case of State vs. Ryce relating to blood or breath tests required for DUI investigations. A motion was made by Mayor Gwin, seconded by Commissioner Cole to approve Ordinance No. 4163 as written. On roll call, the following vote was recorded: Ayes – three; noes – none.

Ordinance No. 4164 was read as follows: AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CITY OF GARNETT, KANSAS, AMENDING TITLE 6, CHAPTER 1, SECTIONS 1 AND 2 OF THE MUNICIPAL CODE; ADOPTING AND INCORPORATING BY REFERENCE THE “UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES”, 2016 EDITION, WITH CERTAIN OMISSIONS; AND REPEALING EXISTING SECTIONS OF THE MUNICIPAL CODE THUS AMENDED. City Attorney Solander explained that the threshold for felony theft was increased to \$1,500 under Kansas State law. This requires the City to make the local ordinance fit the new limit so that cases between \$1,000 and \$1,500 can be prosecuted in city court. A motion was made by Commissioner Cole, seconded by Mayor Gwin to approve Ordinance No. 4164 as written. On roll call, the following vote was recorded: Ayes – three; noes – none.

RESOLUTIONS:

Resolution 11/22/16-1 was read as follows: A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF GARNETT OF AN AGREEMENT WITH KANSAS FIBER NETWORK, LLC TO PERMIT USE OF CITY UTILITY POLES. The City Attorney explained that this Resolution authorizes the Mayor and City Clerk to sign an agreement which gives Kansas Fiber Net permission to hook their transmission wire to city utility poles. It also provides for payment to the city of \$5 per pole attachment. The City Manager advised that a representative from Kansas Fiber Net had met with the city’s electrical engineer and drove the entire system to determine which poles could be used. A motion was made by Commissioner Cole, seconded by Mayor Gwin to approve Resolution 11/22/16-1 as written. On roll call, the following vote was recorded: Ayes – three; noes – none.

Resolution 11/22/16-2 was read as follows: A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF GARNETT OF AN AGREEMENT WITH VYVE BROADBAND A, LLC GOVERNING THE DELIVERY OF VIDEO SERVICES UNDER VYVE’S KANSAS VIDEO FRANCHISE AUTHORIZATION. The City Attorney explained that VYVE is the successor to a long list of broadband providers. The existing franchise agreement expired on November 9, 2016 and VYVE filed an amendment to the agreement issued by the Kansas Corporation Commission to include the City of Garnett. In reviewing the new agreement, staff determined that free cable drops to municipal buildings and school were included in the pole attachment agreement, therefore that provision is protected. The City Manager will send a letter to VYVE requesting

payment of the 5% franchise fee each quarter. A motion was made by Mayor Gwin, seconded by Commissioner Blackie to approve Resolution 11/22/16-2 as written. On roll call, the following vote was recorded: Ayes – three; noes – none.

CLAIMS, BONDS & COMMERCIAL LIABILITY INSURANCE

Fire Chief Pat Tate and Building Official Andy Frye were present to review information concerning a claim submitted by Chris Kanawyer in the amount of \$2,000 for loss of food and \$500 to remove the food from the house. This claim was filed on August 3, 2016 and was the result of utility services being disconnected at his place of residence which is 745 South Cedar. Extensive notes from Mr. Tate and Mr. Frye were reviewed and considered by the commission. Memos from the City Manager and City Attorney expressed their opinions that the claim be denied. Concerns about fire hazards to the structure and surrounding neighbors were expressed by Commissioner Blackie. Mayor Gwin stated his appreciation of the extensive amount of time spent by Mr. Tate and Mr. Frye to try and help Mr. Kanawyer resolve his electrical problems. The commissioners thanked staff for the memos of explanation of the circumstances surrounding this incident. Mayor Gwin asked Commissioners Cole and Blackie if they had any additional questions or comments. Both answered in the negative, therefore a motion was made by Mayor Gwin, seconded by Commissioner Cole to deny the claim submitted by Chris Kanawyer in the amount of \$2,500. On roll call, the following vote was recorded: Ayes – three; noes – none. The City Manager was instructed to advise Mr. Kanawyer of this decision.

Ordinance #4165 was read as follows: AN ORDINANCE FOR THE APPROPRIATION OF CERTAIN CLAIMS. A motion was made by Commissioner Cole, seconded by Mayor Gwin to approve Ordinance #4165 as written. On roll call, the following vote was recorded: Ayes – 3; noes – none. Ordinance #4165 paid warrants in the amount of \$71,810.52.

Fire Chief Pat Tate invited the Commissioners to the Firemen's Christmas Party that will be held on Saturday, December 17th at the Kirk House beginning at 5:00 p.m. The meal will be served at 6:00 pm. A voluntary gift exchange will be held and the commissioners can participate if they choose.

Chief Tate said the department has five (5) new firemen all of whom are excelling and doing an excellent job. He thanked the commission for the equipment provided and for the pick-up truck that was recently purchased for the department.

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The commissioners talked about the survey sent to them by the League of Kansas Municipalities as part of the search for a new city manager. Commissioner Cole said each commissioner needs to read the survey and return any questions or comments back to Nikki Harrison at the League office. Commissioner Blackie said he didn't receive the survey and it appeared that it was sent to the wrong e-mail address. The city manager will check with Ms. Harrison and ask her to send him the survey.

The City Manager stated that CityCode had completed the first draft of the code book revisions. Copies have been sent to her and the City Attorney. It is planned to take one or two chapters at a time to begin the review process.

There being no further business to come before the Governing Body, Mayor Gwin adjourned the meeting at 7:30 p.m.

/s/ Greg A. Gwin

Mayor

Attest:

/s/ Kristina L. Kinney

City Clerk