

October 11, 2016  
Garnett, Kansas

The Governing Body of the City of Garnett met in regular session on October 11, 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 Phil Rhoades, Minister of the Nazarene Church, giving the invocation.

#### **MINUTES APPROVED**

Commissioner Blackie asked that this sentence be added to the September 27, 2016 minutes on page three, paragraph five: Mr. Blackie stated that he would like to review all videos and reports.

Neither Mayor Gwin nor Commissioner Cole had any corrections. A motion was made by Commissioner Blackie, seconded by Mayor Gwin to approve the minutes of September 27, 2016 as corrected. On roll call, the following vote was recorded: Ayes – three; noes – none.

#### **COMMUNICATIONS & REPORTS**

Mayor Gwin said that the Lake Garnett Grand Prix Revival was a good event. He reported on the recent League of Kansas Municipalities Conference and said he attended some enlightening workshops. He said that some city managers have interns working with them to help the intern gain skills.

Commissioner Blackie commended everyone who came together to make the LGGPR event happen. He felt that the problems caused by the inclement weather were dealt with quickly to allow the event to be held. He said that several colleagues to the south who attended the League meeting commented on the number of classic cars they drove by on their way to the convention.

Commissioner Cole echoed everything said by Mayor Gwin and Commissioner Blackie. She attended the Tastes & Talents event and thanked everyone behind the scenes who made both

events a success and offered a comment that many people enjoyed the events and hope they continue to grow.

Mayor Gwin read a proclamation proclaiming the week of October 17-22, 2016 as Garnett Business Women's Week. Present for the reading and signing of the proclamation were Helen Norman, Paula Scott, Jenny Myers and Miranda Naylor.

Student representative Jeremy DuPont reported that the estimate to resurface the skate park is \$13,195. He said the city manager had offered to meet with the group to develop some fund raising ideas. He said that members of FCCLA had been contacted to see if they would be willing to help at the recreation center on Halloween night in order to earn community service points.

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

#### **NEW BUSINESS**

The Commission considered the transient guest tax application for the Friends of the Library Annual Holiday Homes Tour. The City Manager reported that this application is very similar to the one submitted last year and requests a total of \$760.90. The Tourism Advisory Board recommended approval of this application. A motion was made by Commissioner Blackie, seconded by Mayor Gwin to approve the transient guest tax application from the Friends of the Library in the amount of \$760.90. On roll call, the following vote was recorded: Ayes – three; noes – none.

#### **ORDINANCES**

Ordinance #4158 was read as follows: AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 7 OF THE MUNICIPAL CODE, RELATING TO THE DUE DATE OF UTILITY BILLS AND PENALTY FOR LATE PAYMENT; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER. The City Manager explained that the present penalty is 5% up to and including \$200 with an additional 2% charged on any amounts over the first \$200. The computer company who is preparing the new utility billing program is having problems developing a two (2) step penalty therefore the manager is recommending a one (1) level penalty of 5% on all delinquent bills. A motion was made by Mayor Gwin, seconded by Commissioner Cole to approve ordinance #4158 as read. On roll call, the following vote was recorded: Ayes – three; noes – none.

Ordinance #4159 was read as follows: AN ORDINANCE AMENDING TITLE 5, CHAPTER 13, SECTION 1 (A) (2) OF THE MUNICIPAL CODE, RELATING TO WORK ON CITY APPARATUS OR CONNECTIONS THEREWITH; REPEALING EXISTING SECTION OF SAID TITLE. Building Official Andy Frye spoke on this ordinance explaining that while he doesn't mind helping people do their projects, he doesn't believe it is his or any other city employee's responsibility to supervise non-licensed property owners to prevent them from hurting themselves or damaging their property or that belonging to the city. A recent incident in the Hayden Addition found the city's high pressure gas line had been gouged by a piece of equipment or a shovel when a property owner was trying to install his house service gas line. This could have resulted in injury and damage to the city's line. The purpose of Ordinance #4159 is to prevent non-licensed persons from working on their own gas lines. The former gas superintendent was in total agreement that this ordinance is needed. A motion was made by Mayor Gwin, seconded by Commissioner Cole to approve Ordinance #4159 as read. On roll call, the following vote was recorded: Ayes – three; noes – none.

City resident David Ditkes asked if this ordinance would prevent someone from working on the connectors to a gas dryer. Mr. Frye responded no and said this ordinance applies to gas service lines inside and outside a structure.

### **RESOLUTIONS**

Resolution 10/11/16-1 was read as follows: A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF GARNETT, AS OWNER, OF A BILL OF SALE AND SPECIAL WARRANTY DEED AND AS LESSOR, TERMINATING THE LEASE AGREEMENT AND TRUST INDENTURE WITH THE BOARD OF TRUSTEES OF ANDERSON COUNTY HOSPITAL, AND SECURITY BANK OF KANSAS CITY. City Attorney Solander explained that the Industrial Revenue Bonds issued by the City in April of 1995 to help the Anderson County Hospital construct and equip the Physician's Office Building have been paid off. One provision in the bond issue gives the hospital the right to purchase the building and property once the bonds are paid off thus a bill of sale and warranty deed have been prepared. A motion was made by Commissioner Cole, seconded by Commissioner Blackie to approve Resolution 10/11/16-1 as read. On roll call, the following vote was recorded: Ayes – three; noes – none.

Resolution 10/11/16-2 was read as follows: A RESOLUTION AUTHORIZING THE TEMPORARY EXTENSION OF PREMISES OF TRADE WINDS BAR & GRILL FOR A SPECIAL EVENT, EXTENDING SAID PREMISES INTO AND UPON THE PUBLIC RIGHT OF WAY ADJACENT TO THE PERMANENT PREMISES THEREOF. The City Manager explained that due to the inclement weather that occurred after Cornfest, the event planned by the Trade Winds had to be cancelled. They want to try this again on October 30, 2016 and requested the commission's consideration of a Resolution to allow them to have this event. A motion was made by Commissioner Cole, seconded by Mayor Gwin to approve Resolution 10/11/16-2 as read. On roll call, the following vote was recorded: Ayes – three; noes – none

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

Ordinance #4160 was read as follows: AN ORDINANCE FOR THE APPROPRIATION OF CERTAIN CLAIMS. A motion was made by Mayor Gwin, seconded by Commissioner Cole to approve Ordinance #4160 as written. On roll call, the following vote was recorded: Ayes – three; noes – none. Ordinance #4160 paid warrants in the amount of \$252,965.48.

A motion was made by Mayor Gwin, seconded by Commissioner Cole to adjourn to executive session at 6:45 p.m. for 35 minutes until 7:20 p.m. to discuss personnel. On roll call, the following vote was recorded: Ayes – three; noes – none. Others present in the executive session were City Manager Martin and City Attorney Solander. At 7:20 p.m., the executive session was extended another 20 minutes until 7:40 p.m. At 7:40 p.m., the executive session was adjourned and the regular meeting called back to order.

The commission agreed to request presentations from the League of Kansas Municipalities and City Code to help with the search for a new city manager. Commissioner Cole will contact the League and the city manager was asked to contact City Code.

Commissioner Cole questioned the City Attorney if he had completed his review of the car chase that occurred on September 10, 2016. Mr. Solander responded that he had talked with Kurt King and County Attorney Brandon Jones. He has viewed the videos one time and needs to look at them again. He said it appears the biggest complaint was the speed of the officers involved in the chase. While it is the purpose of speed to catch offenders, they need to make sure and minimize the risk to people. He said the speed dropped considerably, even below the posted speed limit. Lieutenant King tried to head off the vehicle at Brummel's Farm however that maneuver was thwarted because of the wet road and grass conditions. Commissioner Cole said she mainly wanted to know if there was something that could have been done to keep the chase from entering the city. Mr. Solander talked about stop sticks that Officer Turner tried to deploy. He added that he would have to investigate if other devices can be used. Mr. Solander

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will complete his investigation and provide a confidential memo to the City Commission at a later date.

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

/s/ Greg A. Gwin

Mayor

Attest:

/s/ Kristina L. Kinney

City Clerk