



**AGENDA
CITY COMMISSION MEETING
Thursday, July 6, 2017
9:00 AM**

City Administrative Center, 301 N. 8th Street

I. Note:

No pre-meeting.

**II. REGULAR MEETING CALLED TO ORDER AND CITY CLERK
ANNOUNCING QUORUM PRESENT**

III. PLEDGE OF ALLEGIANCE TO THE FLAG AND INVOCATION

**IV. APPROVAL OF THE MINUTES OF THE LAST REGULAR MEETING,
WHICH IF NO CORRECTIONS ARE OFFERED, SHALL STAND
APPROVED**

A. June 20, 2017 City Commission minutes.

**V. PUBLIC COMMENT Agenda Schedule Allowance: 30 minutes (5 minutes
per spokesperson)**

VI. CONSIDERATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

A. The Governing Body is asked to consider and approve requests from Carole Fry, on behalf of the Finney County Fair Board:

1. Special rate fee of \$20.00 for solid waste service.
2. Permission to close off Lake Avenue to thru traffic from July 26-30, 2017.
3. A waiver of the deposit and daily fees normally required for the carnival.

B. The Governing Body is asked to consider and authorize a request from Roxanne Morgan, Director of Finney County Tourism & Visitors Bureau, under Code Section 6-35 and 6-133 to possess, consume and sell cereal malt beverages or alcoholic liquors in a public park at Stevens Park on Monday, October 23, 2017 for the 2017 Kansas Travel & Tourism Conference from 5:30 p.m. - 8:30 p.m.

VII. REPORT OF THE CITY MANAGER

A. Presentation of the Monthly Sales Tax Report from Service and Finance.

B. The City received a letter from the Kansas Historical Society regarding their

evaluation of our Certified Local Government (CLG) program. The letter identifies minimum standards for the program and confirms the City's compliance and offers recommendations for improvements.

- C. The City has received a letter from the Kansas Department of Commerce granting extension of time in which to submit a revised STAR Bond Project Plan and commence work on the Garden City STAR Bond project until December 8, 2017.

VIII. MEETINGS OF NOTE

- July 4, 2017 - Community Band concert at 8:00 p.m. on west green of Lee Richardson Zoo followed by viewing of the fireworks
- July 7, 2017 - First Friday's Downtown - participating stores open until 7:00 p.m.
- July 8, 2017 - Jungle Run Car Show on the west green of Lee Richardson Zoo from 8:00 a.m. - 3:00 p.m.
- July 11, 2017 - The 2017 St. Catherine Hospital Home Run Derby and Skills Competition at 3:00 p.m. at Clint Lightner; 7:00 p.m. the Parrot Cove Pecos League All-Star game
- August 3-5, 2017 - Southwest Kansas Pro-Am
- August 4, 2017 - First Friday's Downtown - participating stores open until 7:00 p.m.
- August 12, 2017 - Garden City Area Chamber of Commerce 12th Annual Wine Tasting Event at the Clarion Inn at 7:00 p.m.
- August 19, 2017 - Downtown Banner Art Walk on Main Street from 4:00 p.m. - 7:00 p.m.
- September 1, 2017 - First Friday's Downtown - participating stores open until 7:00 p.m.
- September 4-10, 2017 - Garden City Charity Classic / Symetra Tour
- September 9, 2017 - FOLRZ's A Wild Affair starts at 6:00 p.m. at Lee Richardson Zoo
- September 16, 2017 - Fall Fest 2017 - Downtown Garden City
- October 21, 2017 - FOLRZ's Boo! at the Zoo starts at 4:00 p.m. at Lee Richardson Zoo

IX. CONSIDERATION OF APPROPRIATION ORDINANCE

- A. Appropriation Ordinance No. 2438-2017A

X. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

- A. The Governing Body is asked to consider and approve a resolution authorizing the City of Garden City to execute the Dogwood Project Agreement with the Kansas Municipal Energy Agency (KMEA) pertaining to the Dogwood Energy Facility.

1. Resolution. No. _____ - 2017, a resolution of the City of Garden City, Kansas authorizing the execution of the Dogwood Project agreement between the City of Garden City, Kansas and the Kansas Municipal Energy Agency; making certain covenants and agreements to provide for the payment and security thereof and authorizing certain

other documents and actions in connection therewith.

- B. The Governing Body is asked to consider an annexation request of 110 S. Jennie Barker Road.

- 1. Ordinance No. _____-2017, an ordinance annexing land to the City of Garden City Finney County, Kansas, Pursuant to K.S.A, 12-520(a)(7).

XI. OLD BUSINESS

XII. NEW BUSINESS

- A. The Governing Body is asked to consider and approve the sale of property located at 306 N. 6th Street through a sealed bid process.
- B. The Governing Body is asked to consider and approve the development agreement for the Mies & Sons Trucking, LLC project.
- C. The Governing Body is asked to consider and approve a draft of the 2018 Budget from which a Notice of Public Hearing can be published, and authorize the publishing of the Notice of Public Hearing.
- D. The Governing Body is asked to provide direction concerning its interest in pursuing a new sales tax increment, or an expiring existing sales tax increment, for the purpose of funding a particular capital project(s) and/or any corresponding on-going operational expenses.

E. Consent Agenda for approval consideration:

(The items listed under this "consent agenda" are normally considered in a single motion and represent items of routine or prior authorization. Any member of the Governing Body may remove an item prior to the vote on the consent agenda for individual consideration.)

- 1. The Governing Body is asked to consider and approve the contractor licenses for July 6, 2017.

XIII. CITY COMMISSION REPORTS

A. Commissioner Cessna

B. Mayor Dale

C. Commissioner Doll

D. Commissioner Law

E. Commissioner Fankhauser

XIV. OTHER ENTITIES

Presentation of the May 11, 2017 and May 18, 2017 Planning Commission approved minutes from the Neighborhood and Development Services Department.

Presentation of the May 9, 2017 Garden City Board of Zoning Appeals approved minutes from the Neighborhood and Development Services Department.

XV. ADJOURN



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Celyn N. Hurtado, City Clerk
DATE: July 6, 2017
RE: 06-20-2017 City Comm minutes

ISSUE:

June 20, 2017 City Commission minutes.

BACKGROUND:

None.

ALTERNATIVES:

None.

RECOMMENDATION:

None.

FISCAL NOTE:

None.

ATTACHMENTS:

Description	Upload Date	Type
06-20-17 CC minutes	7/3/2017	Backup Material

THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City

June 20, 2017

Call to Order

The regular meeting of the Board of Commissioners of the City of Garden City was held at 1:00 PM at the City Administrative Center on Tuesday, June 20, 2017.

All members were present. Commissioner Fankhauser opened the meeting with the Pledge of Allegiance to the Flag and the Invocation.

Public Comment

Jeff Crist expressed his gratitude to the Governing Body for the removal of overgrown trees at the Cemetery and thanked Cemetery Director Stevenson, Superintendent of Public Grounds Liebelt and staff.

June 6, 2017 City Commission minutes.

Consideration of Petitions, Memorials and Remonstrances

The Governing Body considered and approved a request from the Finney County Historical Society for a waiver of the sign ordinance and fee for three signs to be placed at Third Street & Kansas Avenue, Main Street Zoo entrance, and the north zoo fence west of the museum from July 2-10, 2017.

Commissioner Cessna moved to approve. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Cessna, Dale, Doll, Fankhauser, Law

The Governing Body considered and approved a request from Garden City Wind and St. Catherine Hospital for approval of an aircraft landing in the corporate limits of the City on July 4, 2017 between 6:00 and 6:30 p.m. at Clint Lightner Field, pursuant to Code section 14-71.

Commissioner Cessna moved to approve. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Cessna, Dale, Doll, Fankhauser, Law

Report of the City Manager

Assistant Director of Neighborhood & Development Services Davidson presented details of the new trailhead signs.

Assistant City Manager Cunningham updated the Governing Body on the plans for resurfacing the

Finnup Park Courts (Bribiesca Basketball Courts and the futsal court) that is scheduled for June 26, 2017 - June 30, 2017.

Presentation of the May 2017 staff report from the Garden City Regional Airport.

Presentation of the May 2017 Cemetery Report.

Presentation of the Monthly Financial Report from Service and Finance.

Presentation of the May 2017 Fire Department Activity Reports.

Presentation of the May 2017 Building Report from Neighborhood & Development Services.

Presentation of the May 2017 Code Compliance Report from Neighborhood & Development Services.

Presentation of the May 2017 Master activity report from the Garden City Police Department.

Presentation of the May 2017 City Link Ridership Report from Public Works.

Presentation of the May 2017 monthly staff report from Lee Richardson Zoo.

Meetings of Note

- June 17, 2017 - Legislative Coffee at St. Catherine Hospital, Classroom B at 10:00 a.m.
- June 24, 2017 - Art In The Park at Stevens Park from 8:00 a.m. - 5:00 p.m.
- June 28, 2017 - Finney County Economic Development Corporation meeting at the City Administrative Center in the Chambers at 7:30 a.m.
- July 6, 2017 - Regular City Commission meeting at the City Administrative Center in the Chambers at 9:00 a.m. (rescheduled from the original date of July 4, 2017)
- July 8, 2017 - Jungle Run Car Show on the west green of Lee Richardson Zoo from 8:00 a.m. - 3:00 p.m.
- August 4-5, 2017 - Southwest Kansas Pro Am
- August 19, 2017 - Downtown Banner Art Walk on Main Street from 4:00 p.m. - 7:00 p.m.
- August 25-27, 2017 - Tumbleweed Festival at the west green of Lee Richardson Zoo
- September 4-10, 2017 - Garden City Charity Classic - LPGA Symetra Tour
- September 16, 2017 - Fall Fest 2017 - Downtown Garden City

Consideration of Appropriation Ordinance

Appropriation Ordinance No. 2437-2017A

Commissioner Fankhauser moved to approve. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Cessna, Dale, Doll, Fankhauser, Law

New Business

At 1:05 p.m., Mayor Dale opened the public hearing relating to the issuance of bonds by the Public Finance Authority of Wisconsin and a plan of finance for Mosaic.

Finance Director Hitz explained the issuance of the bonds and stated it was not the City of Garden City issuing the bonds.

Following the testimony of Finance Director Hitz and having no others comment, Mayor Dale closed the public hearing.

Resolution No. 2704-2017, a resolution of the City Commission of Garden City, Kansas approving the issuance by the public finance Authority of Wisconsin of Bonds on behalf of Mosaic.

Commissioner Fankhauser moved to approve. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Cessna, Dale, Doll, Fankhauser, Law

Executive Director of Downtown Vision, Inc., Myca Bunch provided an update to the Governing Body.

Finance Director Hitz reviewed the General Fund revenues and discussed 2017 and 2018 Capital Improvement Plan projects with the Governing Body.

The Governing Body considered and approved the transfer of \$303,500 from the insurance reserves to the Garden City Recreation Commission.

Commissioner Fankhauser moved to approve. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Cessna, Dale, Doll, Fankhauser, Law

The Governing Body considered and approved Task Order Number 7 between the City of Garden City and HNTB for planning services for the Terminal Area Plan project at the Garden City Regional Airport - Airport Improvement Program (AIP) 3-20-00-24-40.

Commissioner Cessna moved to approve. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Cessna, Dale, Doll, Fankhauser, Law

The Governing Body considered and approved a contract between the City of Garden City and the Kansas Water Office. The purpose of the agreement is to gauge the feasibility of a large conversion of irrigated public grounds from the Ogallala Aquifer to treated effluent, utilizing sub-surface drip irrigation technology.

Commissioner Fankhauser moved to approve. Commissioner Law seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Cessna, Dale, Doll, Fankhauser, Law

The Governing Body considered and reappointed Phil Sloderbeck and Donna Lightner to the Zoo Advisory Board for three-year terms each from July 2017 - July 2020.

Commissioner Cessna moved to approve. Commissioner Doll seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Cessna, Dale, Doll, Fankhauser, Law

President of Finney County Economic Development Corporation, Lona DuVall, presented a review the second quarter report for 2017 with the Governing Body.

The Governing Body considered and approved the use of Finney County Economic Development Corporation joint funds in the amount of \$930,000 to help reconstruct Farmland Road south of Hwy 50.

Commissioner Law moved to approve. Commissioner Fankhauser seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Cessna, Dale, Doll, Fankhauser, Law

Consent Agenda

Commissioner Fankhauser moved to approve. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Cessna, Dale, Doll, Fankhauser, Law

The Governing Body considered and approved the Application for Federal Assistance for the Terminal Area Plan project at the Garden City Regional Airport - Airport Improvement Program (AIP) 3-20-00-24-40.

The Governing Body considered and approved the contractor licenses for June 20, 2017.

Other Entities

Presentation of the March 17, 2017 Park and Tree Advisory Board minutes.

Presentation of the April 18, 2017 Park and Tree Advisory Board minutes.

Presentation of the June 6, 2017 Zoo Advisory Board minutes.

Mayor Dale adjourned the meeting since there was no further business before the Governing Body.

Melvin L. Dale, Mayor

ATTEST:

Celyn N. Hurtado, City Clerk

City Commission Reports

A. Commissioner Fankhauser commented that the pre-meeting discussion on sales tax and possible projects was really good, he appreciates the work that went into the presentation and stated it is a topic that needs to be discussed further and possibly propose an increase in the sales tax. Commissioner Fankhauser appreciates the Commission candidates being present for the meeting.

B. Commissioner Cessna commented that good information was provided during the pre-meeting on sales tax and project options to get the Commissioners started on preparing a campaign for sales tax. Commissioner Cessna congratulated Assistant City Manager Cunningham on getting through the Commission meeting. Commissioner Cessna thanked staff for all of their hard work preparing the budget. Commissioner Cessna commented that when they first received the budget memo the number was at 2.5 mills above last year's budget and now it is just above 1 mill, this allows the Commissioners some wiggle room in the budget. Commissioner Cessna stated the turnout for the Beef Empire Days parade was great and thanked the street and police departments for all the work they do behind the scenes for parades.

C. Mayor Dale commented that the Beef Empire Days parade was well attended both by the number of floats in the line up and the amount of spectators. Mayor Dale stated the sales tax and possible project information given during pre-meeting gives each of the five Commissioners a lot to think about and to go out and discuss it with the general public. Mayor Dale commented that all of the projects are important and hopes that the public will provide their feedback on their thoughts on the projects and the possibility of a sales tax extension. Mayor Dale thanked staff for all of their work and stated without staff the Commissioners wouldn't be able to the jobs that they do.

D. Commissioner Doll enjoyed the pre-meeting conversation about ways to fund some of the public safety services that are needed. Commissioner Doll stated some are quality of life projects and some are economic development related projects and finding ways to spread that cost to not only property owners but all who come and enjoy our city. Commissioner Doll stated all the projects are important and she hopes we can find a way to do them all and to continue to grow our city and continue to be the regional hub.

E. Commissioner Law stated that before he will advocate for any projects, he would encourage all citizens of Finney County and Garden City to get engaged in the discussion of projects listed. Commissioner Law stated the some of the projects are wants and some are needs, but the most important thing is to get educated on the projects and see what can be done sooner and some that can be added to a long term plan. Commissioner Law thanked staff for all their hard work for not only work done at parades, pre-meetings and budgets, but for their work all year long.



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Celyn N. Hurtado, City Clerk
DATE: July 6, 2017
RE: 2017 Finney County Fair - Requests

ISSUE:

The Governing Body is asked to consider and approve requests from Carole Fry, on behalf of the Finney County Fair Board:

1. Special rate fee of \$20.00 for solid waste service.
2. Permission to close off Lake Avenue to thru traffic from July 26-30, 2017.
3. A waiver of the deposit and daily fees normally required for the carnival.

BACKGROUND:

These requests are consistent with what previous Governing Bodies have approved for this event.

ALTERNATIVES:

1. Approve all requests as presented.
2. Make other recommendations or suggestions for the requests.
3. Deny all the requests.

RECOMMENDATION:

Staff recommends Alternative No. 1, approval of all requests as presented.

FISCAL NOTE:

The daily carnival fee is \$300.00 per day and the deposit is \$2500.00.

ATTACHMENTS:

Description	Upload Date	Type
SER- 2017 Finney Co. Fair	7/3/2017	Backup Material
Finney Co Fair request letter	7/3/2017	Backup Material



Special Event Request

301 N 8th Street
PO Box 998
Garden City, KS 67846
620-276-1278

☒ Other
☒ Carnival/Circus*
☐ Sports Event*
☐ Haunted House*
☐ Parade**
*License Required
**Parade Application Required

April 27, 2017

Today's Date

Finney Co. Fair

Name of Event (if applicable)

Wednesday, 7/26 - Sunday, 7/30

Date of Event

Finney Co. Fairgrounds

Location of Event

Start and End Time of Event

Finney Co. Fair

Purpose of the Event

Carole Fry

411 S 9th ST, GC

620-272-7746

Applicant Name (please print)

Address

Phone

Additional Contact Names & Phone Numbers

Please mark for all request. (Note: Amenities are not available at all locations.)

Street Closure and/or Barricades	Close Lake Ave Wed morning through Sun morning	Steven's Park Bandshell	n/a	Noise Waiver**	n/a
Extra Trash Receptacles	Special rate fee for trash services (\$20/container)	Restrooms (Park Shelter Keys)	n/a	Electricity Access	n/a
Additional Request/Remarks	Waiver of deposit for the carnival as well as the \$300/day fee				

Compliance with Code of Ordinances Sections 62-21 to 62-25, pertaining to levels of noise that are permitted, is required unless a waiver is granted by the Governing Body or the City Manager for a specifically designated date and time period. A copy of the applicable code sections can be obtained from the City Clerk.

****Please note that a waiver of noise ordinance does not prohibit an officer or City official from advising you to lower the amplified noise of your event or issuing a citation upon failure to comply with such warnings.**

RESOLUTION NO. 2435-2011

A Resolution granting to the City Manager, or Designee, the authority to grant certain request of persons, businesses of groups for special events or activities.

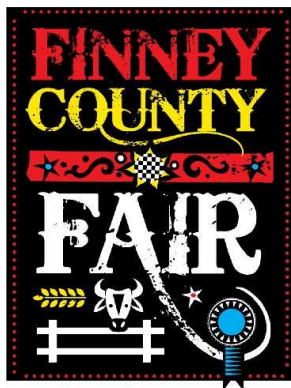
By signing below, I hereby certify that I have read and understand the statements above and that all related information which I have provided are true, accurate and complete to the best of my knowledge.

Signature

April 27, 2017

Date

For office use only		GC Downtown Vision	
Police		Electric	
Fire		Public Works	
Inspection		Parks/Grounds	
City Manager/Commission		Application Received by	Raelene Stoecklein 4/27/2017



411 SOUTH 9TH

GARDEN CITY, KS 67846

P.O. BOX 891

June 16, 2017

Garden City Commissioners
City Administrative Center
301 North 8th, P.O. Box 499
Garden City, KS 67846-0499

Dear Commissioners:

The Finney County Free Fair will be at the Finney County Fair Grounds from July 26 through July 30, 2017. We would like to take this opportunity to invite all of you down to visit the Fair and enjoy the many activities planned.

Kicking off the Fair on Wednesday will be Sheep, Rabbit and Poultry Shows, along with the Bucket Calf and Beef Shows. This year's Horse Speed Events will be held in the Grandstand Arena on Thursday evening at 7:00 p.m.

Appearing on Friday, July 28, 2017, at 8:00 p.m., on the Grandstand Plaza is Nashville Recording Artist, The Jared Daniels Band. Jared, originally from Caney, Kansas, has become a popular act across southwest Kansas and has also performed at the Kicker Country Stampede.

On Saturday evening, at 8:00 p.m., we're bringing singer, songwriter and guitarist Phil Vandel. Born and raised in NW Missouri, Phil has traveled the world with his music. 2016 brought Phil and his band all over the country, including shows at the NCOA National Convention in Las Vegas, Sky Ball XIV in Dallas, the 9th Mission Support Command Ball in Honolulu, Hawaii, and Salute To The Troops 2016 in Las Vegas with Gary Sinise & The Lt Dan Band.

On Friday and Saturday evenings we have the Food Court and traditional 4-H Concession Stand.

The Pride of Texas Shows will again be our featured carnival. This year's carnival will feature several new attractions and should be as popular as ever, bringing in many visitors from Finney County and surrounding communities.

Of course, we are writing to do more than invite you down to the fair. We would also like to make a few requests. First is to request a special rate fee (\$20) for trash service for the Finney County Fair. Second is

to request permission to close off Lake Avenue to thru traffic, as we have done in the past, beginning Wednesday morning and continuing through Sunday morning. Additionally, we again respectfully request a waiver of the deposit normally required for the carnival, as well as the \$300/day fee. Historically, the deposit has been returned to the Fair Board, in full.

Thank you for considering our requests. We'll look forward to seeing you at the 2017 Finney County Fair!!!!

Sincerely,

A handwritten signature in cursive script that reads "Carole Fry". The signature is written in black ink and is positioned above the printed name and title.

Carole Fry, on behalf of
The Finney County Fair Board



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Celyn N. Hurtado, City Clerk
DATE: July 6, 2017
RE: Finney County Convention & Visitors Bureau request

ISSUE:

The Governing Body is asked to consider and authorize a request from Roxanne Morgan, Director of Finney County Tourism & Visitors Bureau, under Code Section 6-35 and 6-133 to possess, consume and sell cereal malt beverages or alcoholic liquors in a public park at Stevens Park on Monday, October 23, 2017 for the 2017 Kansas Travel & Tourism Conference from 5:30 p.m. - 8:30 p.m.

BACKGROUND:

None.

ALTERNATIVES:

1. Approve the request as submitted.
2. Deny the request.

RECOMMENDATION:

Staff has no recommendation.

FISCAL NOTE:

None.

ATTACHMENTS:

Description	Upload Date	Type
Finney County Convention & Visitors Bureau request	7/3/2017	Backup Material



Special Event Request

301 N 8th Street
PO Box 998
Garden City, KS 67846
620-276-1278

☒ Other
☐ Carnival/Circus*
☐ Sports Event*
☐ Haunted House*
☐ Parade**
*License Required
**Parade Application Required

June 28, 2017

Today's Date

2017 Kansas Travel & Tourism Conference

Name of Event (if applicable)

Monday, October 23, 2017

Date of Event

Stevens Park & Downtown Area

Location of Event

5:30 p.m. - 8:30 p.m.

Start and End Time of Event

Hosting the 2017 Kansas Travel & Tourism Conference

Purpose of the Event

Roxanne Morgan, Executive Director

**FI CO. Convention & Visitors Bureau,
1513 E Fulton ST, GC**

620-276-0607

Applicant Name (please print)

Address

Phone

rmorgan@finneycountycvb.com

Additional Contact Names & Phone Numbers

Please mark for all request. (Note: Amenities are not available at all locations.)

Street Closure and/or Barricades	n/a	Steven's Park Bandshell	xx	Noise Waiver**	xx
Extra Trash Receptacles	n/a	Restrooms (Park Shelter Keys)	xx	Electricity Access	xx
Additional Request/Remarks	Requesting to have beer/wine (license from City Clerk) at Stevens Park along with GC vendors and scavenger hunt partnered with the downtown stores.				

Compliance with Code of Ordinances Sections 62-21 to 62-25, pertaining to levels of noise that are permitted, is required unless a waiver is granted by the Governing Body or the City Manager for a specifically designated date and time period. A copy of the applicable code sections can be obtained from the City Clerk.

****Please note that a waiver of noise ordinance does not prohibit an officer or City official from advising you to lower the amplified noise of your event or issuing a citation upon failure to comply with such warnings.**

RESOLUTION NO. 2435-2011

A Resolution granting to the City Manager, or Designee, the authority to grant certain request of persons, businesses of groups for special events or activities.

By signing below, I hereby certify that I have read and understand the statements above and that all related information which I have provided are true, accurate and complete to the best of my knowledge.

Request on file

Signature

June 28, 2017

Date

For office use only		GC Downtown Vision	
Police		Electric	n/a
Fire		Public Works	
Inspection		Parks/Grounds	
City Manager/Commission		Application Received by	Raelene Stoecklein 6/28/2017



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Service and Finance
DATE: July 6, 2017
RE: Monthly Sales Tax Report - June 2017

ISSUE:

Presentation of the Monthly Sales Tax Report from Service and Finance.

BACKGROUND:

Attached is the Service and Finance Monthly Sales Tax Report for June, 2017.

ALTERNATIVES:

None.

RECOMMENDATION:

None.

FISCAL NOTE:

None.

ATTACHMENTS:

Description	Upload Date	Type
Monthly Sales Tax Report - June 2017	6/26/2017	Backup Material

CITY OF GARDEN CITY, KANSAS
ANALYSIS OF COUNTY-WIDE SALES TAX RECEIPTS

MONTH RECEIVED	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
JANUARY	99,080	87,049	90,999	89,620	90,890	96,504	112,365	136,559	194,148	172,402	201,675	215,987	207,262	300,664	307,037	317,152
FEBRUARY	119,867	107,746	112,817	106,162	108,918	117,464	120,392	112,708	168,090	206,332	201,136	213,048	244,277	362,832	358,531	364,135
MARCH	89,945	83,994	93,138	83,528	84,800	91,096	111,384	127,434	176,275	176,089	187,616	198,757	200,357	290,207	301,101	282,153
APRIL	86,892	88,516	82,176	88,156	88,367	97,920	97,076	105,529	136,058	140,393	176,191	179,735	202,588	302,975	303,689	302,845
MAY	94,809	97,270	92,019	96,607	100,809	103,484	113,955	102,518	173,875	182,165	217,621	215,823	225,522	329,154	324,679	343,200
JUNE	101,379	98,922	86,040	82,884	99,561	98,793	107,235	110,225	174,577	192,468	197,406	205,745	227,284	313,770	298,761	301,306
JULY	99,915	97,573	91,205	88,888	95,381	109,492	130,863	126,193	163,203	175,188	199,698	238,623	232,796	313,034	330,600	
AUGUST	96,327	91,715	97,295	101,836	104,308	99,317	123,221	103,580	180,595	178,778	209,006	213,331	223,986	317,123	303,152	
SEPTEMBER	88,585	102,820	94,038	87,159	93,570	106,941	133,521	111,381	174,612	178,054	180,008	232,303	304,118	318,362	326,369	
OCTOBER	102,705	97,918	90,696	105,259	101,146	112,166	117,796	108,343	174,202	189,062	203,819	218,503	313,005	301,429	330,331	
NOVEMBER	82,869	78,619	89,706	95,946	94,231	107,500	117,428	111,973	153,378	174,342	208,611	184,384	304,259	308,291	321,505	
DECEMBER	101,296	96,993	94,616	88,792	94,570	109,693	114,846	160,409	161,622	196,711	182,159	236,524	312,690	312,260	310,550	
TOTAL RECEIPTS	<u>1,163,668</u>	<u>1,129,136</u>	<u>1,114,745</u>	<u>1,114,837</u>	<u>1,156,551</u>	<u>1,250,370</u>	<u>1,400,082</u>	<u>1,416,852</u>	<u>2,030,635</u>	<u>2,161,984</u>	<u>2,364,946</u>	<u>2,552,763</u>	<u>2,998,144</u>	<u>3,770,101</u>	<u>3,816,305</u>	<u>1,910,791</u>
PERCENTAGE CHANGE	-2.70%	-2.97%	-1.27%	"FLAT"	3.74%	8.11%	11.97%	1.20%	43.32%	6.47%	9.39%	7.94%	17.45%	25.75%	1.23%	

July 1, 2014 - 1/4 cent expires 10/1/2025
October 1, 2015 - 1/4 cent expires 9/30/2021

CITY OF GARDEN CITY, KANSAS
ANALYSIS OF CITY SALES TAX RECEIPTS

MONTH RECEIVED	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
JANUARY	379,780	309,257	357,335	335,673	351,457	351,627	409,255	529,129	415,161	432,278	483,869	508,705	480,712	521,960	543,148	543,924
FEBRUARY	444,123	419,884	434,310	423,853	416,061	444,506	465,707	415,062	416,555	509,745	497,844	514,511	575,307	638,635	629,836	638,147
MARCH	321,705	304,720	346,371	316,320	317,599	338,956	418,336	461,822	432,675	426,585	438,777	468,745	469,435	470,493	502,661	474,000
APRIL	303,909	313,029	317,571	318,835	321,431	358,967	361,119	388,668	328,743	328,309	409,253	411,491	468,167	493,539	514,449	504,284
MAY	340,131	354,013	345,880	351,143	372,027	382,562	426,812	362,989	430,701	442,882	502,577	481,623	528,216	556,737	569,117	584,814
JUNE	336,435	356,920	340,240	319,314	364,552	363,536	398,458	413,934	423,173	471,595	457,884	469,940	526,978	523,569	524,973	488,288
JULY	359,143	329,005	338,923	330,628	350,754	394,947	456,516	469,538	402,144	431,189	453,965	554,262	540,941	540,334	551,396	
AUGUST	342,529	322,875	376,955	371,521	377,510	372,473	456,809	373,995	433,641	420,914	490,394	504,212	526,281	546,571	535,506	
SEPTEMBER	324,385	366,794	362,024	323,475	341,558	388,244	463,398	421,706	415,115	433,117	424,160	529,341	509,837	548,219	534,225	
OCTOBER	368,395	357,624	341,725	369,193	365,725	408,881	446,179	411,421	425,392	450,833	468,586	501,467	516,778	517,874	563,222	
NOVEMBER	296,743	287,373	339,384	337,133	351,892	352,723	435,767	402,883	390,433	412,877	474,976	422,213	496,772	528,692	541,283	
DECEMBER	381,904	364,126	338,971	338,058	356,317	396,872	432,701	461,792	412,973	481,207	424,131	501,046	519,605	539,387	522,361	
TOTAL RECEIPTS	<u>4,199,181</u>	<u>4,085,619</u>	<u>4,239,689</u>	<u>4,135,146</u>	<u>4,286,883</u>	<u>4,554,294</u>	<u>5,171,057</u>	<u>5,112,939</u>	<u>4,926,706</u>	<u>5,241,531</u>	<u>5,526,416</u>	<u>5,867,556</u>	<u>6,159,029</u>	<u>6,426,010</u>	<u>6,532,177</u>	<u>3,233,457</u>
PERCENTAGE CHANGE	-1.53%	-2.70%	3.77%	-2.47%	3.67%	6.24%	13.54%	-1.12%	-3.64%	6.39%	5.44%	6.17%	4.97%	4.33%	1.65%	



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Celyn N. Hurtado, City Clerk
DATE: July 6, 2017
RE: KS Historical Society - Certified Local Government

ISSUE:

The City received a letter from the Kansas Historical Society regarding their evaluation of our Certified Local Government (CLG) program. The letter identifies minimum standards for the program and confirms the City's compliance and offers recommendations for improvements.

BACKGROUND:

For information only.

RECOMMENDATION:

None.

FISCAL NOTE:

None.

ATTACHMENTS:

Description	Upload Date	Type
KS Historical Society - Certified Local Government	6/29/2017	Backup Material



Kansas Historical Society

Sam Brownback, Governor
Jennie Chinn, Executive Director

June 16, 2017

Mr. Matt Allen
City Manager
301 N. 8th Street
Garden City, KS 67846

RE: Evaluation of the Certified Local Government (CLG) Status of Garden City, KS - 2017

Dear Mr. Allen,

As the Certified Local Government (CLG) coordinator for the Kansas State Historic Preservation Office (SHPO), I periodically evaluate the CLGs in Kansas to verify their continued compliance with the requirements of that program. On June 6, 2017, I visited with Kaleb Kentner, Director of Neighborhood & Development Services to discuss the CLG program requirements and to answer questions about the role of the city in this program.

Garden City continues to grow and develop its historic preservation program. I am especially pleased to see the work that has been done in the past year to hire a preservation consultant to update the city's preservation plan. I understand that revisions to the current preservation ordinance are also pending that will further facilitate the preservation goals of the community. I encourage City staff and members of the Landmarks Commission to take advantage of local and regional training opportunities and to utilize Historic Preservation Fund grants from my office for attendance at larger, national preservation conferences.

Below is an outline of the CLG program requirements for the state of Kansas with my comments and recommendations for the Garden City. If you have any questions, please do not hesitate to contact me.

Pursuant to the Terms of the Certification of this Local Government by the US Department of the Interior, National Park Service, the following minimum standards are being evaluated.

1. The CLG enforces the appropriate legislation for the designation and protection of historic properties and cooperate with the State Historic Preservation Officer (SHPO) in these matters as referenced in the "Requirements for Certification of Local Governments in Kansas" section of the Procedures for Implementation of Certified Local Governments in Kansas, as amended.
 - ✓ CLG observes requirements under KSA 75-2724 (state preservation statute)
 - ✓ CLG has an ordinance that establishes a preservation commission, defines relevant terms, outlines duties of the commission, provides specific time limits for their actions, and outlines provisions for enforcement of decisions and rights of appeal.

- Garden City has worked with the SHPO during proposed revisions to the local ordinance. Any additional or future changes to the local preservation ordinance should be reviewed by SHPO staff to ensure that program requirements will still be met.
 - ✓ CLG has a process for designation of local landmarks and/or historic districts that requires public hearings for all designations
2. The CLG maintains an adequate and qualified historic preservation review commission composed of professional and lay members as described in “Requirements for Certification of Local Governments in Kansas” section of the Procedures for Implementation of Certified Local Governments in Kansas, as amended.
- ✓ Commission members have a demonstrated interest, knowledge or expertise in historic preservation.
 - ✓ Commission members are a mix of both professional and lay members.
 - ✓ The commission meets regularly.
 - ✓ The CLG has made a good-faith effort to seek professional representation on the Commission equal to 40% or more of the commission’s makeup.
 - ✓ Commission meetings are open to the public.
 - ✗ The CLG keeps minutes of the commission meetings and forwards those minutes to the SHPO regularly.
 - ✗ SHPO has not been receiving copies of minutes or agendas from Landmarks Commission meetings regularly. If these documents are available online or could be emailed to my attention when they are sent to the Landmarks Commissioners that would very helpful.
 - ✓ CLG submits annual reports to SHPO upon request.
 - ✓ CLG has a written agreement with SHPO to conduct reviews of projects affecting state and national register historic properties under KSA 75-2724.
 - ✓ Garden City’s current agreement to conduct state preservation law reviews was signed in January 2016 and will expire in January 2021.
 - ✗ Commissioners attend at least one informational or training event per year.
 - ✗ SHPO staff provides at least one training per year for CLGs, often in conjunction with the annual statewide preservation conference. While city staff members have routinely attended these trainings and other national conferences and trainings, the Landmarks Commissioners attendance has been sporadic. Historic Preservation Fund (HPF) grants are available annually to assist with trainings. Funds may be used to send commissioners to trainings or to bring in speakers from organizations like the National Alliance of Preservation Commissions (NAPC). There are also online trainings and educational materials available from the National Park Service via their website at www.nps.gov/tps/education.htm.
3. The CLG maintains a system for the survey and inventory of historic properties as referenced in “Requirements for Certification of Local Governments in Kansas” section of the Procedures for Implementation of Certified Local Governments in Kansas, as amended.
- ✓ CLG has an active survey program.
 - ✗ Survey and inventory of cultural resources is an ongoing, continual process. **SHPO encourages application** for HPF grant funds in future years to facilitate further survey / resurvey in areas recommended by your new preservation plan.
 - ✓ Survey materials are accessible to the public
 - The easiest way to make survey and inventory records accessible is to make

sure they are uploaded to the Kansas Historic Resources Inventory (KHRI) at www.kshs.org/khri. Older inventory forms can be uploaded with the help of volunteers or interns. We are happy to provide training.

- ✓ The local survey is consistent with state and federal standards.
4. The CLG provides for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register of Historic Places as referenced in the "Certified Local Government Participation in the National Register Process" section of the Procedures for Implementation of Certified Local Governments in Kansas, as amended.
- ✓ Design review decisions have been consistent with the Secretary of the Interior's *Standards for Rehabilitation*.
 - ✓ Decisions on the eligibility of properties for National Register-listing have been consistent with the National Park Service criteria.
 - ✓ The local preservation commission and the chief local elected official have provided opinions on properties within their jurisdiction that were proposed for National Register nomination (as opportunity was made available).
 - ✓ The CLG adheres to the provisions of the Kansas Open Meetings Law (KSA 75-4318)
 - ✓ The CLG makes minutes of decisions available for public inspection.
 - ✓ Preservation commission decisions are made in a public forum and applicants are given written notice of decisions.
 - ✓ Local ordinance contains provisions requiring public hearing for all designation and design review matters.
5. The CLG adheres to all Federal requirements for the Certified Local Government Program.
6. The CLG adheres to all other requirements outlined in Procedures for Implementation of Certified Local Governments in Kansas, as amended and issued by the Kansas State Historic Preservation Office.
7. The CLG adheres to all requirements mandated by Congress regarding use of federal historic preservation funds including maintaining an adequate financial management system and requirements outlined in the Historic Preservation Fund Grants Manual.
- ✓ The CLG has carried out all obligations as a subgrantee. Grant products have been completed and delivered on schedule to date.

Thank you for participating actively in the Certified Local Government program. I look forward to working with your community more in the coming years.

Sincerely,



Katrina L. Ringler
Grants Manager / CLG Coordinator
Kansas Historical Society
785-272-8681 ext. 215
kringler@kshs.org

cc: Kaleb Kentner, Neighborhood & Development Services
Carol Davidson, Neighborhood & Development Services



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Celyn N. Hurtado, City Clerk
DATE: July 6, 2017
RE: STAR Bond Project/Request for Extension

ISSUE:

The City has received a letter from the Kansas Department of Commerce granting extension of time in which to submit a revised STAR Bond Project Plan and commence work on the Garden City STAR Bond project until December 8, 2017.

BACKGROUND:

For information only.

ALTERNATIVES:

None.

RECOMMENDATION:

None.

FISCAL NOTE:

None.

ATTACHMENTS:

Description	Upload Date	Type
KS Dept of Commerce response letter	7/3/2017	Backup Material

1000 S.W. Jackson St., Suite 100
Topeka, KS 66612-1354



Phone: (785) 296-3481
Fax: (785) 296-5055 TTY: 711
KansasCommerce.com

Antonio J. Soave, Secretary

Sam Brownback, Governor

June 15, 2017

Matt Allen
City Manager
301 N. 8th Street
PO Box 998
Garden City, KS 67846-0998

RE: STAR Bond Project/Request for Extension

Dear Mr. Allen:

This acknowledges receipt of your request dated June 7th, 2017, for an extension of time in which to submit a revised STAR Bond Project Plan and commence work on the Garden City STAR Bond project. The request is based on K.S.A. 12-17,164 and 17,166. The Act allows for an extension of time with the approval of the Secretary.

It is my understanding the Garden City STAR bond project has been delayed for a variety of reasons including the evolution of the project into a significantly larger and more encompassing "Sports of the World" concept. The project is progressing and the Finney County Economic Development Council has commissioned the feasibility and visitation study which is a key component of a STAR Bond project. These actions should result in a better and more attractive project and the feasibility visitation study is a required component.

In light of these facts, I believe it is reasonable to approve an extension. A six month extension, based on the date of the requested extension, would make December 8, 2017, the new date by which the revised Project Plan must be submitted and work on the project commenced. Hopefully, no additional extensions will be necessary.

The Department of Commerce and I look forward to continuing to work with Garden City on this STAR bond project. If you have any questions regarding this matter, please let me know.

Sincerely,


Antonio J. Soave
Secretary



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Mike Muirhead, Public Utilities Director
DATE: July 6, 2017
RE: Resolution - Dogwood Project Agreement KMEA & GC

ISSUE:

The Governing Body is asked to consider and approve a resolution authorizing the City of Garden City to execute the Dogwood Project Agreement with the Kansas Municipal Energy Agency (KMEA) pertaining to the Dogwood Energy Facility.

1. Resolution. No. _____ - 2017, a resolution of the City of Garden City, Kansas authorizing the execution of the Dogwood Project agreement between the City of Garden City, Kansas and the Kansas Municipal Energy Agency; making certain covenants and agreements to provide for the payment and security thereof and authorizing certain other documents and actions in connection therewith.

BACKGROUND:

On May 2, 2017 the Governing Body authorized the Mayor to sign the necessary documents to proceed with a 30 MW equity ownership in the Dogwood Electric Generating Facility (Dogwood).

The City will have a capacity deficit of approximately 17 MW in 2018, increasing to 64 MW by 2026. The 30 MW Dogwood capacity resource would address most of the City's capacity needs through 2020.

Dogwood involves an ownership share of a 650 MW combined cycle generating plant located near Kansas City, Missouri. A combined cycle generating facility uses a combustion turbine (similar to a jet engine) to produce electricity with a heat-recovery steam generator and steam turbine that relies on the heat from the combustion turbine exhaust to generate additional energy.

Dogwood is jointly-owned by four municipal utilities and Kelson Energy, an independent power producer who originally purchased the plant from a third party. Kelson has offered to sell a portion of its ownership share at a fixed price. The City's cost responsibility would be for its ownership percentage of fixed operating and maintenance (O&M) costs, capital expenditures, fuel, and variable O&M costs. The City would be entitled to its ownership percentage of revenues from energy and ancillary service sales into the SPP Integrated Marketplace.

ALTERNATIVES:

1. Adopt the resolution as presented.
2. Do not adopt the resolution as presented.

RECOMMENDATION:

Staff recommends that the Governing Body approve alternative 1.

FISCAL NOTE:

There is no fiscal impact by adopting the resolution as presented.

ATTACHMENTS:

Description	Upload Date	Type
Dogwood Resolution	6/26/2017	Backup Material

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF GARDEN CITY, KANSAS, AUTHORIZING THE EXECUTION OF THE DOGWOOD PROJECT AGREEMENT BETWEEN THE CITY OF GARDEN CITY, KANSAS, AND THE KANSAS MUNICIPAL ENERGY AGENCY; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the Kansas Municipal Energy Agency (“**KMEA**”) is a municipal energy agency organized and existing under the laws of the State of Kansas, including K.S.A. 12-885 *et seq.*; and

WHEREAS, the City of Garden City, Kansas (the “**City**”), owns or operates a utility furnishing electricity, and the City is a member in good standing of KMEA; and

WHEREAS, the City is authorized to enter into contracts for the supply of electricity from any person, firm, corporation or other municipality for a period not in excess of forty (40) years under K.S.A. 12-825j; and

WHEREAS, KMEA expects to enter into one or more asset purchase agreements to acquire an undivided ownership interest (“**KMEA’s Undivided Interest**”) in the Dogwood Energy Facility (the “**Facility**”), a combined-cycle, natural gas-fueled generating station with a nameplate capacity of 650 megawatts, located in Pleasant Hill, Missouri; and

WHEREAS, KMEA and certain member cities, including the City, desire to form a project, through which member cities who wish to participate will obtain ownership-like benefits from KMEA’s Undivided Interest in the Facility, and will equitably share in the development and other risks (including certain up-front costs) that KMEA must bear in connection with KMEA’s Undivided Interest in the Facility (the “**Dogwood Project**”); and

WHEREAS, City desires to participate in the Dogwood Project, pursuant to the terms and conditions set forth in the Dogwood Project Agreement (the “**Dogwood Agreement**”), in substantially the form presented to the Governing Body with this Resolution.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Garden City, Kansas:

Section 1. Approval. The Dogwood Agreement is hereby approved in substantially the form presented to the Governing Body this date.

Section 2. Pledge of Revenues; Obligation to Make Payments. The Governing Body of the City hereby pledges the gross revenues (the “**Revenues**”) of the City’s electric utility system (the “**System**”) to the City’s payment obligations under the Dogwood Agreement. The payments by the City for electricity under the Dogwood Agreement shall constitute operating expenses of the System. The obligation of the City to make payments to KMEA under the Dogwood Agreement, whether or not reduced to judgment, shall not constitute general obligations of the City, and the City shall not be required to make such payments from any source other than the Revenues of the System.

Section 3. Rate Covenant. The City will fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the System, including all repairs, alterations, extensions, reconstructions, enlargements or improvements thereto hereafter constructed or acquired by the City, as will produce Revenues sufficient to (a) pay all operating expenses of the System, including the obligation to make the payments required by the Dogwood Agreement; (b) pay the principal of and interest on all the bonds and any other indebtedness of the System (the “*System Indebtedness*”) as and when the same become due; and (c) provide reasonable and adequate reserves to satisfy covenants in the resolutions authorizing System Indebtedness and for the general protection and benefit of the System.

Section 4. Execution of Dogwood Agreement. The Mayor and City Clerk are hereby authorized to execute the Dogwood Agreement in substantially the form presented to the Governing Body this date, with such changes or additions as the Mayor, City Clerk, and City Attorney shall deem necessary and appropriate, such official's signature thereon being conclusive evidence of such official's and the City's approval thereof. The Mayor and City Clerk are authorized and directed to execute any and all other documents or certificates necessary to effect the purposes set forth in this Resolution and the Dogwood Agreement.

Section 5. Effective Date. This Resolution shall take effect and be in full force from and after its adoption by the Governing Body of the City.

ADOPTED by the Governing Body of the City and signed by the Mayor this 6th day of July, 2017.

Melvin L. Dale, Mayor

ATTEST:

Celyn N. Hurtado, City Clerk

APPROVED:

Randall D. Grisell, City Attorney



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Kaleb Kentner, Neighborhood & Development Services Director
DATE: July 6, 2017
RE: 110 S. Jennie Barker Road Annexation

ISSUE:

The Governing Body is asked to consider an annexation request of 110 S. Jennie Barker Road.

1. Ordinance No. _____-2017, an ordinance annexing land to the City of Garden City Finney County, Kansas, Pursuant to K.S.A. 12-520(a)(7).

BACKGROUND:

Transportation Partners & Logistics, LLC (TP&L) has requested to have their property located at 110 S. Jennie Barker Road annexed into the City of Garden City. The parcel is contiguous to City limits as it borders the limits on the north and east side. With this annexation, this parcel will be required to be serviced by all city utilities. Refer to the attached aerial of the property requested to be annexed.

The total land area of this property is just over 44 acres. The parcel is zoned I-3, Heavy Industrial District in the County and will need to be rezoned into an appropriate City zone before any additional development occurs. In addition, the northern portion of the parcel is in the proposed floodplain. Any development in the floodplain will be required to adhere to the floodplain regulations.

ALTERNATIVES:

1. The Governing Body may approve the proposed annexation of 110 S. Jennie Barker Road.
2. The Governing Body may not approve the proposed annexation of 110 S. Jennie Barker Road.

RECOMMENDATION:

Staff recommends the Governing Body make the best suitable decision for the City.

FISCAL NOTE:

None.

ATTACHMENTS:

Description	Upload Date	Type
Annexation request letter	7/3/2017	Backup Material
TP&L Annexation Ord	7/3/2017	Backup Material
Annexation map	7/3/2017	Backup Material



June 29, 2017

Mayor and City Commissioners
City of Garden City
PO Box 998
Garden City KS 67846

Dear Mayor and Commissioners.

This is to request that our property at 110 S. Jennie Barker Road , described as Lot 1, Block 1, T P & L Industrial Park, be annexed into the City of Garden City.

We further request that all City utilities – water, wastewater, electric and solid waste – provide service to the property.

Thank you for your consideration.

Sincerely,



Jim Orr

Transportation Partners & Logistics, LLC

Transportation Partners and Logistics, LLC.
PO Box 51647 Casper, WY 82605
1551 Three Crowns Dr. Ste. 104 Casper, WY 82604
P (307)337-2672 F (307)337-2673

ORDINANCE NO. _____-2017

AN ORDINANCE ANNEXING LAND TO THE CITY OF GARDEN CITY, FINNEY COUNTY, KANSAS, PURSUANT TO K.S.A. 12-520(a)(7).

WHEREAS, the following described land adjoins the City of Garden City, Kansas, and is generally located in Section 22, Township 24 South, Range 32 West of the 6th P.M., Finney County, Kansas; and

WHEREAS, Transportation Partners & Logistics, LLC, (Owner) is the owner of the following described land; and

WHEREAS, the Owner has requested and consented in writing to annexation of the following described land; and

WHEREAS, the Governing Body of the City of Garden City, Kansas, finds it advisable to annex the following described land.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS:

SECTION 1. That the following described land is hereby annexed and made a part of the City of Garden City, Finney County, Kansas:

A parcel of land located in Section 22, Township 24 South, Range 32 West of the 6th P.M., Finney County, Kansas, more particularly described as follows:

Beginning at the Northwest corner of said Section 22; thence S 1°47'49" W along the West line of said Section a distance of 650.00 feet to the point of Beginning; thence continuing S 1°47'49" W along the West line of said Section a distance of 830.35 feet to the Southwest Corner of Lot 1, Block 1, T P & L Industrial Park; thence Southeasterly along said Lot Line, to the South line of the Northwest Quarter of said Section 22; thence S 88°04'09" E, 153.87 feet to the extreme Southeast corner of Lot 1, Block 1, T P & L Industrial Park; thence North 48°19'30" West 294.42 feet; thence North 54°17'53" West 461.43 feet; thence Northwesterly along a curve to the right, with a radius of 1153.22 feet, an arc length of 1,126.76 feet with a chord bearing North 26°18'29" West 1,082.47 feet; thence N 01°41'00" East, 320.09 feet; thence Northwesterly along a curve to the left, with a radius of 781.24 feet, an arc length of 1,226.16 feet with a chord bearing North 43°16'47" West 1,104.12 feet; thence North 88°14'32" West, 489.38 feet along said line, to the East right-of-way line of Jennie Barker Road; thence S 1°47'49" W, 504.42 feet; thence S 88°12'11" E, 50.00 feet; thence N 88°12'11" W, 50.00 feet to the Point of Beginning. Said tract being annexed contains 49.2 acres, more or less.

SECTION 2. This annexation is made pursuant to K.S.A. 12-520(a)(7). No resolution, notice or public hearing is required pursuant to K.S.A. 12-520a(f).

SECTION 3. This ordinance shall be in full force and effect from and after its publication, in the Garden City Telegram, the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Garden City, Kansas, this 6th day of July, 2017.

Melvin L Dale, Mayor

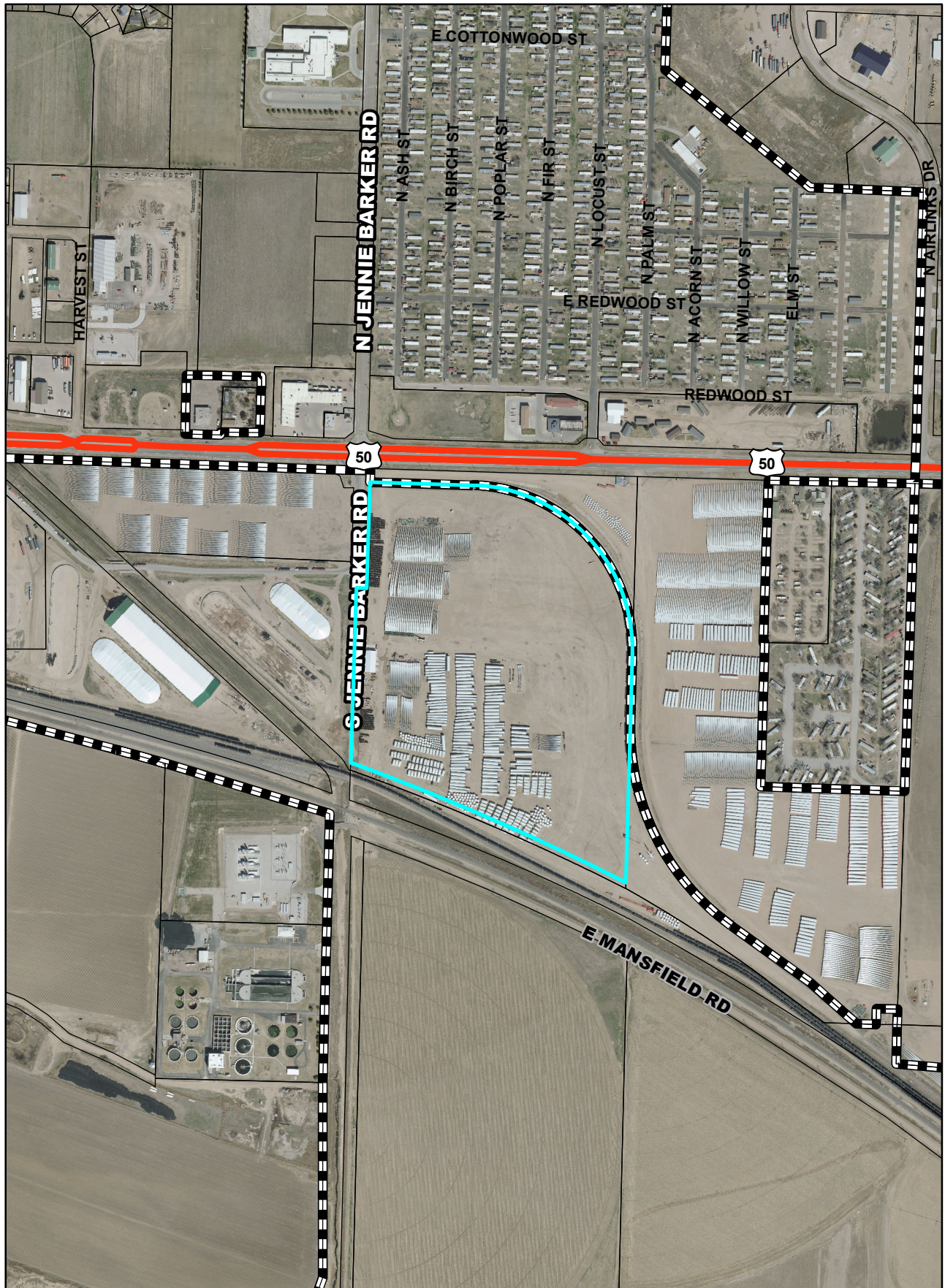
ATTEST:

Celyn N. Hurtado, City Clerk

APPROVED AS TO FORM:

Randall D. Grisell, City Counselor

110 S. Jennie Barker Road Annexation



0 162.525 650 975 1,300 Feet





MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Jennifer Cunningham, Assistant City Manager
DATE: July 6, 2017
RE: 306 N. 6th Street

ISSUE:

The Governing Body is asked to consider and approve the sale of property located at 306 N. 6th Street through a sealed bid process.

BACKGROUND:

On May 3, 2016 staff requested direction from the Governing Body regarding the disposition of the properties at 302 N. 6th Street, 306 N. 6th Street and 305 N. 5th Street. At that time the Governing Body directed staff to sell all three properties with the proceeds going to the Community Trust Fund. This was a repayment of the funds that were used to help the Garden City Recreation Commission with budget shortfalls at the end of 2015.

Since the meeting on May 3, 2016 the properties at 302 N. 6th Street and 305 N. 5th Street have been successfully sold. The last property, located at 306 N. 6th Street was part of the Garden City Recreation Commission property and had to have a re-plat before it could be marketed and sold.

The re-plat is now complete and staff is requesting we begin a sealed bid process to sell this last property.

The home is located close to downtown in the city limits of Garden City, Kansas. The home holds an appraisal value of \$48,000 excluding the land.

If this process is approved, City Attorney Grisell will post a sign on the property and provide notice in the Garden City Telegram.

If approved, a sealed bid process would officially begin, July 6, 2017. Bids would need to be hand delivered to Doering, Grisell & Cunningham at 124 Grant Street, Garden City, Kansas. Each bidder would be given a receipt to confirm their submission. Bids would be accepted until August 4, 2017 at 2:00 p.m. In order to be complete the bid must:

- Include an offer of \$60,000 or more
- Provide a time for closing
- Include any other information bidder believes relevant to purchase
- Include bidders: name, address and best way to be contacted

Additionally, by submitting a bid, the bidder would be agreeing to pay cash at the closing and provide \$1000 in earnest money upon signing the purchase agreement.

City Attorney Grisell and Assistant City Attorney Cunningham would review the bids and provide all offers to Assistant City Manager Cunningham by 5 p.m. on August 4, 2017. The bids would then be placed on the August 15, 2017 Commission Agenda for Governing Body review. The Governing Body does not have an obligation to accept the highest bid.

ALTERNATIVES:

1. Approve the bid process for selling the property located at 306 N. 6th Street
2. Deny the bid process for selling the property located at 306 N. 6th Street
3. Suggest changes or additions to the bid process for selling the property located at 306 N. 6th Street.

RECOMMENDATION:

Staff recommends approval of the bid process for selling the property located at 306 N. 6th Street.

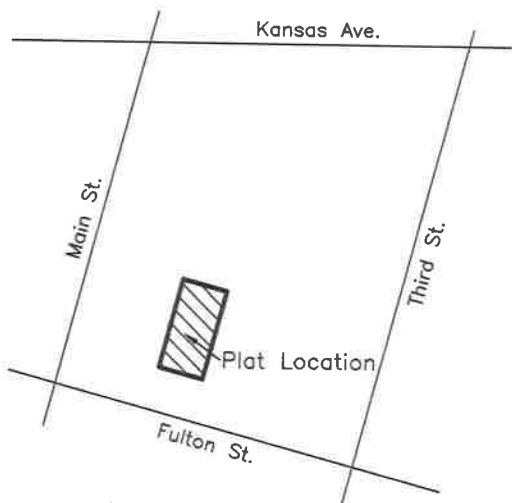
FISCAL NOTE:

The proceeds from the sale after expenses would go into the Community Trust Fund.

ATTACHMENTS:

Description	Upload Date	Type
Recorded Plat - 306 N. 6th Street	7/3/2017	Backup Material

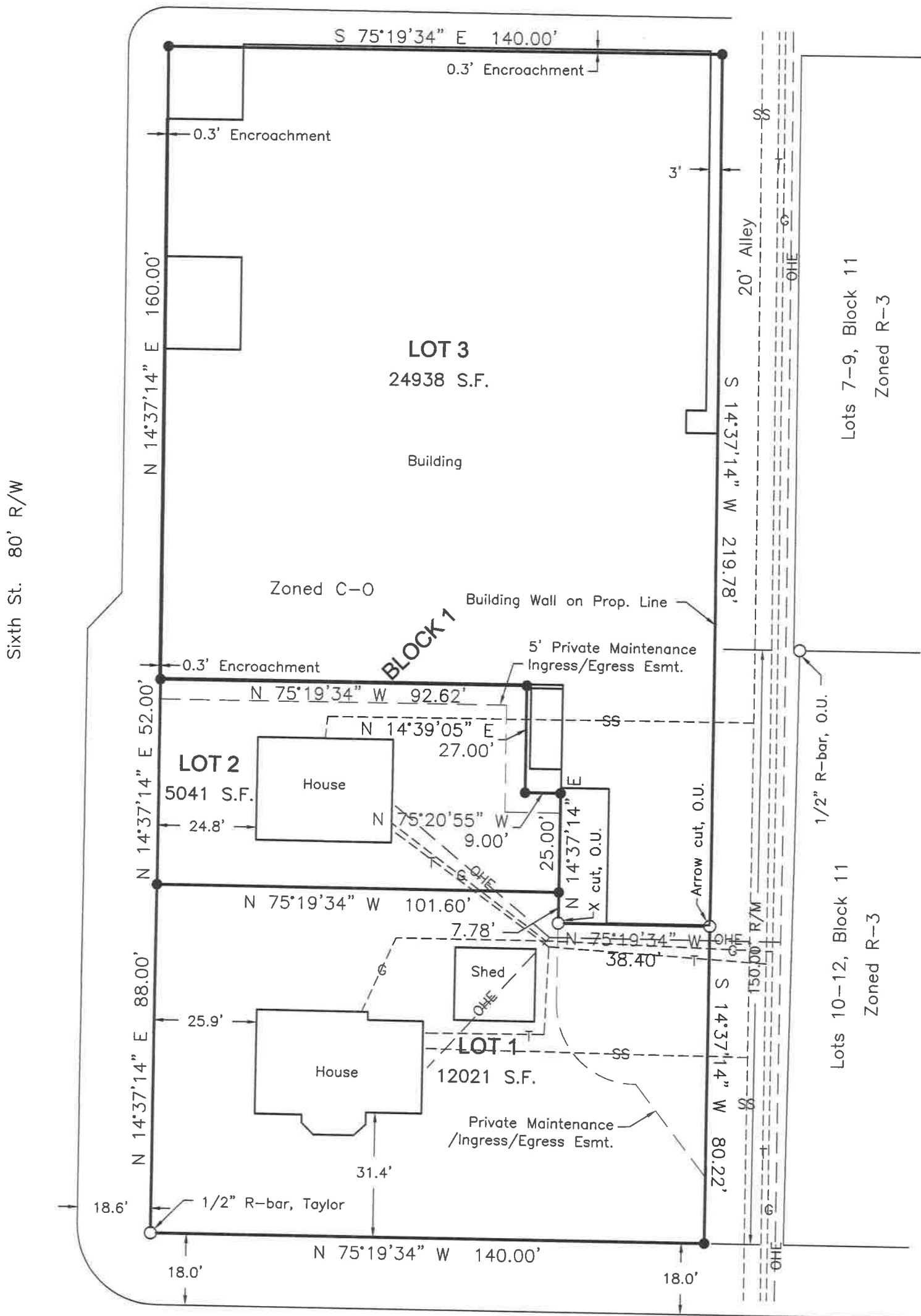
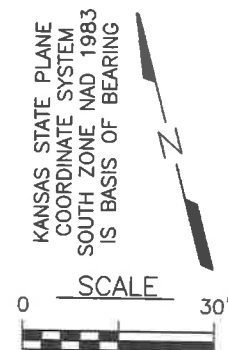
LOT SPLIT OF LOTS 1- 6,
BLOCK 11, ORIGINAL TOWN PLAT,
GARDEN CITY, FINNEY COUNTY, KS.



VICINITY MAP
Not to Scale

Zoned C-O

Laurel St. 80' R/W



LEGEND

○ Found Monument
● Set 1/2" x 24" R-bar
& "CPS LS 292" cap
R Record Measurement
- Original Plat
0.00' Measured = M

Boundary Closure Information:
No Closure Error Due to the
Property being a Parallelogram.

GENERAL NOTES

1. No record bearings or angles.
2. Some improvements, utilities, and easements are not shown by agreement with the client. Utility locations are approximate and are not to be relied upon.
3. This survey does not certify to ownership.
4. R-1 Zoning BSL:
Front - 15' Gar./25' Bldg.
Rear - 25'
Side - 3.5'

Chestnut St. 80' R/W

CORNERSTONE
Professional
Services, Inc.

1555 North Shore Circle
Garden City, KS. 67846

1867 620-272-7592
6 Sept., 2016 Copyrighted

LOT SPLIT OF LOTS 1 – 6,
BLOCK 11, ORIGINAL TOWN PLAT,
GARDEN CITY, FINNEY COUNTY, KS.

PLAT LEGAL DESCRIPTION:

Lots 1 to 6, Block 11, Original Town Plat, Garden City, Finney County, Kansas.

SURVEYOR'S CERTIFICATION

This is to certify to the best of my knowledge that the survey of the described land division is accurately represented on this plat.



Ken Parks, License No. 1289

COUNTY SURVEYOR'S CERTIFICATION

This plat has been examined this 8th day of December, 2016, for compliance with K.S.A. 58-2005.



Vernon L. Cress, License No. 899,
County Survey Reviewer

OWNER'S CONSENTS

KNOW ALL MEN BY THESE PRESENTS that We, the undersigned, being the proprietors and owners of the land included within the plat shown hereon, are the persons whose consents are necessary to pass clear title to said land and We hereby consent to the making and recording of said plat.

IN WITNESS WHEREOF these consents are executed this 14th day of December, 2016.

Chris Law, Mayor

Vivian F. Fankhauser, LLC

State of Kansas

This consent was acknowledged before me, the undersigned officer, by Chris Law, Mayor, City of Garden City, on this 14th day of December, 2016.

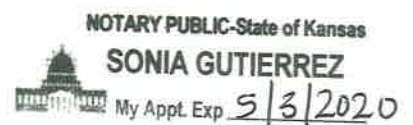
Notary Public



State of Kansas

This consent was acknowledged before me, the undersigned officer, by Vivian F. Fankhauser, LLC, on this 14th day of December, 2016.

Notary Public



PLANNING COMMISSION APPROVAL

State of Kansas ss.
Finney County

This plat has been approved this 15th day of December, 2016.

Kaleb Kentner,
Neighborhood & Development Services Director

State of Kansas, Finney County SS.
This instrument was filed for Record
12/15/2016 at 10:40 AM
& recorded in Book 0327 on Page 733
Fees: \$26.00
2016-05367

ULRIKE LAPPIN,
FINNEY COUNTY REGISTER OF DEEDS



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Kaleb Kentner, Neighborhood & Development Services
DATE: July 6, 2017
RE: FC2017-13 Mies Addition Development Agreement

ISSUE:

The Governing Body is asked to consider and approve the development agreement for the Mies & Sons Trucking, LLC project.

BACKGROUND:

Mies and Sons Trucking, LLC (the Developer) seeks to construct a milk transport trucking business and all related facilities and improvements. The property is located in the County. The applicant is requesting water and sewer services from the City. Attached to this packet is a final copy of the development agreement between Mies and the City.

In the agreement, the Parties agree that the Developer will transfer certain water rights to the City, in exchange for the City assisting the Developer in the Project. The City and the Developer have worked together to develop a plan to provide for construction of certain infrastructure, the provision of City utility services, and other details necessary to develop the Project.

Absent from this agreement is a Consent to Annexation in consideration for the extension of City utilities. Whether or not there are any plans or desire to bring a property within the City's corporate boundaries, past practice is for the City Commission to require a Consent to Annexation for any services delivered outside the City limits. This was explored with the Developer, but it was ultimately negotiated without that clause given the agreed exchange of water right ownership.

On June 26, 2017 Mies reviewed and accepted the development agreement.

On May 25, 2017 the Finney County Commission approved the Plat subject to the Development Agreement being approved and executed by the parties.

ALTERNATIVES:

1. The Governing Body may approve the development agreement.
2. The Governing Body may not approve the development agreement.

RECOMMENDATION:

Staff recommends approval of the agreement.

FISCAL NOTE:

None.

ATTACHMENTS:

Description	Upload Date	Type
AGR CITY DevelopmentAgreement 27 Jun2017	6/29/2017	Backup Material
Vicinity Map & Plat	7/3/2017	Backup Material

MIES & SONS TRUCKING, LLC PROJECT DEVELOPMENT AGREEMENT

MIES & SONS TRUCKING, LLC PROJECT DEVELOPMENT AGREEMENT ("Agreement") made and entered into this 6th day of July, 2017, by and between the City of Garden City, Kansas, a municipal corporation (the "City") and Mies & Sons Trucking, LLC (the "Developer"). The City and the Developer are hereinafter collectively referred to as the "Parties" and each a "Party."

RECITALS

A. The Developer owns real property located east of the City Wastewater Treatment Plant (the "WWTP"), as legally described on Exhibit A, attached hereto and incorporated by reference (the "Project Site").

B. The Developer seeks to construct upon the Project Site a milk transport trucking business and all related facilities and improvements as further described in this Agreement (the "Project").

C. The Parties agree that construction of the Project is to their mutual benefit.

D. The City and the Developer have worked together to develop a plan to provide for construction of certain infrastructure, the provision of City utility services, and other details necessary to develop the Project.

E. The Parties agree that the Developer will transfer certain water rights to the City, on or before January 1, 2018, in exchange for the City assisting the Developer in the Project.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth in this Agreement, the City and the Developer state, confirm and agree as follows:

ARTICLE I DEFINITIONS AND RULES OF CONSTRUCTION

Section 1.1. **Rules of Construction.** For all purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires, the following rules of construction apply in construing the provisions of this Agreement.

A. The terms defined in this Article include the plural as well as the singular.

B. All references in this instrument to designated "Articles," "Sections" and other subdivisions are to be the designated Articles, Sections and other subdivisions of this instrument as originally executed.

C. The words "herein," "hereof," "hereunder" and other words of similar import refer to this Agreement as a whole and not to any particular Article, Section or other subdivision.

D. The Article and Section headings herein are for convenience only and shall not affect the construction of this Agreement.

E. The representations, covenants and recitations set forth in the foregoing recitals are material to this Agreement and are hereby incorporated into and made a part of this Agreement as though they were fully set forth in this Section.

Section 1.2. **Definitions of Words and Terms.** Capitalized words used in this Agreement shall have the meanings set forth in the Recitals to this Agreement and the following meanings:

“Agreement” means this Mies & Sons Trucking, LLC Project Development Agreement, as amended from time to time.

“Applicable Law and Requirements” means any applicable constitution, treaty, statute, rule, regulation, ordinance, order, directive, code, interpretation, judgment, decree, injunction, writ determination, award, permit, license, authorization, requirement or decision of or agreement with or by Governmental Authorities.

“City Code” means the Code of Ordinances of the City of Garden City, Kansas.

“City Event of Default” means an event or occurrence defined in Section 6.1(B) of this Agreement.

“City Representative” means the Mayor or City Manager of the City, and such other person or persons at the time designated to act on behalf of the City in matters relating to this Agreement.

“City Work” means the City’s agreement to construct certain infrastructure improvements necessary for the Project as described in Section 2.1 and to the representations and agreements of the City set forth in Section 7.1 with respect to development of the Project.

“Developer Event of Default” means an event or occurrence defined in Section 6.1(A) of this Agreement.

“Developer Representative” means Gerald W. Mies, or such other person or persons designated to act on behalf of the Developer in matters relating to this Agreement as evidenced by a written certificate furnished to the City containing the specimen signature of such person or persons and signed on behalf of the Developer.

“Developer Work” refers to the work to be performed by the Developer to construct the Project as described in Section 2.1 and to the representations and agreements of the Developer set forth in Section 7.1 with respect to development of the Project.

“Excusable Delay” means any delay or interruption in the performance of obligations under this Agreement which is beyond the reasonable control and without the fault of the Party affected, and which the affected Party may not overcome despite good faith efforts and diligence, caused by damage or destruction by fire or other casualty, strike, war, terrorism, riot, sabotage, act of public enemies, alien invasion, epidemics, default of another party, freight embargoes, shortage of materials, unavailability of labor, a change in law, environmental remediation required by the appropriate Governmental Authorities (other than, with respect to the obligations of the City hereunder, the City), discovery of cultural, archeological or paleontological resources or

endangered species, any lawsuit seeking to restrain, enjoin, challenge or delay construction, failure of a contractor, subcontractor or supplier to furnish labor, services, materials or equipment in accordance with its contractual obligations, acts of God, including earthquake, adverse weather conditions such as, by way of illustration and not limitation, severe rain, snow, ice storms, below freezing temperatures of abnormal degree or abnormal duration, freezing temperatures that prevent the prudent installation of concrete or similar materials, tornadoes, floods, or other causes beyond the reasonable control or fault of the affected Party.

“Governmental Approvals” means all plat approvals, re-zoning or other zoning changes, site plan approvals, conditional use permits, variances, building permits, architectural reviews, environmental regulatory or public health regulatory approvals or permits, or other subdivision, zoning or similar approvals required for the implementation of the Project and are consistent with Applicable Law and Requirements and this Agreement.

“Governmental Authorities” means any and all jurisdictions, entities, courts, boards, agencies, commissions, offices, divisions, subdivisions, departments, bodies or authorities of any type of any governmental unit (federal, state or local) whether now or hereafter in existence.

“Permitted Subsequent Approvals” means the building permits and other Governmental Approvals customarily obtained prior to construction which have not been obtained on the date that this Agreement is executed, which the City or other governmental entity has not yet determined to grant.

“Project” means the Project Site and the building and structural improvements described in Section 2.1 of this Agreement.

“Project Site” means the area within the platted lot to be developed pursuant to this Agreement and is legally described on Exhibit A as Lot 1, Block A, Mies Addition, Finney County, Kansas.

ARTICLE II PURPOSE OF AGREEMENT

Section 2.1. **Purpose of Agreement.** The City and the Developer hereby acknowledge that the Project is of significant importance to the City’s economic development goals and to Developer’s economic and business goals.

This Agreement is entered into for the purpose of developing the Project Site as described herein. The Project Site is approximately 55 acres, as legally described on Exhibit A. The Developer agrees to perform the Developer Work as defined in this Agreement and particularly as follows:

- The construction by the Developer within the Project Site of a new full service milk transport trucking business includes, but is not limited to, grading, site work, access road construction, landscaping and lighting, parking lots, storm drainage, sanitary sewers, onsite water lines, and utilities.

The City agrees to perform the City Work as defined in this Agreement and particularly as follows:

- The City will construct the infrastructure improvements as described in Section 7.1 of this Agreement.

Section 2.2. **Representations of the City.** The City makes the following representations and warranties, which to the best of the City's actual knowledge are true and correct on the date hereof:

A. *Due Authority.* The City has full constitutional and lawful right, power and authority, under current Applicable Law and Requirements, to execute, deliver and perform the terms and obligations of this Agreement, subject to the limitations expressed herein or otherwise imposed by law, and this Agreement has been duly and validly authorized and approved by all necessary City proceedings, findings and actions.

B. *No Conflicts.* Neither the execution and delivery of this Agreement, nor the consummation of any of the transactions herein contemplated, nor compliance with the terms and provisions hereof, nor the development, construction or operation of the Project, will contravene the ordinances, rules, and regulations of the City or the laws of the State of Kansas, nor result in a breach, conflict with or be inconsistent with any term, covenant, condition or provision of any indenture, agreement or other instrument by which the City is bound or to which the City is subject.

C. *No Consents.* Other than approval by the City's governing body, no consent, authorization, approval order or other action by, and no notice to or filing with, any court, Governmental Authority, regulatory body or third party is required for the due execution and delivery by the City of this Agreement.

D. *Valid and Binding Obligation.* This Agreement is the legal, valid and binding obligation of the City and is enforceable against the City in accordance with its terms.

E. *No Defaults or Violation of Law.* The execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, and the fulfillment of the terms and conditions hereof do not and will not conflict with or result in a breach of any of the terms or conditions of any agreement or instrument to which the City is now a party, and do not and will not constitute a default under any of the foregoing.

F. *No Default.* No default or City Event of Default has occurred and is continuing, and no event has occurred and is continuing which with the lapse of time or the giving of notice or both, would constitute a default or an event of default in any material respect on the part of the City under this Agreement.

Section 2.3. **Representations of the Developer.** The Developer makes the following representations and warranties, which to the best of the Developer's actual knowledge, are true and correct on the date hereof:

A. *Due Authority.* The Developer has all necessary power and authority to execute, deliver and perform the terms and obligations of this Agreement and to execute and deliver the documents required of the Developer herein, and such execution and delivery has been duly and validly authorized and approved by all necessary proceedings.

B. *Governmental or Corporate Consents.* Apart from agreements, Permitted Subsequent Approvals, and consents obtained in connection with the Project, no other consent or approval is required to be obtained from, and no action need be taken by, or document filed with, any governmental body or corporate entity in connection with the execution, delivery and performance by the Developer of this Agreement.

C. *Valid and Binding Obligation.* This Agreement is the legal, valid and binding obligation of the Developer and is enforceable against the Developer according to its terms.

D. *Approvals.* The Developer has received and is in good standing with respect to all certificates, licenses, inspections, franchises, consents, immunities, permits, authorizations and approvals, governmental or otherwise, necessary to conduct and to continue to conduct its business as heretofore conducted by it and to own or lease and operate its properties as now owned or leased by it. Except for Permitted Subsequent Approvals, the Developer has obtained all certificates, licenses, inspections, franchises, consents, immunities, permits, authorizations and approvals, governmental or otherwise, necessary to acquire, construct, equip, operate and maintain the Project. The Developer reasonably believes that all such certificates, licenses, consents, permits, authorizations or approvals which have not yet been obtained will be obtained in due course.

E. *Compliance with Laws.* To its actual knowledge, the Developer is in compliance with all valid laws, ordinances, orders, decrees, decisions, rules, regulations and requirements of every duly constituted Governmental Authority, commission and court applicable to any of its affairs, businesses, and operations as contemplated by this Agreement.

F. *Other Disclosures.* The information furnished to the City by the Developer in connection with the matters covered in this Agreement is true and correct and does not contain any untrue statement of any material fact and does not omit to state any material fact required to be stated therein or necessary to make any statement made therein, in the light of the circumstances under which it was made, not misleading.

G. *No Conflicts or Defaults.* The execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, and the fulfillment of the terms and conditions hereof do not and will not conflict with or result in a breach of any of the terms or conditions of any agreement or instrument to which the Developer is now a party, and do not and will not constitute a default under any of the foregoing. No default or Developer Event of Default has occurred and is continuing which with the lapse of time or the giving of notice or both, would constitute a default or event of default in any material respect on the part of the Developer under this Agreement.

ARTICLE III CONSTRUCTION AND FINANCING OF PROJECT COSTS

Section 3.1. **Developer Work.** The Developer agrees to perform the Developer Work described particularly in Section 2.1 and Section 7.1 in accordance with this Agreement. The Developer Work shall be performed and constructed by the Developer, and any public improvements constructed as part of the Developer Work to be conveyed to the City shall be so conveyed upon completion and acceptance by the City of such public improvements. Developer agrees that the Developer Work will be performed and completed according to any plans approved by the City therefore.

Section 3.2. **City Work.** The City agrees to complete the City Work described particularly in Section 2.1 and Section 7.1 in accordance with this Agreement.

ARTICLE IV GENERAL COVENANTS

Section 4.1. **Operation of the Project.** The Project shall be constructed and operated in compliance with all Applicable Laws and Requirements. The Developer shall secure or cause to be secured any and all permits which may be required by the City and any other governmental agency having jurisdiction for the construction and operation of the Developer Work, including but not limited to, obtaining all necessary rental licenses and paying any necessary fees to obtain required permits and licenses.

Section 4.2. **Indemnification.**

A. The Developer agrees to indemnify and hold the City, its employees, agents and independent contractors and consultants (collectively, the "City Indemnified Parties") harmless, from and against any and all suits, claims, costs of defense, damages, injuries, liabilities, judgments, costs and/or expenses, including court costs and attorneys' fees incurred or suffered by or claimed against any of the City Indemnified Parties by any person or entity by reason of injury, death, loss or damage to any person, property or business which arises, or is alleged to have arisen, due to the negligence or willful misconduct of the Developer, its employees, agents or independent contractors and consultants in connection with the management, design, development, redevelopment and construction of the Project.

B. The City agrees to indemnify and hold harmless the Developer, its employees, agents and independent contractors and consultants (collectively the "Developer Indemnified Parties") against any loss or expense arising out of any liability imposed by any law, federal or state, upon the Developer Indemnified Parties, if such liability is a consequence of action of the City in the performance of any work related to this Agreement. The City's liability for any claims asserted by a person or entity by reason of injury, death, loss or damage to any person, property or business which arises, or is alleged to have arisen, from the negligence or willful misconduct of the City, its officers, agents or employees in connection with work performed by the City in relation to this Agreement shall be governed by the Kansas Tort Claims Act and other applicable laws of the State.

C. The right to indemnification set forth in this Agreement shall survive the termination of this Agreement.

Section 4.3. **Construction of the Project.** The Developer shall have the sole responsibility to contract for the design and construction of the Developer Work, subject to Applicable Laws and Requirements.

Section 4.4. **Evidence of Completion.** Upon substantial completion of a discrete phase of public improvements included in the Developer Work, the Developer shall submit an engineer's certificate to the City, certifying that the same has been substantially completed in conformance with this Agreement and the plans approved by the City.

Section 4.5. **Modifications.** Modifications to the Project may require additional review by the City to ensure that the changes are generally consistent with this Agreement.

Section 4.6. **Public Bidding Not Required.** Notwithstanding the fact that certain portions of the Developer Work will be deemed public improvements, public bidding for the Developer Work will not be required; however, all plans for public improvements shall require approval of the City and comply with standard City inspection and testing requirements.

ARTICLE V ASSIGNMENT AND TRANSFER

Section 5.1. **Restriction on Transfer and Assignments.** The Developer shall not assign or transfer all or any of its rights or duties under this Agreement, nor convey any portion of the Project Site prior to completion of the Developer Work without the prior written approval of the City.

ARTICLE VI DEFAULTS AND REMEDIES

Section 6.1. **Event of Default.**

A. *Developer Event of Default.* A "Developer Event of Default" shall mean a default in the performance of any obligation or breach of any covenant or agreement of the Developer in this Agreement (other than a covenant or agreement, or a default in the performance or breach of which is specifically dealt with elsewhere in this Section), and continuance of such default or breach for a period of thirty (30) days after the City has delivered to the Developer a written notice specifying such default or breach and requiring it to be remedied; provided, that if such default or breach cannot be fully remedied within such thirty (30) day period, but can reasonably be expected to be fully remedied and the Developer is diligently attempting to remedy such default or breach, such default or breach shall not constitute an event of default if the Developer shall immediately upon receipt of such notice diligently attempt to remedy such default or breach and shall thereafter prosecute and complete the same with due diligence and dispatch.

B. *City Event of Default.* A “City Event of Default” shall mean a default in the performance of any obligation or breach of any covenant or agreement of the City in this Agreement (other than a covenant or agreement, or a default in the performance or breach of which is specifically dealt with elsewhere in this Section), and continuance of such default or breach for a period of thirty (30) days after there has been given to the City by the Developer a written notice specifying such default or breach and requiring it to be remedied; provided, that if such default or breach cannot be fully remedied within such thirty (30) day period, but can reasonably be expected to be fully remedied and the City is diligently attempting to remedy such default or breach, such default or breach shall not constitute an event of default if the City shall immediately upon receipt of such notice diligently attempt to remedy such default or breach and shall thereafter prosecute and complete the same with due diligence and dispatch.

Section 6.2. **Remedies Upon a Developer Event of Default.**

A. Upon the occurrence and continuance of a Developer Event of Default, the City shall have the following rights and remedies, in addition to any other rights and remedies provided under this Agreement or by law:

1. The City shall have the right to terminate this Agreement, terminate the Developer’s rights under this Agreement and/or terminate the City’s obligations under this Agreement.

2. The City may pursue any available remedy at law or in equity by suit, action, mandamus or other proceeding to enforce the duties and obligations of the Developer as set forth in this Agreement, and to enforce or preserve any other rights or interests of the City under this Agreement, or otherwise existing at law or in equity, and to recover any damages incurred by the City resulting from such Developer Event of Default.

B. If the City has instituted any proceeding to enforce any right or remedy under this Agreement, by suit or otherwise, and such proceeding has been discontinued or abandoned for any reason, or has been determined adversely to the City, then and in every case, the City and the Developer shall, subject to any determination in such proceeding, be restored to their former positions and rights hereunder, and thereafter, all rights and remedies of the City shall continue as though no such proceeding had been instituted.

C. The exercise by the City of any one remedy shall not preclude the exercise by it, at the same or different times, of any other remedies for the same default or breach. No waiver made by the City shall apply to obligations beyond those expressly waived.

D. Any delay by the City in instituting or prosecuting any such actions or proceedings, or otherwise asserting its rights under this Section, shall not operate as a waiver of such rights or limit it in any way. No waiver in fact made by the City of any specific default by the Developer shall be considered or treated as a waiver of the rights with respect to any other defaults, or with respect to the particular default, except to the extent specifically waived.

Section 6.3. **Remedies Upon a City Event of Default.**

A. Upon the occurrence and continuance of a City Event of Default, the Developer shall have the following rights and remedies, in addition to any other rights and remedies provided under this Agreement or by law:

1. The Developer shall have the right to terminate the Developer's obligations under this Agreement.

2. The Developer may pursue any available remedy at law or in equity by suit, action, mandamus or other proceeding to enforce and compel the performance of the duties and obligations of the City as set forth in this Agreement, and to enforce or preserve any other rights or interests of the Developer under this Agreement or otherwise existing at law or in equity, and to recover any damages incurred by the Developer resulting from such City Event of Default.

B. If the Developer has instituted any proceeding to enforce any right or remedy under this Agreement, by suit or otherwise, and such proceeding has been discontinued or abandoned for any reason, or has been determined adversely to the Developer, then and in every case, the Developer and the City shall, subject to any determination in such proceeding, be restored to their former positions and rights hereunder, and thereafter, all rights and remedies of the Developer shall continue as though no such proceeding had been instituted.

C. The exercise by the Developer of any one remedy shall not preclude the exercise by it, at the same or different times, of any other remedies for the same default or breach. No waiver made by the Developer shall apply to obligations beyond those expressly waived.

D. Any delay by the Developer in instituting or prosecuting any such actions or proceedings, or otherwise asserting its rights under this paragraph, shall not operate as a waiver of such rights or limit such rights in any way. No waiver in fact made by the Developer of any specific default by the City shall be considered or treated as a waiver of the rights with respect to any other defaults, or with respect to the particular default, except to the extent specifically waived.

Section 6.4. **Excusable Delays.** Neither the City nor the Developer shall be deemed to be in default of this Agreement because of an Excusable Delay.

Section 6.5. **Legal Actions.** Any legal actions related to or arising out of this Agreement must be instituted in the District Court of Finney County, Kansas.

ARTICLE VII
GENERAL PROVISIONS

Section 7.1. **Development of the Project.**

A. *Scope.* The Project shall be developed within and subject to Applicable Law and Requirements, the site plan for the Project and the plat for the Project Site, as any of the forgoing may be amended.

B. *Governmental Approvals.* The Project shall be subject to Governmental Approvals from Governmental Authorities having jurisdiction over the Project.

C. *City Approval of Zoning, Planning, and Platting.* The City agrees to consider and act on the site plan, zoning, planning and platting applications submitted by the Developer, related to the Project, expeditiously and in good faith.

D. *City and Other Governmental Permits.* Before beginning construction or development of any buildings, structures or other work or improvements related to the Project, the Developer shall, at its own expense, secure or cause to be secured any and all Governmental Approvals (excepting Permitted Subsequent Approvals) applicable to such construction, development or work. The City will cooperate with, fast track, and provide all assistance to the Developer in securing such permits and approvals and expeditiously process, review and consider all such permits and approvals as may be required by law.

E. *Rights of Access.* For the purpose of ensuring compliance with this Agreement, representatives of the City shall have the right of access to the Project Site, without charge or fees, at normal construction hours, during the period of construction for the purposes of this Agreement; including but not limited to, for the inspection of the work being performed in constructing, improving, repairing and installing the Project.

F. *Local, State and Federal Laws.* The Developer shall carry out the provisions of this Agreement in conformity with all Applicable Laws and Requirements.

G. *City Utilities.* The City agrees to provide City operated utilities (water and wastewater service) to the Project.

H. *Electrical Service.*

1. **Electrical Service Providers.** Except as noted herein, Wheatland Electric Cooperative, Inc. ("WEC") will provide electrical service to the Project, as the Project Site is currently in WEC's service territory. The City will provide electrical service to the street lighting required on the Access Road described in Section 7.1(K).

2. Street Light Poles/Luminaries. The City shall provide the Developer with fifteen (15) street light poles and luminaries for the Access Road. The Developer shall be responsible for installation of the street light poles and luminaries, including, but not limited to, all conduits and wiring required to connect to the City's electrical service.

I. *Water Service.*

1. Water Service Rates. The water service rate shall be \$1.80 per 1,000 gallons, for ten (10) years from the date water service is first provided to the Project. Thereafter, the applicable water service rate will be as set forth in the City Code.

2. Water System Improvements. In connection with providing water utility service to the Project, the City agrees to extend a water main to the east edge of the property line of the Project Site to serve the Project.

J. *Wastewater Service.*

1. Wastewater Service Rates. The wastewater service rate applicable to the Project shall be as set forth in the City Code.

2. Wastewater Infrastructure Improvements on Project Site. The Developer agrees to construct on the Project Site, all necessary wastewater infrastructure improvements required to deliver wastewater from the Project Site to the west side of the WWTP.

3. "Treated Wastewater Effluent". The City agrees to sell to the Developer, treated wastewater effluent ("Effluent"), in a volume solely determined by the City. The rate for the Effluent shall be \$.89 per 1,000 gallons, for a period of ten (10) years from the date Effluent is first provided to the Project. Thereafter, the rate shall be as set forth in the City Code. The City may terminate providing Effluent to the Developer, at any time, for any reason. The Parties agree that Effluent will be delivered to the Developer at a location chosen by the City and the Developer, and at no cost to the City.

4. Wastewater Improvements – Untreated Domestic Wastewater. The Developer agrees to pay the costs of, and be responsible for, the extension of facilities necessary to connect the Project to the City Effluent discharge point to receive untreated domestic wastewater discharge.

K. *Primary Access Improvements.*

1. The existing access to the Project Site is from Mansfield Road. The Developer agrees to construct, at its sole expense, an access road and bridge (Access Road), including engineering costs and all related and necessary costs, to the Project Site.

2. The City shall convey an easement to the Developer for an approximate 50' x 771' tract for construction and location of the Access Road. The City will also grant to the Developer an additional 100' construction easement. (See Exhibit B, pages 1-7, for legal descriptions and locations of access and utility easements.)

L. *Relocation of WWTP Discharge Pipe.* The City will pay the cost for relocation of the WWTP discharge pipe from its existing location to a new location south of the Access Road, as determined by the City.

M. *Water Rights.* In consideration of the improvements to be made by the City for the benefit of the Project, the Developer agrees to transfer the following water rights ("Water Rights") to the City:

Vested Right – FI-70, 200AF

Appropriated Right – File No. 3715, 116AF

Together with an easement granted to the City to access a well or point of diversion necessary to utilize the Water Rights.

The Developer shall warrant and guarantee title to the Water Rights to the City, free and clear of any claim or interest of any other party.

N. *Annexation Agreement.* The Developer will approve an annexation agreement with the City, agreeing to consent to annexation of the Project Site, at the time the City determines annexation to be appropriate.

Section 7.2. **Time of Essence.** Time is of the essence of this Agreement. The Parties will make every reasonable effort to expedite the subject matters hereof and acknowledge that the successful performance of this Agreement requires their continued cooperation.

Section 7.3. **Amendments.** This Agreement may be amended only by the mutual consent of the Parties, by the adoption of a resolution or ordinance of the City approving said amendment, as provided by law, and by the execution of said amendment by the Parties or their successors in interest.

Section 7.4. **Conflicts of Interest.**

A. No member of the City's governing body or of any branch of the City's government that has any power of review or approval of any of the Developer's undertakings shall participate in any decisions relating thereto which affect such person's personal interest or the interests of any corporation or partnership in which such person is directly or indirectly interested. Any person having such interest shall immediately, upon knowledge of such possible conflict, disclose, in writing, to the City the nature of such interest and seek a determination with respect to such interest by the City and, in the meantime, shall not participate in any actions or discussions relating to the activities herein proscribed.

B. The Developer warrants that it has not paid or given, and will not pay or give, any officer, employee or agent of the City any money or other consideration for obtaining this Agreement. The Developer further represents that, to its best knowledge

and belief, no officer, employee or agent of the City who exercises or has exercised any functions or responsibilities with respect to the Project during his or her tenure, or who is in a position to participate in a decision making process or gain insider information with regard to the Project, has or will have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof for work to be performed in connection with the Project, or in any activity, or benefit therefrom, which is part of the Project at any time during or after such person's tenure.

Section 7.5. **Validity and Severability.** It is the intention of the Parties that the provisions of this Agreement shall be enforced to the fullest extent permissible under the laws and public policies of the State of Kansas, and that the unenforceability (or modification to conform with such laws or public policies) of any provision hereof shall not render unenforceable, or impair, the remainder of this Agreement. Accordingly, if any provision of this Agreement shall be deemed invalid or unenforceable, in whole or in part, this Agreement shall be deemed amended to delete or modify, in whole or in part, if necessary, the invalid or unenforceable provision or provisions, or portions thereof, and to alter the balance of this Agreement in order to render the same valid and enforceable.

Section 7.6. **Notice.** All notices and requests required pursuant to this Agreement shall be sent as follows:

To the City:

City of Garden City, Kansas
Attn: City Manager
P. O. Box 998
Garden City, Kansas 67846
Telephone: (620) 276-1167

With a copy to:
Randall D. Grisell, City Attorney
Doering, Grisell & Cunningham, P.A.
124 Grant Avenue
Garden City, Kansas 67846
Telephone: (620) 275-8084

To the Developer:

Mies & Sons Trucking, LLC
19620 West 85th Street North
Colwich, Kansas 67030
Telephone: (316) 796-0186

or at such other addresses as the Parties may indicate in writing to the other either by personal delivery, courier, or by registered mail, return receipt requested, with proof of delivery thereof. Mailed notices shall be deemed effective on the third day after mailing; all other notices shall be effective when delivered.

Section 7.7. **Kansas Law.** This Agreement shall be governed by and contained in accordance with the laws of the State of Kansas. It is the intent of the Parties that the provisions of this Agreement are not intended to violate the Kansas Cash Basis Law (K.S.A. 10-1101 et seq.) or the Kansas Budget Law (K.S.A. 79-2925). Therefore, notwithstanding anything to the contrary herein, the City's obligations under this Agreement are to be construed in a manner that assures the City is at all times in compliance with the Kansas Cash Basis Law and the Kansas Budget Law.

Section 7.8. **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same agreement.

Section 7.9. **Consent or Approval.** Except as otherwise provided in this Agreement, whenever the consent, approval or acceptance of either Party is required hereunder, such consent, approval or acceptance shall not be unreasonably withheld or unduly delayed.

Section 7.10. **Recordation/Agreement to Run with the Land.** This Agreement shall constitute covenants that run with the land and are binding on successors in interest. The Agreement shall be filed of record with the Finney County Register of Deeds.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, this Agreement is executed by the City and the Developer, effective as to the day and year first above written.

CITY OF GARDEN CITY, KANSAS

By: _____
Melvin L. Dale, Mayor

ATTEST:

Celyn N. Hurtado, City Clerk

APPROVED AS TO FORM:

Randall D. Grisell, City Attorney

ACKNOWLEDGEMENT

STATE OF KANSAS)
) ss.
COUNTY OF FINNEY)

Now on this _____ day of _____, 2017, before me, a notary public in and for said county and state, came MELVIN L. DALE and CELYN N. HURTADO, Mayor and City Clerk, respectively, of the City of Garden City, Kansas, a Kansas municipal corporation duly authorized, incorporated and existing under and by virtue of the Constitution and laws of the State of Kansas, who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said City, and such persons duly acknowledged the execution of the same to be the act and deed of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public

My Commission Expires: _____

MIES & SONS TRUCKING, LLC

By: _____
Gerald W. Mies, President

ACKNOWLEDGEMENT

STATE OF KANSAS)
) ss.
COUNTY OF _____)

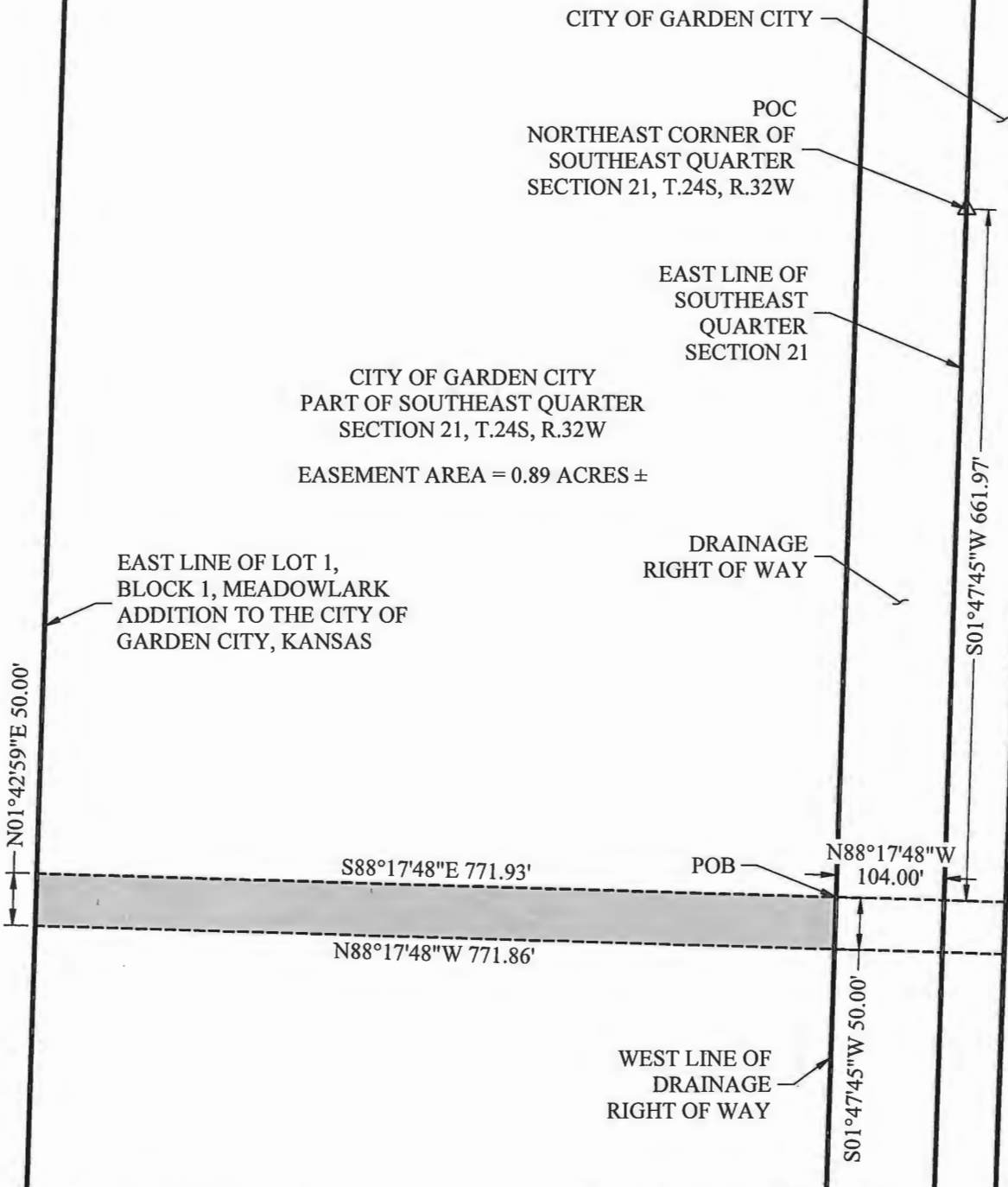
Now on this _____ day of _____, 2017, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came GERALD W. MIES, President of Mies & Sons Trucking, LLC, who is personally known to me to be the same person who executed the within instrument on behalf of said entity and who duly acknowledged the execution of the same to be the act and deed of said entity.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public

My Commission Expires: _____

EXHIBIT A



- △ = SECTION CORNER
- ▬ = EASEMENT AREA
- - - = EASEMENT BOUNDARY LINE
- = PROPERTY LINE

POB = POINT OF BEGINNING
 POC = POINT OF COMMENCEMENT
 NOTE: THIS DOES NOT CONSTITUTE
 A BOUNDARY SURVEY

WCI

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EXHIBIT A

LEGAL DESCRIPTION:

A tract of land located in the Southeast Quarter of Section 21, Township 24 South, Range 32 West of the 6th P.M., Finney County, Kansas described as follows:

Commencing at the Northeast corner of said Southeast Quarter, thence on an assumed bearing of S 01° 47' 45" W, along the East line of said Southeast Quarter, a distance of 661.97 feet;

Thence N 88° 17' 48" W a distance of 104.00 feet to a point on the West line of an existing drainage right of way, said point also being the point of beginning;

Thence S 01° 47' 45" W, along said West line, a distance of 50.00 feet;

Thence N 88° 17' 48" W a distance of 771.86 feet to a point on the East line of Lot 1, Block 1, Meadowlark Addition to the City of Garden City, Kansas;

Thence N 01° 42' 59" E, along said East line of Lot 1, a distance of 50.00 feet;

Thence S 88° 17' 48" E a distance of 771.93 feet to the point of beginning;

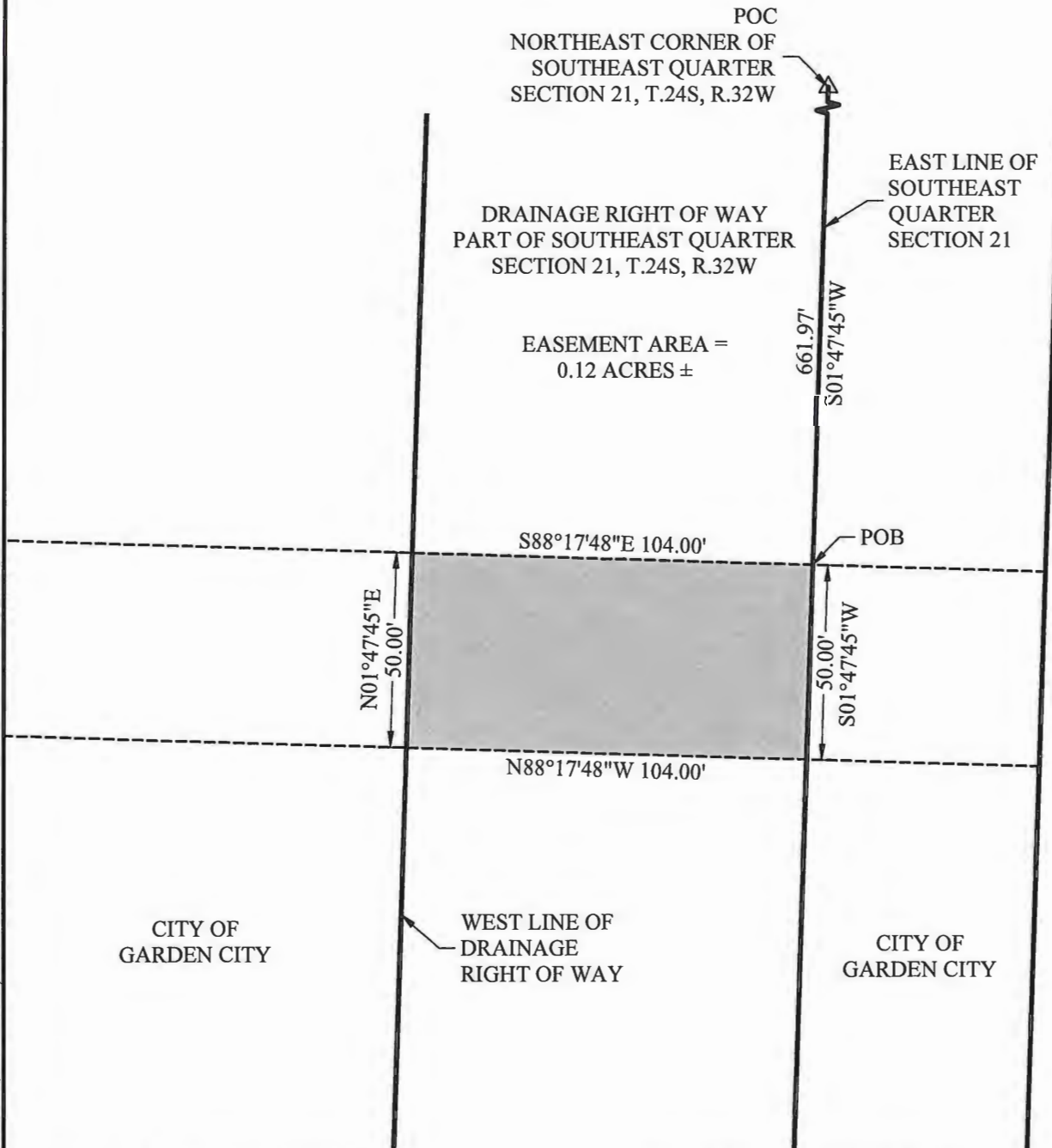
Said tract contains 0.89 acres, more or less.



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						SHEET NO: 2 OF 2		WILSON & COMPANY 1700 East Iron Ave. Salina, KS 67401 Phone: 785-827-0433 Fax: 785-827-5949
						SCALE:		
						PROJECT NO: 17-100-063-08		
						DRAWN BY: NWK	DATE: 6/14/2017	
						CHECKED BY: MJL	6/14/2017	
NO.	REVISION-DESCRIPTION	BY	DATE	CHK'D	APP'D	APPROVED BY:		CITY OF GARDEN CITY FINNEY COUNTY, KANSAS MIES ACCESS AND UTILITY EASEMENT TRACT 1

EXHIBIT A



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- = EASEMENT AREA
- = EASEMENT BOUNDARY LINE
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 A BOUNDARY SURVEY



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EXHIBIT A

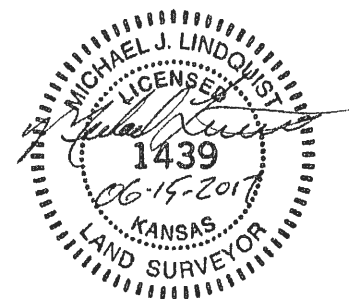
LEGAL DESCRIPTION:

A tract of land located in the Southeast Quarter of Section 21, Township 24 South, Range 32 West of the 6th P.M., Finney County, Kansas described as follows:

Commencing at the Northeast corner of said Southeast Quarter, thence on an assumed bearing of S 01° 47' 45" W, along the East line of said Southeast Quarter, a distance of 661.97 feet to the point of beginning;

Thence continuing S 01° 47' 45" W, along said East line, a distance of 50.00 feet;
Thence N 88° 17' 48" W a distance of 104.00 feet to a point on the West line of an existing drainage right of way;
Thence N 01° 47' 45" E, along said West line, a distance of 50.00 feet;
Thence S 88° 17' 48" E a distance of 104.00 feet to the point of beginning;

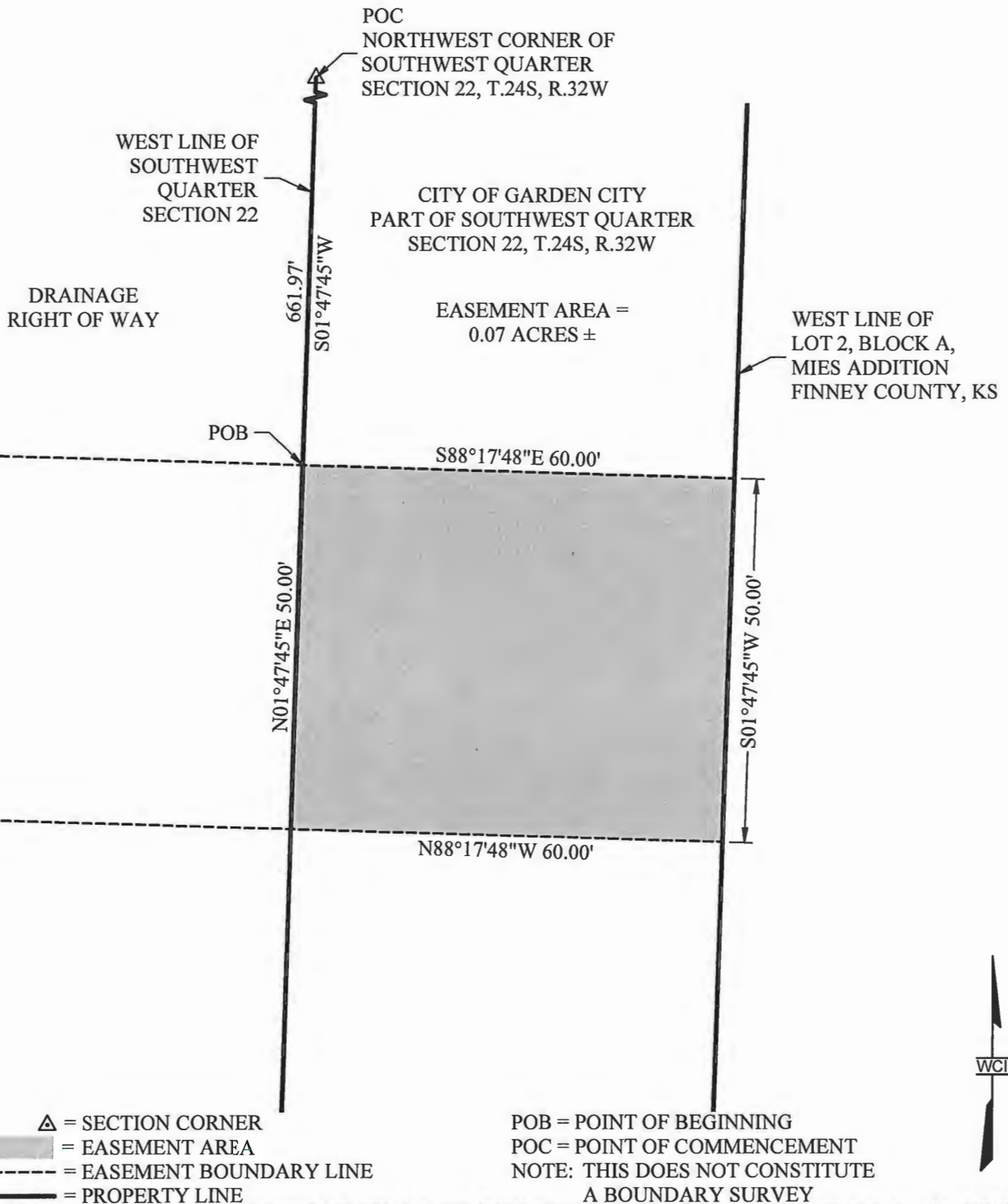
Said tract contains 0.12 acres, more or less.



MATR17-100-063-082 Discipline: Survey Drawings/Plat.dwg Plotted on: Jun 15, 2017 - 10:18am By: nrvkralman

						SHEET NO: 2 OF 2		WILSON & COMPANY 1700 East Iron Ave. Salina, KS 67401 Phone: 785-827-0433 Fax: 785-827-5949		
						SCALE:				
						PROJECT NO: 17-100-063-08				
						DRAWN BY: NWK	DATE: 6/14/2017			
						CHECKED BY: MJL	DATE: 6/14/2017			
NO.	REVISION-DESCRIPTION					BY	DATE	CHK'D	APP'D	CITY OF GARDEN CITY FINNEY COUNTY, KANSAS MIES ACCESS AND UTILITY EASEMENT TRACT 2

EXHIBIT A



WCI

M:\TRN17-100-063-082_Disciplines\Survey\Drawings\Plat.dwg Plotted on: Jun 15, 2017 - 10:18am By: nwkraliman

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EXHIBIT A

LEGAL DESCRIPTION:

A tract of land located in the Southwest Quarter of Section 22, Township 24 South, Range 32 West of the 6th P.M., Finney County, Kansas described as follows:

Commencing at the Northwest corner of said Southwest Quarter, thence on an assumed bearing of S 01° 47' 45" W, along the West line of said Southwest Quarter, a distance of 661.97 feet to the point of beginning;

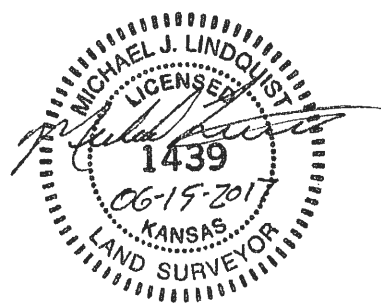
Thence S 88° 17' 48" E a distance of 60.00 feet to a point on the West line of Lot 2, Block A, Mies Addition, Finney County, Kansas;

Thence S 01° 47' 45" W, along said West line of Lot 2, a distance of 50.00 feet;

Thence N 88° 17' 48" W a distance of 60.00 feet to a point on the West line of said Southwest Quarter;

Thence N 01° 47' 45" E, along said West line of said Southwest Quarter, a distance of 50.00 feet to the point of beginning;

Said tract contains 0.07 acres, more or less.



M:\TRN\17-100-063-082 Discipline\Survey\Drawings\Plat.dwg Plotted on: Jun 15, 2017 - 10:18am By: nwkralman

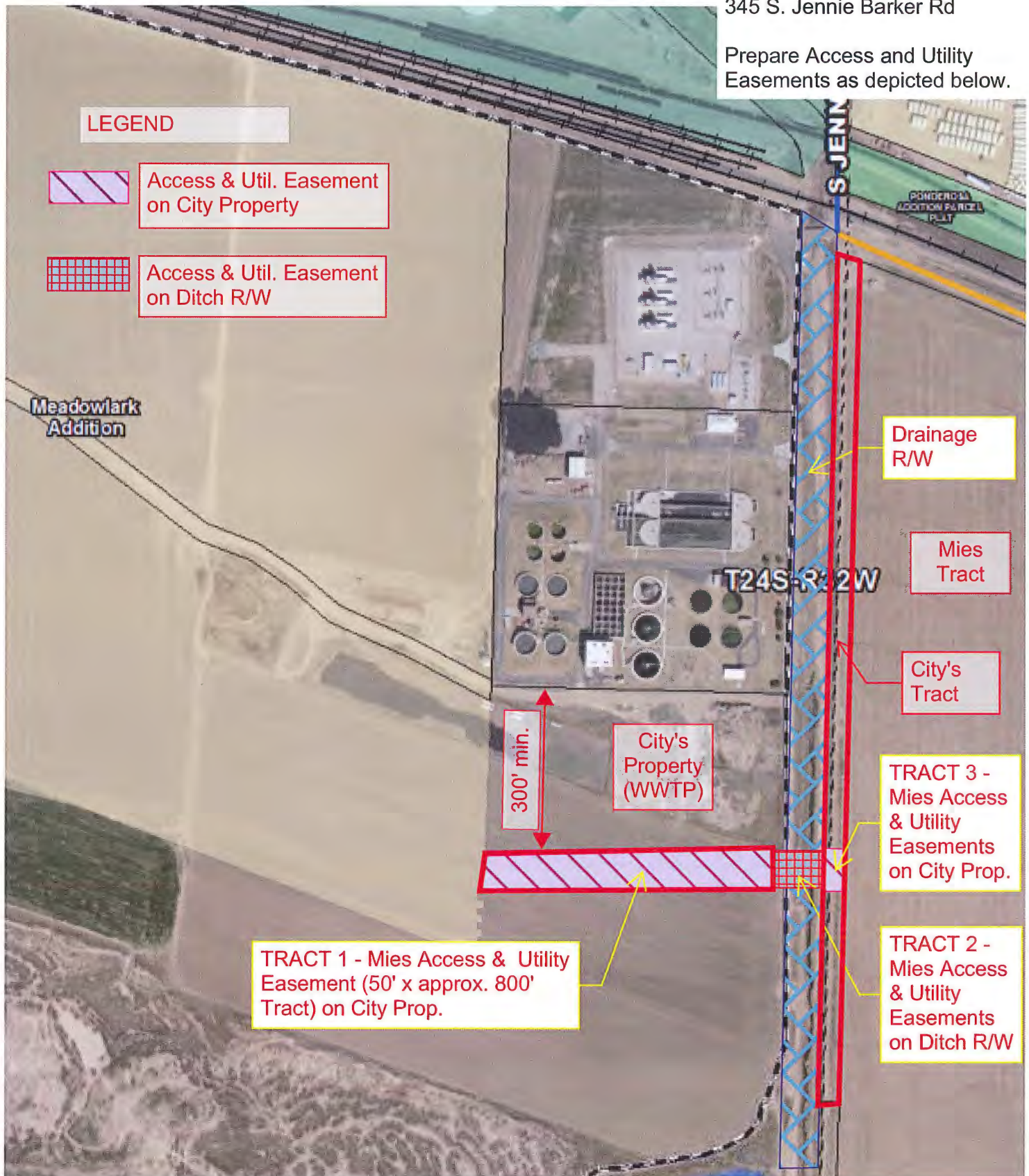
						SHEET NO: 2 OF 2		WILSON & COMPANY 1700 East Iron Ave. Salina, KS 67401 Phone: 785-827-0433 Fax: 785-827-5949 CITY OF GARDEN CITY FINNEY COUNTY, KANSAS MIES ACCESS AND UTILITY EASEMENT TRACT 3			
						SCALE:					
						PROJECT NO: 17-100-063-08					
						DRAWN BY: NWK	DATE: 6/14/2017				
						CHECKED BY: MJL	6/14/2017				
NO.	REVISION-DESCRIPTION					BY	DATE	CHK'D	APP'D	APPROVED BY:	

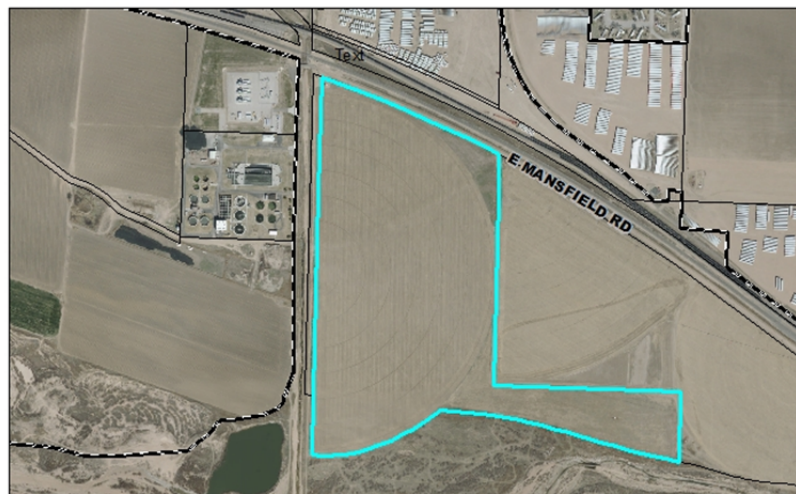
EXHIBIT "D" ALT-2
(EASEMENTS ONLY)

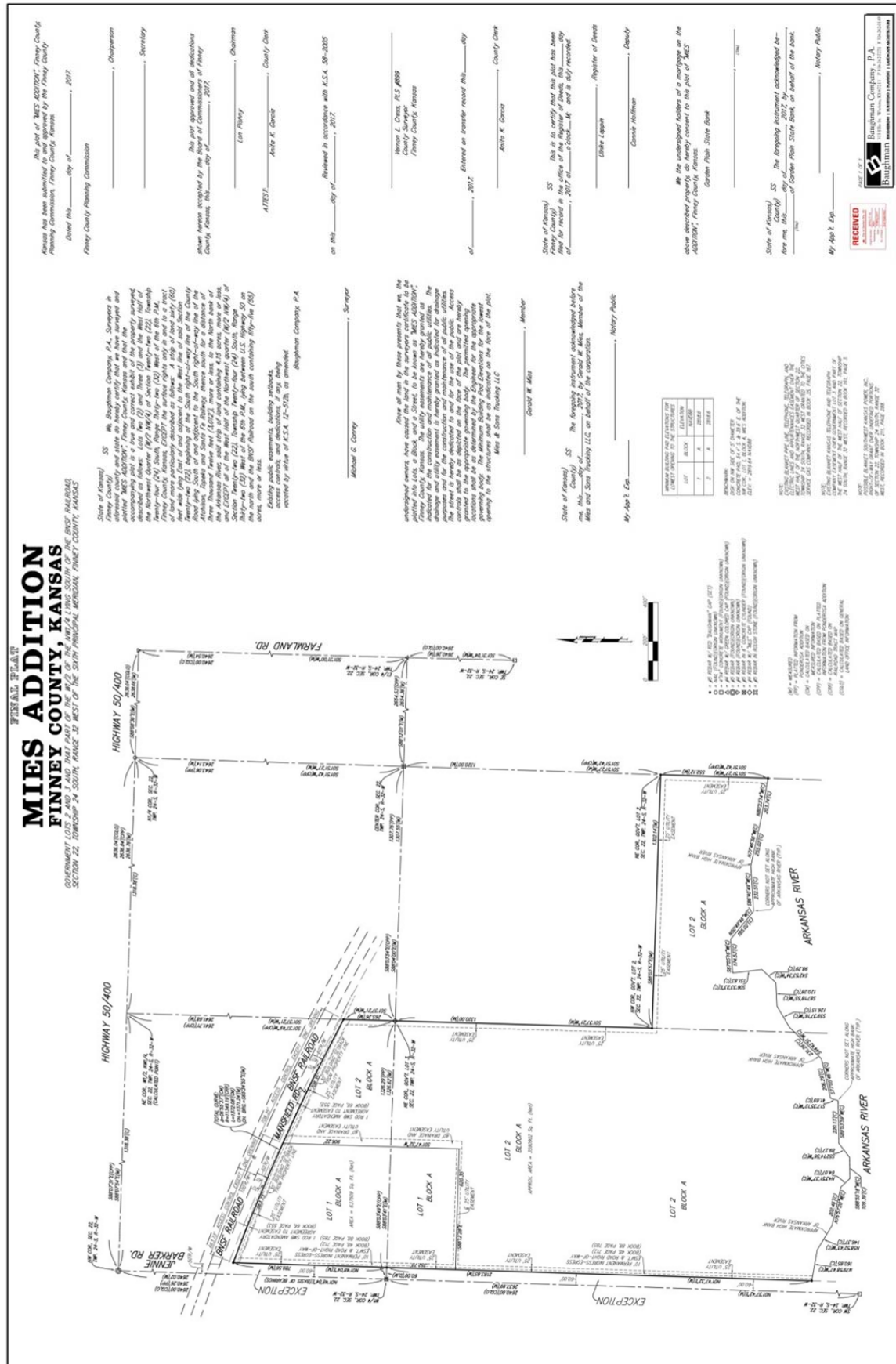
Property D (Alt-2)
Easements ONLY

330 S Hwy 83
325 S. Jennie Barker Rd
345 S. Jennie Barker Rd

Prepare Access and Utility
Easements as depicted below.









MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Melinda Hitz, Finance Director
DATE: July 6, 2017
RE: 2018 Budget - Proposed draft for the Notice of Public Hearing

ISSUE:

The Governing Body is asked to consider and approve a draft of the 2018 Budget from which a Notice of Public Hearing can be published, and authorize the publishing of the Notice of Public Hearing.

BACKGROUND:

The City Commission has concluded its review of the 2018 City Manager's Proposed Budget and offered changes at the June 20th regular meeting.

The following assumptions are built into the proposed draft of the 2018 Budget to be used for the Notice of Public Hearing:

- 1) As with other funds, the salary line items reflect a 2% pay for performance salary pool (the Garden City Police Department operates a step and grade system with the portion of the 2% pool that is attributable to that department).
- 2) All benefits reflect any required changes to KPERS/KP&F, Unemployment, Workers Compensation, and Social Security.
- 3) The employer's budgeted contribution to health insurance per authorized position remains level at \$820/mo. per authorized position.
- 4) Drainage Utility revenues reflect an increase in rates that will be presented at the July 18th meeting for your consideration and approval.
- 5) There were four additional full time employees requested in the General Fund. However, there are no full time employees approved in the City Manager's 2018 Proposed Budget to the City Commission.
- 6) Social Funding matches the funding levels the Commission authorized in 2017.
- 7) FCEDC and Downtown Vision, Inc. requests are included as presented.
- 8) General Fund sales tax revenue is conservatively budgeted on a slight decrease from 2016 actual at \$6,532,177, 2017 revised budget at \$6,300,000, and 2018 budget \$6,300,000.

Budgeting in this manner is not to be interpreted as a projection, but rather hedging against the relative volatility of sales tax in general. This is consistent with how we've budgeted this revenue line item in recent years. County sales tax and consumer use tax are budgeted similarly.

9) The December 31, 2018 General Fund cash balance is \$2,900,000. This is a \$50,000 increase over the budgeted December 31, 2017 cash balance.

10) The Facilities Maintenance line item was reduced from \$250,000 to \$208,000 to achieve a desired final overall ad valorem tax amount/mill levy.

11) The proposed draft of the 2018 Budget to be used for the Notice of Public Hearing produces an overall City ad valorem tax requirement (including the 5 mills levied by the Garden City Recreation Commission) of \$7,512,599. This is an increase of \$625,471 in ad valorem tax. Based on the City's total assessed valuation it would adjust the overall City mill levy from 36.457 to 37.457, an increase of 1.0 mill.

12) The City's total valuation for 2017 is \$216,340,054. \$9,544,656 (4.4%) of that value comes exclusively from new improvements to property in 2016. \$2,639,758 (1.22%) came from real estate added as part of annexations in 2016. For the purposes of 2018 budget preparation, the total assessed valuation from which ad valorem tax is computed is \$200,567,509. Therefore, 1 mill is projected to generate \$200,568 in ad valorem tax for the operation of the City's General Fund, Bond & Interest Fund, Airport Fund and the Garden City Recreation Commission (a component unit government which uses the City's taxing boundaries).

Table 1 shows the comparison of Ad Valorem Tax between the 2017 City Budget and the proposed draft of the 2017 to be used for the Notice of Public Hearing:

Table 1: 2018 Budget - Notice of Public Hearing Ad Valorem tax dollar comparison

	2017 Actual	2018 Budget
General Fund	\$3,521,113	\$3,853,309
Debit Service	\$1,899,909	\$1,912,125
Airport	\$678,503	\$739,324
Recreation Commission	\$950,000	\$1,002,840
Total	\$6,887,127	\$7,507,598

2017 Mill Levy value = **36.457**
\$188,932

2018 Mill Levy value = **37.457**
\$200,568

13) The computation to determine limit for 2018 calculated the computed tax levy to be \$7,804,879. This 2018 budget as presented is \$7,512,599. Since it is below the calculated amount, an election is avoided.

From this point, the City Commission has the ability to make any adjustment to this budget as you consider approving a 2018 City Budget. However, once you approve the Notice of Public Hearing and it is published in the newspaper, any future changes cannot increase the overall property tax requirement of the 2018 Budget.

Attached is a draft from the Notice of Public Hearing which would be published in the Garden City Telegram. As drafted, it sets the time, date and place of the public hearing as July 18th, 1:30 pm, at the City Administrative Building, 2nd Floor City Commission Chambers.

ALTERNATIVES:

- 1) Authorize the Notice of Public Hearing for the 2018 Budget. The hearing would be set for July 18, 2017 at 1:30 pm, at the City Administrative Center (301 N. 8th Street), 2nd Floor City Commission Chambers.
- 2) Recommend additional changes and approve a Notice of Public Hearing reflecting those changes.
- 3) Take no action and continue the 2018 Budget deliberations to the July 18th regular meeting.

RECOMMENDATION:

Staff recommends Alternative #1.

FISCAL NOTE:

Included above.

ATTACHMENTS:

Description	Upload Date	Type
Notice of Budget Hearing	6/29/2017	Backup Material
Computation to Determine Limit for 2018	6/29/2017	Backup Material

NOTICE OF BUDGET HEARING

2018

The governing body of
City of Garden City

will meet on July 18, 2017 at 1:30 PM at City Administrative Center, 301 N 8th St, Garden City, KS for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds and the amount of ad valorem tax.
Detailed budget information is available at Service and Finance Office and will be available at this hearing.

BUDGET SUMMARY

Proposed Budget 2018 Expenditures and Amount of 2017 Ad Valorem Tax establish the maximum limits of the 2018 budget
Estimated Tax Rate is subject to change depending on the final assessed valuation.

FUND	Prior Year Actual for 2016		Current Year Estimate for 2017		Proposed Budget for 2018		
	Expenditures	Actual Tax Rate *	Expenditures	Actual Tax Rate *	Budget Authority for Expenditures	Amount of 2017 Ad Valorem Tax	Estimate Tax Rate *
General	23,295,269	19.660	24,468,183	18.309	28,203,710	3,858,309	19.237
Debt Service	2,169,465	7.983	2,339,750	9.715	2,620,900	1,912,125	9.534
Airport	958,304	4.060	2,656,550	3.433	1,788,500	739,324	3.686
Recreation Commission	1,011,632	5.000	1,069,000	5.000	1,102,968	1,002,840	5.000
TIF	1,780,299		1,789,025		2,501,800		
Capital Reserve	846,953		1,514,511		683,000		
CD Loan Fund			13,000		16,750		
Cemetery Endowment	14,000		24,000		17,075		
Community Trust	1,096,912		3,284,100		2,254,400		
DEA Forfeiture	21,205		28,150		38,425		
Drug Enforcement	50,912		45,500		45,025		
Economic Development Loan	101,656		177,000		217,619		
Enhanced Wireless	134,247		200,000		666,500		
Finnup Trust	63,356		253,032		108,750		
12-6a 13 Revolving	40,907		10,000		96,000		
Risk Management	25,296		70,000		79,924		
Special Alcohol-Drug Abuse	90,000		90,000		227,777		
Special Recreation & Parks	88,888		233,000		122,000		
Special Trafficway	469,199		810,100		1,899,750		
Workers Compensation	513,438		572,500		354,500		
Workers Compensation Resv	18,079		350,000		588,750		
Community Development			50,000				
Health Insurance	4,311,108		3,850,300		4,201,450		
Project Development	418,741		452,500		454,000		
Airport Improvement	1,936,362		1,683,250		1,057,225		
Electric Utility	31,547,185		32,867,050		38,849,392		
Golf Course	912,154		1,167,900		1,037,850		
Golf Course Building			4,976		26,600		
Solid Waste Utility	3,224,076		3,742,275		6,017,000		
Drainage Utility	212,416		444,500		994,000		
Water & Sewer Utility	9,027,507		9,612,257		10,590,079		
Wastewater Repair & Replace	200,000		200,000		251,500		
Water Maintenance Resv	250,000		250,000		676,000		
Water Reuse					1,000,000		
Utility Deposit	298,460		325,000		850,000		
Electric Systems Capital Resv			150,000		3,600,000		
Health Insurance Resv	330,000		265,000		1,460,489		
Capital Projects	21,395,940						
JAG Grant	11,942						
Totals	106,865,906	36.703	95,062,409	36.457	114,699,708	7,512,599	37.457
Less: Transfers	8,213,092		7,088,280		6,653,500		
Net Expenditure	98,652,814		87,974,129		108,046,208		
Total Tax Levied Assessed	6,611,655		6,887,128		XXXXXXXXXXXXXXXXXX		
Valuation	180,139,420		188,932,655		200,567,509		

Outstanding Indebtedness,

	2015	2016	2017
January 1,			
G.O. Bonds	21,030,453	22,084,543	12,789,782
Revenue Bonds	0	648,687	4,482,759
Other	0	1,656,552	15,970,000
Lease Purchase Principal	42,919,509	45,840,525	45,937,276
Total	63,949,962	70,230,307	79,179,817

*Tax rates are expressed in mills

Melinda Hitz

City Official Title: Finance Director

Computation to Determine Limit for 2018

Base Levy

1) Total Tax Levy Amount (Dollars) in 2017 (From 2017 Budget - Certificate Page)	6,887,127	
2) Less: Tax Levies on Behalf of Another Political or Governmental Subdivision		
2017 Library Levy (Dollars) (From 2017 Budget - Certificate Page)		
2017 Recreation Commission Levy (Dollars) (From 2017 Budget - Certificate Page)	944,657	
2017 Other Governmental Unit Levy (Dollars) (From 2017 Budget - Certificate Page)		
3) Net Tax Levy (Base)		5,942,470

Percentage Adjustments

4) CPI Adjustment - 1.4%		83,195
(Line 4 Percentage Multiplied by Line 3 (Net Tax Levy))		
5) Value of New Improvements (From June 15th County Clerk Valuation Document)		
(Includes both New Construction and Remodel/Renovations Gains)	9,544,656	
6) 2017 Personal Property Valuation (From June 15th County Clerk Valuation Document)	3,409,815	
2016 Personal Property Valuation (From June 15th County Clerk Valuation Document)	3,467,547	
Increase in Total Personal Property Valuations (cannot be less than zero)	0	
7) Real Property Added to Jurisdiction (From June 15th County Clerk Valuation Document)	2,639,758	
8) Real Property which has Changed in Use (From June 15th County Clerk Valuation Document)	155,571	
9) Expiration of Property Tax Abatement (Assessed Valuation) (From June 15th County Clerk Valuation Document)	0	
10) Total Assessed Value of Adjustments	12,339,985	
11) Total Assessed Valuation - June 15, 2017 (From June 15th County Clerk Valuation Document)	216,340,054	
12) Adjustment Percentage (Line 10 Divided by Line 11)	5.70%	
13) Dollar Value of Adjustments (Line 3 Multiplied by Line 12 Percentage)		338,957
14) Total Percentage Adjustments		422,152

Increased Tax Revenues Adjustment

15) Property Tax Revenues Spent on Debt Service in 2018 Budget (From 2018 Budget - Certificate Page)	2,023,659	
Less: Property Tax Revenues Spent on Debt Service in 2017 Budget (From 2017 Budget - Certificate Page)	1,835,265	
Difference		188,394
16) Property Tax Revenues Spent Public Building Commission and Lease Payments in 2018 Budget (obligations must have incurred prior to July 1, 2016)		
Less: Property Tax Revenues Spent on PBC and Lease Payments in 2017 Budget		0

17. Property Tax Revenues Spent on Special Assessments in 2018 Budget

18. Property Tax Revenues Spent on Court Judgments or Settlements and Associated Legal Costs in 2018 Budget

19. Property Tax Revenues Spent on Federal or State Mandates (effective after June 30, 2015) and Loss of Funding from Federal Sources after January 1, 2017 in 2018 Budget

20. Property Tax Revenues Spent on Expenses Related to Disasters or Federal Emergency in 2018 Budget

21. Law Enforcement Expenses - 2018 Budget (Do not Include building construction or remodeling costs)

9,372,100

Law Enforcement Expenses - 2017 Budget (Do not Include building construction or remodeling costs)

9,000,699

CPI Adjustment - 1.4%

126,010

Law Enforcement Expenses - 2107 Budget (Indexed by CPI)

9,126,709

Increased Law Enforcement Expense in 2018 Budget

245,391

22. Fire Protection Expenses - 2018 Budget (Do not Include building construction or remodeling costs)

3,322,750

Fire Protection Expenses - 2017 Budget (Do not Include building construction or remodeling costs)

3,244,000

CPI Adjustment - 1.4%

45,416

Fire Protection Expenses - 2107 Budget (Indexed by CPI)

3,289,416

Increased Fire Protection Expense

33,334

23. Emergency Medical Expenses - 2018 Budget (Do not Include building construction or remodeling costs)

0

Emergency Medical Expenses - 2017 Budget (Do not Include building construction or remodeling costs)

0

CPI Adjustment - 1.4%

0

Emergency Medical Expenses - 2107 Budget (Indexed by CPI)

0

Increased Emergency Medical Expense

0

Total Increased Tax Revenue Adjustment

467,119

Levy on Behalf of Another Political or Governmental Subdivision

24 Library Levy 2018 Budget

24a Recreation Commission Levy 2018 Budget

24b Other Governmental Levy 2018 Budget

973,138

25 Total Levies on Behalf of Another Political or Governmental Subdivision

973,138

26 Total Computed Tax Levy

7,804,879



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Staff
DATE: July 6, 2017
RE: Sales Tax Discussion

ISSUE:

The Governing Body is asked to provide direction concerning its interest in pursuing a new sales tax increment, or an expiring existing sales tax increment, for the purpose of funding a particular capital project(s) and/or any corresponding on-going operational expenses.

BACKGROUND:

A variety of projects have been included on the CIP for several years without a financing strategy for the capital costs or, in some cases, the ongoing operating costs.

A joint meeting was held with the County Commissioners in early June 2017. The topic was added because there has been some ideas raised at the grass roots level and by individual Commissioners and staff regarding potential future sales tax uses. The discussion at the joint meeting was limited to questions about the expiration of Horstheif Reservoir's .15 sales tax. Two County Commissioners expressed an interest in pursuing a sales tax for economic development.

A sales tax pre-meeting topic was held prior to the June 20, 2017 City Commission regular meeting. Finance Director Hitz provided an overview of the existing sales tax increments and some comparative sales tax data for other Kansas Cities of the First Class.

Discussion on the topic was encouraged to help give some collective direction as to what, if anything, the City Commission might like to see in the way of a future ballot issue. Opinions varied, but there was interest in having something more formal presented on the July 6th regular meeting agenda.

It was difficult to determine what to draft in the way of ballot language to include in a draft Ordinance. Nonetheless, staff has provided a couple of examples based on what we understood to be some viable options should the Commission feel compelled to move forward.

Staff has also outlined a "decision tree" which may prove as a useful guide in talking through the numerous options. If there is a clear consensus, staff can edit the language of the draft Ordinance accordingly. Or, after considering these questions, the Commission may wait and discuss the issue at a later date.

1. Are there capital projects or ongoing operating costs that the City Commission would potentially like to have considered for a sales tax ballot issue?

- a. Can the Commission reach a consensus on what may be included/excluded from that list?
 - i. Is there something that, if included, would cause you to vote no to putting the question on the ballot?
 - ii. Is there something that, if not included, would cause you to vote no on the ballot?
 - iii. Does money matter? The size of the sales tax increment and the length of the sales tax will determine how many capital projects, which capital projects, and what (if any) ongoing operational expenses can be accomplished?
2. Is there an existing increment, the expiration of which the Commission would like to time the start of a new sales tax?
 - a. If yes, which one?
 - b. If no, then what amount would the Commission like to consider adding to the existing sales tax?
3. Does the Commission want to put this on the November 2017 ballot?
 - a. Is there a motivation for now?
 - b. Is there a motivation for later?
 - c. Does the Commission want to let the community react to the list?
 - i. If so, for how long?
 - ii. If so, does the Commission want to spend resources on professionally polling the public?
4. Does the Commission want to do a conventional ballot or mail ballot?

ALTERNATIVES:

1. Approve an Ordinance placing on the November 2017 ballot the following question for the voters: "Shall... ?" (This language would need to be determine by the Commission).
2. Delay the matter to a future meeting.
3. Retain professional services to help assess the support for one or more of the capital projects and/or any corresponding operating costs.

RECOMMENDATION:

Staff requests Governing Body direction.

ATTACHMENTS:

Description	Upload Date	Type
City of Garden City - Sales Tax presentation	7/3/2017	Backup Material
Draft Sales Tax Ordinance Election Fire Station	7/3/2017	Backup Material
Draft Sales Tax Ordinance Capital Improvement Projects	7/3/2017	Backup Material
Draft Sales Tax O&M for Capital Improvements	7/3/2017	Backup Material

CITY OF GARDEN CITY PRE-MEETING

June 20, 2017

Sales Tax Discussion

Current Sales Tax in Garden City City Limits

- | | |
|------------------------|-------|
| • State of Kansas | 6.50% |
| • Finney County | 1.00% |
| • Garden City | 1.00% |
| • Horsethief Reservoir | 0.15% |

TOTAL	8.65%
--------------	--------------

Finney County Sales Tax Breakdown

- Permanent-General Purpose 0.50%
- Transportation 0.25%
(sunset 2025)
- Correction Facilities 0.25%
(sunset upon debt payoff)

TOTAL 1.00%

Garden City Sales Tax Breakdown

- Permanent-General Purpose 0.50%
- Transportation/Tax Reduction 0.50%
(sunset 2025)

TOTAL	1.00%
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Horsethief Reservoir Tax Breakdown

- Multi County Levy 0.15%
(sunset in 2021 approx.)

What City Sales Tax Generates

If 1% raises \$6 million annually, then:

- .150 raises \$900,000 annually
- .250 raises \$1,500,000 annually
- .333 raises \$1,998,000 annually
- .500 raises \$3,000,000 annually
- .667 raises \$3,996,000 annually
- .750 raises \$4,500,000 annually

By State Statute, Cities are limited to 2%
City Sales Tax Rate

Projects and Programs for Consideration with Sales Tax Funding

- Fire 3rd Station
- Police Indoor Gun Range
- Zoo Flamingo Habitat
- Zoo Primate Habitat
- Zoo Animal Health/Quarantine Facility
- Zoo 7th Street Vehicle
Entrance/Gatehouse

Projects and Programs for Consideration with Sales Tax Funding (cont.)

- Airport New (or remodeled) Terminal
- Downtown Rehabilitation Fund
- Housing Incentive
- Economic Development
- Other

Fire Department Design, Construct and Equip 3rd Fire Station

This station is on 4 acres of land owned by the City at the NE corner of Schulman and Jennie Barker Road.

Facility would serve as a combination Fire Station and Police Sub-Station and space for Emergency Management Services. Facility would contain classrooms and offices for Fire, Police, and EMS with living quarters for Fire personnel and apparatus bay(s) for emergency equipment.

Fire Department Design, Construct, and Equip 3rd Fire Station (cont.)

Total Design & Construction	\$4,250,000
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Fire Apparatus	\$2,000,000
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TOTAL	\$6,250,000
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Fire Department

Design, Construct, and Equip

3rd Fire Station (cont.)

Annual Operating Cost:

Personnel/Benefits-15 Firefighters	\$855,000
------------------------------------	-----------

Personnel/Supplementary Equipment/ Physicals	\$67,500
---	----------

Operational Costs	\$15,000
-------------------	----------

Annual Operating Costs	\$937,500
-------------------------------	------------------

Police Indoor Gun Range

- Police Department

Indoor shooting range land is acquired.
Located on old Highway 83 South near old
City landfill.

Indoor shooting range building, which
includes ballistic shooting stalls, target
retrievers, air filtration system, classrooms,
restrooms, mechanical room and storage.

Cost	\$2,500,000
------	-------------

Annual Operation Costs	\$25,000
------------------------	----------

Current personnel will staff facility

Zoo Department Projects

- Flamingo habitat

The new habitat for the flamingos replaces the current exhibit and night house which are deteriorating. It includes a larger barn with an indoor wading area for the birds. There will be modifications adjacent to the east and northeast shore of the main duck pond for a 0' entry to 3' deep flamingo wading area which will include a recirculating pump and skimmer filtration system.

Cost

\$400,000

Zoo Department Projects (cont.)

- Expansion of animal health/quarantine facility

The project would remodel and add to the existing building(s) that serve as the zoo clinic, Animal Operations and quarantine to provide needed additional space for veterinary care of the collection of approximately 300 animals.

Cost

\$490,000

Zoo Department Projects (cont.)

- New 7th Street Vehicle

Entrance/Gatehouse – This project brings the drive-in entrance of the zoo to Finnup Drive and 7th Street, closer to primary roads and highways of Garden The new gatehouse would include an ADA single stall restroom for gate attendant use, facilitating better coverage of a main access point to the zoo.

Cost

\$240,000

Zoo Department Projects (cont.)

- Primate habitat

This will replace the current spider monkey/lemur exhibit and night house which are deteriorating. The project includes a larger night house and larger more naturalistic outdoor areas. This project includes a primate inspired playground for younger visitors.

Cost

\$1,450,000

Airport Terminal Area

- Terminal Rehabilitation

The passenger terminal building is in need of a renovation to accommodate larger aircraft, passenger ticketing queue, public waiting, baggage claim, expanded checkpoint and holding room, infrastructure to comply with a full security plan and access roads improvements. The estimated costs are a 50/50 cost share between the City and FAA.

Total Estimated Cost	\$6,000,000
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Operating costs are unknown at this time

Airport Terminal Area (cont.)

- OR- New Terminal – Construction of a new terminal, access roads and parking would accommodate current needs as well as serving long-term needs. The estimated costs of the project are a 50/50 cost share between the City and FAA.

Total Estimated Cost	\$15,000,000
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Operating cost are unknown at this time

Downtown Rehabilitation

A potential use for funds would be for development projects similar to the Downtown Development fund, second story residential program and other downtown related improvement projects. Funding for the Downtown would relieve the general fund for ongoing projects that are necessary to maintain the Downtown at the levels established by the Community and Governing Body.

Housing Incentives

A potential use for funds would be to provide programs for stabilizing property values in neighborhoods, infill lot development, housing and homebuyer incentives, and utility and safety improvement incentives.

Economic Development

County Commissioners offered this in their discussion at the joint meeting on June 12, 2017.

Sales Tax Rates in First Class Cities

Total Sales Tax Rate in City:

○ Junction City	9.750
○ Shawnee	9.600
○ Leavenworth	9.500
○ Lenexa	9.350
○ Pittsburg	9.250
○ Liberal	9.250
○ Leawood	9.100
○ Hutchinson	9.100
○ Lawrence	9.050

Sales Tax Rates in First Class Cities (cont.)

○ Prairie Village	8.975
○ Manhattan	8.950
○ Salina	8.750
○ Garden City	8.650
○ Dodge City	8.650
○ Emporia	8.500
○ Newton	8.500

What's Next?

- Project Decisions
- Wording for Sales Tax Ballot
- City Ordinance with Sales Tax Ballot question passed by City Commission ten weeks before election

ORDINANCE NO. _____

AN ORDINANCE TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF GARDEN CITY, KANSAS THE PROPOSITION OF LEVYING A ONE QUARTER CENT (.25%) RETAILERS' SALES TAX IN THE CITY OF GARDEN CITY FOR GENERAL PURPOSES OF THE CITY, INCLUDING BUT NOT LIMITED TO, PUBLIC SAFETY, AD VALOREM TAX RELIEF, AND PAYING COSTS OF A THIRD FIRE STATION TO SERVE THE CITY.

WHEREAS, K.S.A. 12-187 *et seq.*, as amended, authorizes the governing body of the city of Garden City, Kansas ("City") to submit to the qualified electors of the City the question of levying a retailers' sales tax in the City and pledging the revenue received from the tax to certain purposes of the City with the tax to be collected by the Kansas Department of Revenue and returned to the City; and

WHEREAS, the governing body of the City has determined it is necessary to levy a one quarter of one percent (.25 %) retailers' sales tax, to begin on April 1, 2018, with revenue received from the tax used to finance the general purposes of the City, including, but not limited to, public safety expenses, ad valorem tax relief, and the construction, operation, maintenance and equipping of a third fire station to be located on the City's east side and related public safety facilities, and to pay obligations of the City issued to finance such purposes, if any.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS:

Section 1. A special question election is called to be conducted on November 7, 2017, for the purpose of submitting to the qualified electors of the City, the question of levying a retailers' sales tax in the City, in the amount of one quarter of one percent (.25%), with such tax to take effect on April 1, 2018 (or as soon thereafter as the tax may be levied by the Kansas Department of Revenue), if approved by a majority of the electors voting on the question. The election shall be conducted in the manner prescribed by applicable laws of the state of Kansas.

Section 2. If approved by a majority of the electors voting on the question, the retailers' sales tax will be subject to all applicable state laws and administrative rules and regulations of the Kansas Department of Revenue. The services of the Kansas Department of Revenue shall be utilized to administer, enforce and collect such tax.

Section 3. The proposition to be voted on shall appear on the ballot as follows:

Shall the following be adopted?

Shall the city of Garden City, Kansas levy a retailers' sales tax in the amount of one quarter of one percent (.25%), to take effect on April

1, 2018 and to be levied on retail sales consummated within the city of Garden City, with revenues of such tax to be used to finance general purposes of the City, including but not limited to, providing ad valorem tax relief, financing public safety expenditures, including the construction, operation, maintenance, and equipping of a third fire station on the east side of the City and related facilities, and to pay obligations of the City issued to finance such purposes, if any, all pursuant to K.S.A. 12-187 et seq., as amended?

Section 4. The Finney County Clerk is authorized to and shall give notice of the bond election by publishing a notice of election (in substantially the form attached to this Ordinance as **Exhibit A**), once each week for *two consecutive weeks* in a newspaper of general circulation in the City, as provided in K.S.A. 12-187 et seq., and K.S.A. 10-120, with the first publication to be not less than twenty-one (21) days prior to the date of the election. The vote at the election shall be by ballot and the proposition approved by this Ordinance shall be printed on the ballot with the voting instructions required by law.

Section 5. This ordinance shall take effect from and after its adoption by the governing body of the City and publication one time in the official City newspaper.

[Remainder of Page Left Blank Intentionally]

ADOPTED AND APPROVED by the governing body of the City of Garden City, Kansas on _____, 2017.

CITY OF GARDEN CITY, KANSAS

[Seal]

By _____
Melvin Dale, Mayor

ATTEST:

By _____
Celyn N. Hurtado, City Clerk

Exhibit A to Ordinance No. _____

(First published in the *Garden City Telegram*, on _____, 2017,
and subsequently on _____, 2017.)

NOTICE OF SPECIAL QUESTION ELECTION

TO ALL OF THE QUALIFIED ELECTORS OF THE CITY OF GARDEN CITY, KANSAS:

Notice is given by the Governing Body of the city of Garden City, Kansas and the County Election Officer of Finney County, Kansas that a special question election will be held in the city of Garden City, Kansas on November 7, 2017, for the purpose of voting on the question of levying a retailers' sales tax in the amount of one quarter of one cent (.25%) on retail sales consummated within the city of Garden City, Kansas, according to the provisions of K.S.A. 12-187 *et seq.* If approved, the retailers' sales tax will begin on April 1, 2018 (or as soon thereafter as the Kansas Department of Revenue may begin levying such tax). The revenue received by the City will be used to finance general purposes of the City including, but not limited to providing ad valorem tax relief, funding public safety, including, the construction, operation, maintenance and equipping of a third fire station located on the east side of the City and related facilities to serve the City. If approved by a majority of the electors voting such tax shall be collected by the Kansas Department of Revenue, and the revenue returned to the city of Garden City.

The polls will be open for voting between 7:00 a.m. and 7:00 p.m. on June 20, 2017 at the following places:

[To be supplied by the county clerk/election officer]

The proposition to be voted on shall appear on the ballot as follows:

Shall the following be adopted?

[Insert final ballot question]

Yes_____

No_____

To vote in favor of any question submitted upon this ballot, make a cross or check mark in the square to the right of the word "Yes;" to vote against it, make a cross or check mark in the square to the right of the word "No."

Dated _____, 2017.

By _____

Anita K. Garcia,
Finney County Clerk/Election Officer

EXCERPT OF MINUTES

The governing body of the City of Garden City, Kansas, met in regular session at the usual meeting place in the City on _____, 2017, at 1:00 p.m., Central Time. Mayor Melvin Dale presided, and the following members of the governing body were present:

The following members of the governing body were absent:

An ordinance was presented to the governing body entitled:

AN ORDINANCE TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF GARDEN CITY, KANSAS THE PROPOSITION OF LEVYING A ONE QUARTER CENT (.25%) RETAILERS' SALES TAX IN THE CITY OF GARDEN CITY FOR GENERAL PURPOSES OF THE CITY, INCLUDING BUT NOT LIMITED TO, PUBLIC SAFETY AND PAYING COSTS OF A NEW FIRE STATION TO SERVE THE CITY.

The Ordinance was considered and discussed; and on motion of _____, seconded by _____, the Ordinance was adopted by a majority vote of the members present and was assigned No. _____.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of Minutes of the _____, 2017 meeting of the governing body of the City of Garden City, Kansas.

[seal]

By _____
Celyn N. Hurtado, City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF GARDEN CITY, KANSAS THE PROPOSITION OF LEVYING A ONE QUARTER CENT (.25%) RETAILERS' SALES TAX IN THE CITY OF GARDEN CITY FOR GENERAL PURPOSES OF THE CITY AND CAPITAL IMPROVEMENT PROJECTS, INCLUDING BUT NOT LIMITED TO A THIRD FIRE STATION, AN INDOOR SHOOTING RANGE FOR THE POLICE DEPARTMENT, IMPROVEMENTS AT LEE RICHARDSON ZOO AND THE GARDEN CITY REGIONAL AIRPORT, WITH SUCH TAX TO BE LEVIED FOR A PERIOD OF 20 YEARS.

WHEREAS, K.S.A. 12-187 *et seq.*, as amended, authorizes the governing body of the city of Garden City, Kansas ("City") to submit to the qualified electors of the City the question of levying a retailers' sales tax in the City and pledging the revenue received from the tax to certain purposes of the City with the tax to be collected by the Kansas Department of Revenue and returned to the City; and

WHEREAS, the governing body of the City has determined it is necessary to levy a one quarter of one percent (.25 %) retailers' sales tax, to begin on April 1, 2018, and to be levied for a period of 20 years, with revenue received from the tax used to finance the general purposes of the City, including, but not limited to, capital improvement projects including (i) construction, operation, maintenance and equipping of a third fire station to be located on the City's east side and related public safety facilities; (ii) construction and operation of an indoor shooting range for the City's police department; (iii) ongoing improvements at Lee Richardson Zoo; (iv) ongoing improvements to Garden City Regional Airport; and (v) to pay obligations of the City issued to finance such purposes, if any.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS:

Section 1. A special question election is called to be conducted on November 7, 2017, for the purpose of submitting to the qualified electors of the City, the question of levying a retailers' sales tax in the City, in the amount of one quarter of one percent (.25%), with such tax to take effect on April 1, 2018 (or as soon thereafter as the tax may be levied by the Kansas Department of Revenue) and to be levied for a period of 20 years, if approved by a majority of the electors voting on the question. The election shall be conducted in the manner prescribed by applicable laws of the state of Kansas.

Section 2. If approved by a majority of the electors voting on the question, the retailers' sales tax will be subject to all applicable state laws and administrative rules and regulations of the Kansas Department of Revenue. The services of the Kansas Department of Revenue shall be utilized to administer, enforce and collect such tax.

Section 3. The proposition to be voted on shall appear on the ballot as follows:

Shall the following be adopted?

Shall the city of Garden City, Kansas levy a retailers' sales tax in the amount of one quarter of one percent (.25%), to take effect on April 1, 2018 and to be levied on retail sales consummated within the city of Garden City, to be levied for a period of 20 years, with revenues of such tax to be used to finance general purposes of the City, including, but not limited to, capital improvement projects including (i) construction, operation, maintenance and equipping of a third fire station to be located on the City's east side and related public safety facilities; (ii) construction and operation of an indoor shooting range for the City's police department; (iii) ongoing improvements at Lee Richardson Zoo; (iv) ongoing improvements to Garden City Regional Airport; and (v) to pay obligations of the City issued to finance such purposes, if any, all pursuant to K.S.A. 12-187 et seq., as amended?

Section 4. The Finney County Clerk is authorized to and shall give notice of the bond election by publishing a notice of election (in substantially the form attached to this Ordinance as **Exhibit A**), once each week for *two consecutive weeks* in a newspaper of general circulation in the City, as provided in K.S.A. 12-187 et seq., and K.S.A. 10-120, with the first publication to be not less than twenty-one (21) days prior to the date of the election. The vote at the election shall be by ballot and the proposition approved by this Ordinance shall be printed on the ballot with the voting instructions required by law.

Section 5. This ordinance shall take effect from and after its adoption by the governing body of the City and publication one time in the official City newspaper.

[Remainder of Page Left Blank Intentionally]

ADOPTED AND APPROVED by the governing body of the City of Garden City, Kansas on _____, 2017.

CITY OF GARDEN CITY, KANSAS

[Seal]

By _____
Melvin Dale, Mayor

ATTEST:

By _____
Celyn N. Hurtado, City Clerk

Exhibit A to Ordinance No. _____

(First published in the *Garden City Telegram*, on _____, 2017,
and subsequently on _____, 2017.)

NOTICE OF SPECIAL QUESTION ELECTION

TO ALL OF THE QUALIFIED ELECTORS OF THE CITY OF GARDEN CITY, KANSAS:

Notice is given by the Governing Body of the city of Garden City, Kansas and the County Election Officer of Finney County, Kansas that a special question election will be held in the city of Garden City, Kansas on November 7, 2017, for the purpose of voting on the question of levying a retailers' sales tax in the amount of one quarter of one cent (.25%) on retail sales consummated within the city of Garden City, Kansas, according to the provisions of K.S.A. 12-187 *et seq.* If approved, the retailers' sales tax will begin on April 1, 2018 (or as soon thereafter as the Kansas Department of Revenue may begin levying such tax) and will be levied for a period of 20 years from the date it is first levied. The revenue received by the City will be used to finance general purposes of the City including, but not limited to capital improvement projects including (i) construction, operation, maintenance and equipping of a third fire station to be located on the City's east side and related public safety facilities; (ii) construction and operation of an indoor shooting range for the City's police department; (iii) ongoing improvements at Lee Richardson Zoo; (iv) ongoing improvements to Garden City Regional Airport; and (v) to pay obligations of the City issued to finance such purposes, if any. If approved by a majority of the electors voting such tax shall be collected by the Kansas Department of Revenue, and the revenue returned to the city of Garden City.

The polls will be open for voting between 7:00 a.m. and 7:00 p.m. on June 20, 2017 at the following places:

[To be supplied by the county clerk/election officer]

The proposition to be voted on shall appear on the ballot as follows:

Shall the following be adopted?

[Insert final ballot question]

Yes _____

No _____

To vote in favor of any question submitted upon this ballot, make a cross or check mark in the square to the right of the word "Yes;" to vote against it, make a cross or check mark in the square to the right of the word "No."

Dated _____, 2017.

By _____
Anita K. Garcia,
Finney County Clerk/Election Officer

EXCERPT OF MINUTES

The governing body of the City of Garden City, Kansas, met in regular session at the usual meeting place in the City on _____, 2017, at 1:00 p.m., Central Time. Mayor Melvin Dale presided, and the following members of the governing body were present:

The following members of the governing body were absent:

An ordinance was presented to the governing body entitled:

AN ORDINANCE TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF GARDEN CITY, KANSAS THE PROPOSITION OF LEVYING A ONE QUARTER CENT (.25%) RETAILERS' SALES TAX IN THE CITY OF GARDEN CITY FOR GENERAL PURPOSES OF THE CITY AND CAPITAL IMPROVEMENT PROJECTS, INCLUDING BUT NOT LIMITED TO A THIRD FIRE STATION, AN INDOOR SHOOTING RANGE FOR THE POLICE DEPARTMENT, IMPROVEMENTS AT LEE RICHARDSON ZOO AND THE GARDEN CITY REGIONAL AIRPORT, WITH SUCH TAX TO BE LEVIED FOR A PERIOD OF 20 YEARS.

The Ordinance was considered and discussed; and on motion of _____, seconded by _____, the Ordinance was adopted by a majority vote of the members present and was assigned No. _____.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of Minutes of the _____, 2017 meeting of the governing body of the City of Garden City, Kansas.

[seal]

By _____
Celyn N. Hurtado, City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF GARDEN CITY, KANSAS THE PROPOSITION OF LEVYING A .15% RETAILERS' SALES TAX IN THE CITY OF GARDEN CITY FOR GENERAL PURPOSES OF THE CITY, INCLUDING BUT NOT LIMITED TO AD VALOREM TAX RELIEF, AND PAYING OPERATION AND MAINTENANCE COSTS OF CAPITAL IMPROVEMENTS IN THE CITY.

WHEREAS, K.S.A. 12-187 *et seq.*, as amended, authorizes the governing body of the city of Garden City, Kansas ("City") to submit to the qualified electors of the City the question of levying a retailers' sales tax in the City and pledging the revenue received from the tax to certain purposes of the City with the tax to be collected by the Kansas Department of Revenue and returned to the City; and

WHEREAS, the governing body of the City has determined it is necessary to levy a .15 % retailers' sales tax, to begin in 2021, upon the anticipated expiration of a countywide .15% retailers' sales tax levied for Horse Thief Reservoir, with revenue received from the tax used to finance the general purposes of the City, including, but not limited to, ad valorem tax relief and paying costs of operation and maintenance of capital improvement projects in the City, and to pay obligations of the City issued to finance such purposes, if any.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS:

Section 1. A special question election is called to be conducted on November 7, 2017, for the purpose of submitting to the qualified electors of the City, the question of levying a retailers' sales tax in the City, in the amount of .15%, with such tax to take effect in 2021, upon the expiration of a countywide .15% retailers' sales tax currently levied for Horse Thief Reservoir (or as soon thereafter as the tax may be levied by the Kansas Department of Revenue), if approved by a majority of the electors voting on the question. The election shall be conducted in the manner prescribed by applicable laws of the state of Kansas.

Section 2. If approved by a majority of the electors voting on the question, the retailers' sales tax will be subject to all applicable state laws and administrative rules and regulations of the Kansas Department of Revenue. The services of the Kansas Department of Revenue shall be utilized to administer, enforce and collect such tax.

Section 3. The proposition to be voted on shall appear on the ballot as follows:

Shall the following be adopted?

Shall the city of Garden City, Kansas levy a retailers' sales tax in the amount of .15%, to take effect in 2021, upon the expiration of a countywide .15% retailers' sales tax currently levied for Horse Thief Reservoir, and to be levied on retail sales consummated within the City of Garden City, with revenues of such tax to be used to finance general purposes of the City, including but not limited to, ad valorem tax relief and paying the costs of operation and maintenance of capital improvement projects in the City, and to pay obligations of the City issued to finance such purposes, if any, all pursuant to K.S.A. 12-187 et seq., as amended?

Section 4. The Finney County Clerk is authorized to and shall give notice of the bond election by publishing a notice of election (in substantially the form attached to this Ordinance as **Exhibit A**), once each week for *two consecutive weeks* in a newspaper of general circulation in the City, as provided in K.S.A. 12-187 et seq., and K.S.A. 10-120, with the first publication to be not less than twenty-one (21) days prior to the date of the election. The vote at the election shall be by ballot and the proposition approved by this Ordinance shall be printed on the ballot with the voting instructions required by law.

Section 5. This ordinance shall take effect from and after its adoption by the governing body of the City and publication one time in the official City newspaper.

[Remainder of Page Left Blank Intentionally]

ADOPTED AND APPROVED by the governing body of the City of Garden City, Kansas on _____, 2017.

CITY OF GARDEN CITY, KANSAS

[Seal]

By _____
Melvin Dale, Mayor

ATTEST:

By _____
Celyn N. Hurtado, City Clerk

Exhibit A to Ordinance No. _____

(First published in the *Garden City Telegram*, on _____, 2017,
and subsequently on _____, 2017.)

NOTICE OF SPECIAL QUESTION ELECTION

TO ALL OF THE QUALIFIED ELECTORS OF THE CITY OF GARDEN CITY, KANSAS:

Notice is given by the Governing Body of the city of Garden City, Kansas and the County Election Officer of Finney County, Kansas that a special question election will be held in the city of Garden City, Kansas on November 7, 2017, for the purpose of voting on the question of levying a retailers' sales tax in the amount of .15% on retail sales consummated within the city of Garden City, Kansas, according to the provisions of K.S.A. 12-187 *et seq.* If approved, the retailers' sales tax will begin in 2021 upon the expiration of an existing countywide retailers' sales tax currently levied for Horse Thief Reservoir (or as soon thereafter as the Kansas Department of Revenue may begin levying such tax). The revenue received by the City will be used to finance general purposes of the City including, but not limited to, providing ad valorem tax relief, and paying the costs of operation and maintenance of capital improvement projects in the City. If approved by a majority of the electors voting such tax shall be collected by the Kansas Department of Revenue, and the revenue returned to the city of Garden City.

The polls will be open for voting between 7:00 a.m. and 7:00 p.m. on June 20, 2017 at the following places:

[To be supplied by the county clerk/election officer]

The proposition to be voted on shall appear on the ballot as follows:

Shall the following be adopted?

[Insert final ballot question]

Yes_____

No_____

To vote in favor of any question submitted upon this ballot, make a cross or check mark in the square to the right of the word "Yes;" to vote against it, make a cross or check mark in the square to the right of the word "No."

Dated _____, 2017.

By _____

Anita K. Garcia,
Finney County Clerk/Election Officer

EXCERPT OF MINUTES

The governing body of the City of Garden City, Kansas, met in regular session at the usual meeting place in the City on _____, 2017, at 1:00 p.m., Central Time. Mayor Melvin Dale presided, and the following members of the governing body were present:

The following members of the governing body were absent:

An ordinance was presented to the governing body entitled:

AN ORDINANCE TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF GARDEN CITY, KANSAS THE PROPOSITION OF LEVYING A .15% RETAILERS' SALES TAX IN THE CITY OF GARDEN CITY FOR GENERAL PURPOSES OF THE CITY, INCLUDING BUT NOT LIMITED TO AD VALOREM TAX RELIEF, AND PAYING OPERATION AND MAINTENANCE COSTS OF CAPITAL IMPROVEMENTS IN THE CITY.

The Ordinance was considered and discussed; and on motion of _____, seconded by _____, the Ordinance was adopted by a majority vote of the members present and was assigned No. _____.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of Minutes of the _____, 2017 meeting of the governing body of the City of Garden City, Kansas.

[seal]

By _____
Celyn N. Hurtado, City Clerk



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Kaleb Kentner, Neighborhood & Development Services Director
DATE: July 6, 2017
RE: New and Renewed Contractor Licenses for July 6, 2017

ISSUE:

The Governing Body is asked to consider and approve the contractor licenses for July 6, 2017.

BACKGROUND:

Attached is the list of contractors who have applied for a new contractor license or license renewal from Neighborhood & Development Services. All of the contractors on this list have completed the requirements necessary to obtain their license for 2017.

ALTERNATIVES:

- 1) The Governing Body may elect to approve contractor licenses as presented.
- 2) The Governing Body may elect to not approve contractor licenses.

RECOMMENDATION:

Staff recommends approval of contractor licenses as presented.

FISCAL NOTE:

None.

ATTACHMENTS:

Description	Upload Date	Type
Contractor Agenda	6/28/2017	Backup Material

CONTRACTOR LICENSE AGENDA

July 6, 2017

2017 NEW

CLASS A-General

Apex Building Co.

CLASS D-M Mechanical

General Heating and Cooling

The Waldinger Corporation

CLASS D-P Plumbing

Benitez Construction

The Waldinger Corporation

CLASS E-SOC Specialized Other

The Lawnmen

T and T Landscaping

2017 RENEWAL

CLASS B-General

Kells Construction

CLASS D-E Electrical

Kisner Electric

Miller Electric

CLASS E-BF Backflow

RJ's Plumbing & General Contracting, Inc.



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Kaleb Kentner, Neighborhood and Development Services Director
DATE: July 6, 2017
RE: Planning Commission Approved Minutes – May 11, 2017 and May 18, 2017

ISSUE:

Presentation of the May 11, 2017 and May 18, 2017 Planning Commission approved minutes from the Neighborhood and Development Services Department.

BACKGROUND:

Attached are the approved minutes from the May 11, 2017 and May 18, 2017 Planning Commission meetings.

ALTERNATIVES:

None.

RECOMMENDATION:

None.

FISCAL NOTE:

None.

ATTACHMENTS:

Description	Upload Date	Type
Planning Commission Approved Minutes May 11, 2017	6/21/2017	Backup Material
Planning Commission Approved Minutes May 18, 2017	6/21/2017	Backup Material

MINUTES

HOLCOMB - GARDEN CITY - FINNEY COUNTY AREA PLANNING COMMISSION

May 11, 2017

The Holcomb-Garden City-Finney County Area Wide Planning Commission scheduled a Public Hearing at 9:00 a.m. Thursday, May 11, 2017 in the City Commission Chambers at the City of Garden City Administrative Center located at 301 North 8th Street, Garden City, Kansas.

I. CALL TO ORDER

Chairman Lopez called to order the Area Wide Planning Commission meeting at 9:00 a.m. The following Commission members were present: Chairman Lopez, Member Howard, Member Gigot, Member Germann, Member Law, Member Stewart, Member Hitz, and Member Schneider. Also present were Secretary Kentner, Staff Davidson and Staff Larsen.

II. APPROVAL OF MINUTES- March 16, 2017

Member Howard makes motion to approve the minutes from March 16, 2017. *Member Law* seconds the motion. Votes were taken by yeas and nays and recorded as follows:

Howard	Gigot	Schwindt	Germann	Law	Lopez	Stewart	Hitz	Schneider
Yea	Yea	Not Present	Yea	Yea	Yea	Yea	Yea	Yea

Motion passed.

III. PUBLIC COMMENT- Agenda Schedule Allowance: 30 minutes (5 minutes per spokesperson)

IV. SUBMITTAL OF EXHIBITS FOR THE RECORD

- A. Finney County Zoning Regulations, Garden City Zoning Regulations and City of Holcomb Zoning Regulations all as amended
- B. Finney County, City of Garden City, and City of Holcomb Subdivision Regulations all as amended
- C. Finney County, City of Garden City, and City of Holcomb Comprehensive Plans all as amended
- D. All Visual Aid Presentations with Aerial Maps, Site Plans, and Plats
- E. All application files in their entirety including Staff Reports

NEW BUSINESS

FC2017-10 To consider a Parcel Plat of the Thomas Third Addition, located at 3325 W Six Mile Rd in Finney County, at the request of Kenneth D & Norma Thomas Trust and Ken Parks

Staff Larsen reads staff report.

MEMBER GERMANN MAKES MOTION TO APPROVE THE PARCEL PLAT OF A TRACT OF LAND LOCATED IN THE SE/4 OF SECT 10, TOWNSHIP 23S, RANGE 33W, FINNEY COUNTY, KS, THOMAS THIRD ADDITION. MEMBER LAW SECONDS THE MOTION.

Votes were taken by yeas and nays and recorded as follows:

Howard	Gigot	Schwindt	Germann	Law	Lopez	Stewart	Hitz	Schneider
Yea	Yea	Not Present	Yea	Yea	Yea	Yea	Yea	Yea

FC2017-09 To consider the rezone of 4390 W Jones Avenue in Finney County, from "SE" Suburban Estates District to "GC" General Commercial District, at the request of Staff and Jane Frazier

Secretary Kentner reads the staff report and explains the case's history.

OPEN PUBLIC COMMENT

CLOSE PUBLIC COMMENT

Applicant, Jane Frazier – I did sell a parcel, and I did guarantee them it would be Commercial.

Discussion ensued regarding access to the lot and easements.

Chairman Lopez – Now, she wants to make the whole lot, including what's already on the property, part of the same?

Secretary Kentner – Correct. As you can see in the picture, her house is located here, and this is the building that is the shop that is designed for – he was a welder and worked on large equipment and things like that – so it is built for that. It has – I don't know the exact term for it, but the drop down area underneath where you can work on trucks and larger equipment from underneath.

Member Gigot – So it was already zoned and they didn't record it?

Secretary Kentner – Yes, what happened was, as far as we can tell, it went through the process of approval by the Planning Commission, approval by the County Commission, but this was right when the county adopted zoning. So, for whatever reason, they did not pass a resolution to make it legal.

Member Gigot – So we're just righting a wrong.

Secretary Kentner – Exactly.

Staff Davidson – They published it in the paper, but they didn't actually do the resolution.

Chairman Lopez – I think I'd be kind of concerned if we had any public comments on this, but by the same token, I agree with Commissioner Gigot, that this should have been taken care of beforehand.

Applicant, Jane Frazier – I would say also, it was kind of a shock to me when they called and I go, "What?" because we were shut down for two (2) months trying to get this resolved back in 1995. And there's gobs of articles in the newspaper, and thankfully, I saved everything. I paid \$12,000 for the property, and two months with no income.

Secretary Kentner – At the time, it was a very heated topic for the County Commission, and the County had shut down the operation of their business – I think it was over two months to get through that process. And they followed all of the rules to get through it, and we're just trying to correct that. I appreciate Jane's patience through the whole process. She's worked with us to help us get this taken care of, and she's been great to work with.

Chairman Lopez – Now, despite the fact this had already been supposedly settled over twenty (20) years ago, you were still soliciting public comments. And no problems this time.

MEMBER STEWART MAKES MOTION TO APPROVE THE REZONE OF 4390 W JONES AVENUE IN FINNEY COUNTY, FROM "SE" SUBURBAN ESTATES DISTRICT TO "GC" GENERAL COMMERCIAL DISTRICT. MEMBER GIGOT SECONDS THE MOTION.

Votes were taken by yeas and nays and recorded as follows:

Howard	Gigot	Schwindt	Germann	Law	Lopez	Stewart	Hitz	Schneider
Yea	Yea	Not Present	Yea	Yea	Yea	Yea	Yea	Yea

Motion passed.

FC2017-13 To consider the final plat of the Mies Addition located on East Mansfield Road, the west portion of Section 22, Township 24 South, Range 32 West, Finney County, at the request of Mies & Sons Trucking, LLC.

Staff Larsen reads staff report.

Secretary Kentner gives further explanation of final plat.

OPEN PUBLIC COMMENT

CLOSE PUBLIC COMMENT

MEMBER GERMANN MAKES MOTION TO APPROVE THE FINAL PLAT OF THE MIES ADDITION LOCATED ON EAST MANSFIELD ROAD, THE WEST PORTION OF SECTION 22, TOWNSHIP 24S, RANGE 32W, FINNEY COUNTY. MEMBER GIGOT SECONDS THE MOTION.

Votes were taken by yeas and nays and recorded as follows:

Howard	Gigot	Schwindt	Germann	Law	Lopez	Stewart	Hitz	Schneider
Yea	Yea	Not Present	Yea	Yea	Yea	Yea	Yea	Yea

Motion passed.

FC2017-12 To consider rezoning the west portion of Section 22, Township 24 South, Range 32 West, Finney County, from "A" Agricultural District to "I-3" Heavy Industrial District, at the request of Baughman Company, P.A., Phil Meyer.

Staff Larsen reads staff report.

OPEN PUBLIC COMMENT

CLOSE PUBLIC COMMENT

Discussion ensued regarding business operations, accessibility and community impact.

MEMBER HITZ MAKES MOTION TO APPROVE THE REZONE OF THE WEST PORTION OF SECTION 22, TOWNSHIP 24S, RANGE 32W, FINNEY COUNTY FROM "A" AGRICULTURAL DISTRICT TO "I-3" HEAVY INDUSTRIAL DISTRICT. MEMBER SCHNEIDER SECONDS THE MOTION.


Votes were taken by yeas and nays and recorded as follows:

Howard	Gigot	Schwindt	Germann	Law	Lopez	Stewart	Hitz	Schneider
Yea	Yea	Not Present	Yea	Yea	Yea	Yea	Yea	Yea

Motion passed.

MEMBER HITZ MAKES MOTION TO ADJOURN. MEMBER GERMANN SECONDS.

Meeting adjourned at approximately 9:35 am.


Kaleb Kentner
Carol Davidson
Josh Larsen

Secretary



Mario Lopez

Bob Law

Vicki Germann

Chairman

Vice-Chairman

Acting Vice-chairman

MINUTES

HOLCOMB - GARDEN CITY - FINNEY COUNTY AREA PLANNING COMMISSION

May 18, 2017

The Holcomb-Garden City-Finney County Area Wide Planning Commission scheduled a Public Hearing at 9:00 a.m. Thursday, May 18, 2017 in the City Commission Chambers at the City of Garden City Administrative Center located at 301 North 8th Street, Garden City, Kansas.

I. CALL TO ORDER

Chairman Lopez called to order the Area Wide Planning Commission meeting at 9:00 a.m. The following Commission members were present: Chairman Lopez, Member Howard, Member Law, Member Stewart, and Member Schneider. Also present were Secretary Kentner, Staff Davidson and Staff Larsen.

II. APPROVAL OF MINUTES- None to approve

III. PUBLIC COMMENT- Agenda Schedule Allowance: 30 minutes (5 minutes per spokesperson)

IV. SUBMITTAL OF EXHIBITS FOR THE RECORD

- A. Finney County Zoning Regulations, Garden City Zoning Regulations and City of Holcomb Zoning Regulations all as amended
- B. Finney County, City of Garden City, and City of Holcomb Subdivision Regulations all as amended
- C. Finney County, City of Garden City, and City of Holcomb Comprehensive Plans all as amended
- D. All Visual Aid Presentations with Aerial Maps, Site Plans, and Plats
- E. All application files in their entirety including Staff Reports

NEW BUSINESS

H2017-14 To consider rezoning 304 Redford in Holcomb from "A" (County) Agricultural District to "R-1" (Holcomb) Single Family Dwelling District, at the request of Jose' Angel Rodriguez

Staff Larsen reads staff report.

OPEN PUBLIC COMMENT

CLOSE PUBLIC COMMENT

Staff Davidson – I do want to mention, too, that this parcel – well, the applicant doesn't speak English – we have had a contractor in here, the one that is going to be building the house, and he's kind of been communicating with us. But they do need to plat the piece of land – it has not been platted yet – and that's what they're doing right now; they're working with a surveyor to officially plat it. So they won't be able to build until they actually get it platted. Rezoning is just one of the steps. They did try to do this back in 2014, but they hadn't annexed in, so we pulled the case, and then we didn't hear from them until just recently when he came back and said that he wanted to continue with that.

Chairman Lopez – You haven't received any communication from the public regarding this change?

Secretary Kentner – No

Chairman Lopez – And, just a point of clarification, it has already been annexed in?

Staff Davidson – Yes. And we did speak with Robin in Holcomb. I talked to her about if they were thinking about extending the road at all – if they needed to get right of way. But she said there are no plans of that. Their right of way is just going to be that little corner there. That's where they're going to need to put the driveway in. (She points out on the map where the access to the property is)

Chairman Lopez – I really don't see any issues with this. Does anybody else have any questions or comments on it?

Member Schneider – I drove by there. It seems like a normal thing. It fits in the area. Across the street there's a little bit of agriculture, but most of the houses out there are residential already. It's just like adding on to the end of the street.

Member Stewart – It looks like there's at least a gravel or a dirt road on the right, just to the east of it.

Secretary Kentner – That's the access road that they've been using to access the farmland on those two lots. Alleys are behind both properties.

MEMBER SCHNEIDER MAKES MOTION TO APPROVE THE REZONE OF 304 REDFORD IN HOLCOMB FROM "A" (County) AGRICULTURAL DISTRICT TO "R-1" (Holcomb) SINGLE FAMILY DWELLING DISTRICT. MEMBER HOWARD SECONDS THE MOTION.

Votes were taken by yeas and nays and recorded as follows:

Howard	Gigot	Schwindt	Germann	Law	Lopez	Stewart	Hitz	Schneider
Yea	Not Present	Not Present	Not Present	Yea	Yea	Yea	Not Present	Yea

Motion passed.

FC2017-16 To consider an amendment to the current county zoning regulations in the "I-1, I-2 and I-3" Industrial Districts, to include Wholesale and Retail Fireworks Sales and Storage in Finney County, at the request of Eric Easter.

Staff Larsen reads staff report.

OPEN PUBLIC COMMENT

CLOSE PUBLIC COMMENT

Secretary Kentner – In essence, basically what we're doing is saying that amending the regulations to allow the sale of retail fireworks sales and storage in all of these industrial areas with a Conditional Use Permit, so they would have to go to the Finney County Board of Zoning Appeals for them to take it into consideration. What we have seen is a lot of communities do use Conditional Use Permits due to the nature of the use that has occurred with this type of storage of fireworks. It's one of those things that if we do it through Conditional Use Permit, all the surrounding property owners will know about it and have the opportunity to voice their opinions about that. So nearby properties will know the risks involved with the proposed use. We have a representative of the applicant here, if he'd like to add anything.

Applicant, Jacob Marietta – Good morning! Wholesale Fireworks – we have the building on the north side of town. We're looking to grow in this area – Dodge and Garden have been good areas for us. This is going to be mainly a retail facility. The storage part of it really won't be year round storage at all, it will just be the week before the season to the week after while we prepare. As of that, it's kind of the same thing that we have everywhere – we'll probably be, hopefully, if we approve this before you guys, we'll build a permanent structure – 5,000-10,000 square foot building, just with the wind and storms in Western Kansas, and Kansas in general, with a product that can't get wet – buildings are nice. We'd like to keep growing in the community, and hope you guys approve it. If you have any questions, I can answer whatever you've got.

OPEN PUBLIC COMMENT

CLOSE PUBLIC COMMENT

Member Howard – Is there anything that says how far away it has to be from other structures?

Secretary Kentner – That would be something that could be done as part of the Conditional Use – that's one of the nice things about Conditional Use, they would be able to put the conditions of (for example) we don't want it, even though industrial district allows you to build to property lines, we want you set fifty (50) feet back from property lines, or twenty-five (25).

Chairman Lopez – It can be tailor-made for the area that they might be proposing?

Secretary Kentner – Yes, and it goes in any location. This opens up to anybody who wants to come in and open up a store to get a Conditional Use Permit, and so each location would be on a case by case basis.

Member Schneider – Do they have that kind of regulation, though, for, like here on number two (2), they talk about bulk oil, gas explosives, and petroleum refining – do they have any kind of setback off those?

Secretary Kentner – All of those are considered on a case by case with a Conditional Use Permit. The Board of Zoning Appeals would consider those. Leonard's not here, but he's the Board of Zoning Appeals representative on the County, so they would take that into consideration – what they're using it for – and they can apply conditions based on the specific use, and all of those things are things that they would be able to put conditions on.

Chairman Lopez – And this doesn't necessarily mean that it would be approved by the Board of Zoning Appeals, as well.

Staff Davidson – Yes, and staff would counsel with the Fire Marshall, and our Inspections, to check the codes.

Member Howard – Everything would have to be good. At least, if someone did want to build one, we could say, well you can build it, but you have to have a hundred feet between you and them because there's a gas plant over here, or whatever it happens to be.

Secretary Kentner – And they take into consideration the issue of whether or not they're going to have year-round storage in it, things like that, because if they're not going to have year-round storage, then that lightens the issue with it. But we know that there's been explosions in these, unfortunately, all across the U.S. Depending on how much is in there, it can do some serious damage to the vicinity, and we don't want to put our firefighters at risk, or anyone else – first responders – and I don't think they do, either. They do a really good job, and it would be vetted out in a Conditional Use Permit.

Applicant, Jacob Marietta – Something to keep in mind, this is completely consumer grade, and there's been – maybe – my family's been in the business since the 1930s – in the history of fireworks, there's been three (3) buildings that have burnt

down – warehouses – and all three of them, and the fire department – we’ve met with them – know this, the deal is, they let the fire burn. Actually, cardboard is 90% of what we have, and since we have no metal powders, our stuff is not explosive. We’re considered an explosive because we have powders in there, but there’s no mass detonation. There’s actually a great video of one that burnt down and the fire department was buying pop out of the pop machine while they were putting water on the building. The pop machine on the front of the building, they’re literally buying drinks out of it because they were hot. These aren’t explosive buildings, basically this is cardboard with a little bit of fuse in it. Once again, we meet with all the fire departments, and all that. We have eighty-nine of these structures across the country and we go above and beyond every drop of what is required.

Chairman Lopez – I was just curious – and maybe it’s in here, but I missed it – where are these allowed at right now?

Secretary Kentner – Currently they’re prohibited. They’re allowed on a temporary basis on Fourth of July. The only one I’m aware of is the one on the north side of town by the bypass. That was a warehouse that was approved, and when that went through, waivers were granted by the County because there were no regulations on it. They went straight to the County and actually got most of the fire codes waived and most of the building codes waived on it. This would dictate the process they would go through.

Chairman Lopez – I was kind of curious about that, because I didn’t know if it was going to be something similar to what these folks have north of town already.

Secretary Kentner – It will probably be similar, a building like that for sales – mainly retail sales, as he said. It will probably be very similar to that, but right now we don’t have any provisions for that. And when that went in, the applicants went directly to the County Commission on it because there were no regulations.

Chairman Lopez – I feel real comfortable with it going before the Board of Zoning Appeals, and looked at on a case by case basis and can be tailor made for that area. But also, anybody living around that area would be notified of this possible exposure. For me, I feel very comfortable with this.

Member Law – What other occupancies are there around 2003 W Jones?

Secretary Kentner – Where they’re going to be looking at, we would have to look at all their sites. With your approval today, we are not approving their site. All we’re doing is approving that they can go to the Board of Zoning Appeals and get approval from them.

Chairman Lopez – This doesn’t guarantee approval, for any specific site, or at all. Any concerns? If not, I would entertain a motion.

MEMBER STEWART MAKES MOTION TO APPROVE AN AMENDMENT TO THE CURRENT COUNTY ZONING REGULATIONS IN THE “I-1, I-2 AND I-3” INDUSTRIAL DISTRICTS TO INCLUDE WHOLESALE AND RETAIL FIREWORKS SALES AND STORAGE IN FINNEY COUNTY. MEMBER SCHNEIDER SECONDS THE MOTION.


Votes were taken by yeas and nays and recorded as follows:

Howard	Gigot	Schwindt	Germann	Law	Lopez	Stewart	Hitz	Schneider
Yea	Not Present	Not Present	Not Present	Yea	Yea	Yea	Not Present	Yea


Motion passed.

MEMBER HOWARD MAKES MOTION TO ADJOURN. MEMBER LAW SECONDS.

Meeting adjourned at 9:18 am.


Kaleb Kentner
Carol Davidson
Josh Larsen

Secretary


Mario Lopez
Bob Law

Chairman
Vice-Chairman

Vicki Germann

Acting vice-chairman



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Kaleb Kentner, Neighborhood and Development Services Director
DATE: July 6, 2017
RE: Garden City Board of Zoning Appeals Approved Minutes - May 2017

ISSUE:

Presentation of the May 9, 2017 Garden City Board of Zoning Appeals approved minutes from the Neighborhood and Development Services Department.

BACKGROUND:

Attached are the approved minutes from the May 2017 Garden City Board of Zoning Appeals meeting.

ALTERNATIVES:

None.

RECOMMENDATION:

None.

FISCAL NOTE:

None.

ATTACHMENTS:

Description	Upload Date	Type
Garden City Board of Zoning Appeals Approved Minutes May 9, 2017	6/21/2017	Backup Material

**MINUTES
BOARD OF ZONING APPEALS
GARDEN CITY, KANSAS**

May 9, 2017

The Garden City Board of Zoning Appeals scheduled a Public Hearing at 9:00 a.m. Tuesday, May 9, 2017 in the City Commission Chambers at the City of Garden City Administrative Center located at 301 North 8th Street, Garden City, Kansas.

I. CALL TO ORDER

Meeting called to order at 9:00 a.m.

Present were Chairman Glass, Vice-Chairman Hoffman, Member Collins, Member Lopez, and Member Campbell. Also in attendance were Secretary Kentner and Staff Larsen.

II. APPROVAL OF MINUTES

Vice-Chairman Hoffman made a motion to approve the minutes from April 11, 2017. *Member Lopez* seconded motion. Votes were taken by yeas and nays and recorded as follows:

Collins	Campbell	Hoffman	Glass	Lopez
Yea	Yea	Yea	Yea	Yea

Motion passed.

III. SUBMITTAL OF EXHIBITS FOR THE RECORD

- A. City of Garden City Zoning Regulations amended**
- B. City of Garden City Subdivision Regulations of 1996 as amended**
- C. City of Garden City Comprehensive Plans all as amended**
- D. All Visual Aid Presentations with Aerial Maps, Site Plans, and Plats**
- E. All application files in their entirety including Staff Reports**

IV. NEW BUSINESS

GCBZA2017-04: Appeal of condition the Planning Commission placed on the parking waiver granted, 601 W. Fulton, Jaime Medina

Staff Larsen reads staff report.

Secretary Kentner – The applicant is here. Do you have anything to add or say in regards to this request? At this time, we'll open it up to comments from the public in regards to this request, if you'll just come up and state your name and your address.

OPEN PUBLIC COMMENT

Fernando Arteaga (611 W Fulton) – My name is Fernando Arteaga I live at 611 W Fulton I'm just here because I just didn't know if we were trying to rezone or -- because it was zoned before as "C-2" or something like that, and I rezoned it about five years ago back to "R-1" on my property. I'm just trying to make sure we're not trying to get back to what it was before, because they told me I couldn't rebuild if it ever burned down or a tornado hit since I was in a different zone, so. But I'm just here because I didn't know whether you were trying to rezone or not.

Secretary Kentner – Yes, it is not to rezone. It is in regards to the requirement that he had to pave the parking.

Fernando Arteaga (611 W Fulton) – That's up to you guys, then.

Sophia Jimenez-Hernandez (1511 A Street) – Hi, my name is Sophia Jimenez-Hernandez and my mother, my deceased mother, is also owner of that parking lot - Guadalupe Jimenez.

Secretary Kentner – She owns that parking lot?

Sophia Jimenez-Hernandez – She's listed half-owner last time I checked on the lot, and I haven't got that taken care of or transferred into my siblings and I's name.

Secretary Kentner – Do you have a concern regarding the parking, the question at hand, that he was required to have it paved?

Sophia Jimenez-Hernandez – No, it's what's the zone status right now? Is it Commercial?

Secretary Kentner – The parking lot is zoned Residential.

Sophia Jimenez-Hernandez – That's fine. I just didn't want it going Commercial.

Secretary Kentner – Yeah, it's not. It's just that - following up on the requirement that he – that the restaurant in that location was required to pave that parking lot on the vacant lot.

Sophia Jimenez-Hernandez – That was my main concern for the neighbors in the area that have been there for years.

Secretary Kentner – That it be paved?

Sophia Jimenez-Hernandez – No, that it wasn't going to be zoned differently, as in Commercial.

CLOSE PUBLIC COMMENT

Chairman Glass – Does the Board have any questions for the applicant?

Member Lopez – I don't have any questions, but I do have some comments.

Chairman Glass – Any comments?

Member Lopez – Well, the comment that I have on this is, as I recall, the Planning Commission where these concessions were made on behalf of the applicant was very well attended by quite a few people in the neighborhood were present there and had quite a few concerns about allowing that to be used, to continue to be used as a parking lot. You know, it was one of those deals where we tried to find a happy medium in there and we threw out as a stipulation that he would have to pave it, because they were concerned about dust, they were concerned about additional traffic, different things like that that go along with having a parking lot in their neighborhood that would be used and for what use and whatever. And you know, I drove by there this morning, drove in it, and of course the dust isn't bad right now because we've had a lot of moisture. That's not always going to be the case, as a matter of fact, it's probably quite the opposite in the future. I just feel like we made concessions, as a community, to the applicant at that time and that was in 2014. That was approved by the City Commission, as well as that should be the stipulation for allowing him to go along – go ahead with his plans. You know, that being the case, I don't know that it would be right – just because of the fact that the members of the neighborhood are not present like they were at the Planning Commission meeting – I don't think it would be right to go ahead and take that promise away from them.

Vice-Chairman Hoffman – Is there a way that the timeline can be extended...to allow the applicant time to pursue paving and asphalt – paving and/or asphalt as his restaurant business tends to grow?

Member Lopez – As I understand it, it has been extended. The original timeline called for him to have it done by 2015. Since that time, looking at the letters, I think Kaleb and his staff has done their due diligence as far as trying to get him to do it, and for whatever reason, it's been artificially extended for two years over what the original intent of that was. How long would we make that concession?

Vice-Chairman Hoffman – I guess that's a question for Jaime, as well, maybe.

Member Lopez – I think that would be a good question, but I don't even know if it should be a question. He's already two years overdue.

Chairman Glass – It's been three years. The point of an ordinance is to judge fairly across the city, which is what we're doing, and it's just not fair to other restaurant owners who have paved their parking lot.

Applicant, Jaime Medina – Yes. For those three years, the parking lot has been better than it had ever been before. I would like to buy the parking lot and everything, but like she said, half is mine, half is hers. They don't want to sell it; they don't want to do nothing with it. I'm the one paying taxes on it. I'm the one paying everything on it. I am not paving something that is not even mine. I mean, I can pave half...and I've been here before and I told them I can't fix this problem right now, so I don't know – I don't know what's gonna happen. Besides that, it wasn't because of a demolished restaurant; it was something that people could use, too for the parking lot and the restaurant, too. I got more parking lot in the back, and I've been using it. I put some asphalt in there, I fixed it. But that's mine. That's real mine. The other one is not mine. It was only half. They were supposed to sell me the other half, but they never came through. So how can I fix something that is not mine? And right there, the 12th Street, right there - that hasn't been fixed, the street, for years. I've been here since 1980. The street still looks the same. I don't know how long I've got to wait for you guys to pave it.

Discussion ensued regarding parking lot location and the street Right-of-way.

Applicant, Jaime Medina – And I have this parking lot fixed up, we can use it in the restaurant – for as many cars as I have every day, that's plenty of room, plenty of parking lot. And I did fix that, and I spent all kinds of money on it. If you want me to fix that – I can't fix that, I don't have the money.

Member Campbell – How often do you use this parking lot across the street now?

Applicant, Jaime Medina – Not very often. I wish I could use that every day. But they park on the street, and there's enough parking lot in the street, enough parking lot for the customer that I have.

Member Campbell – I have a question for the lady whose mom, your late mother owns the other half of that?

Member Campbell – The status on that – is it in - was there a will, is it in an estate? What's the status of that – is it in probate?

Sophia Jimenez-Hernandez (1511 A Street) – My older sister was supposed to be taking care of that. Um, which apparently she has not. Kathy Garcia - I intend to look into that. I was just informed of this meeting, and my main concern was that it was going to be rezoned to Commercial.

Member Campbell – How long ago did your mother pass away?

Sophia Jimenez-Hernandez – It has been about... five years

Member Campbell – So there's no open probate case or anything like that at this point in time. But that property is still in her name?

Sophia Jimenez-Hernandez – That is correct.

Member Campbell – Okay. That produces a hardship for you, obviously. (referring to Applicant)

Secretary Kentner – However, when this went before the Planning Commission, in order to have that restaurant open according to the number of seats that are in the restaurant, the parking calculations would require the use of the parking across the street. And that's what the Planning Commission and the City Commission considered.

Member Campbell – Was the lady alive at that time?

Secretary Kentner – I don't know, but it was represented that they had the parking lot.

Sophia Jimenez-Hernandez (1511 A Street) – No, she was not.

Secretary Kentner – What was represented to the Planning Commission and to the City was that you have that access to that parking lot, and that you agreed to the paving of it within one year. At the time, the minutes reflect that you agreed that that would be paved within one year. But you put millings, you did take care of the millings right away, in the thirty days. It's just the issue of the paving of it that has not occurred. That's the question at hand. What was represented to the Planning Commission and the Governing Body is that within one year it would be paved, and that's the time frame they gave him to do that, and we're past that time frame. He's appealing the decision the staff has notified him of that he was required to do that within the one year time frame. So, that's where we are at this time – is whether you choose to give him an additional timeline or you choose to hold to the timeline that's been given and require it to be done. That's kind of where we're at.

Member Campbell – Is that a single lot? That parking lot that's in question?

Secretary Kentner – Yes. It's a single lot.

Member Campbell – Single lot. Held in joint tenants in common, I presume?

Secretary Kentner – I have no idea how that occurred - how you have multiple people on it. You can have multiple people on a deed, of course, but how that occurred, I don't know.

Applicant, Jaime Medina – I bought the half from one person and the other half, I guess it was his Grandma, and they don't want to do nothing with it. They don't pay taxes on it. I'm paying everything on it. They don't go over there and mow the yard – nothing on it.

Sophia Jimenez-Hernandez (1511 A Street) – We also haven't been approached to buy the other half.

Secretary Kentner – Yeah, so... technically the lot is considered one lot. By deed, if it's in a whole bunch of peoples' names, it doesn't matter – it's considered a single platted lot.

Chairman Glass – That's not what we're really looking at.

Secretary Kentner – Exactly.

Member Lopez – Another thing is, I don't know, unless I'm misunderstanding here – I don't believe that he's looking for an extension – for additional time. What he's looking for is to basically rescind any agreement that was made by the Planning Commission and the City Commission, as well as all parties that were present, and himself. I'm sorry his business isn't doing quite as well as he anticipated, but by the same token, I still think that all this falls upon him to go with what he agreed to at that time. And, you know, I've got to be real frank with you – at the time that we made that concession, it wasn't really something that the people of that neighborhood wanted, but nevertheless, we felt like if you would pave it in the future that would alleviate a large portion of their concerns. I feel like even though they're not quite as well attended as they were during the Planning Commission, I just feel like we would be doing them a great disservice to essentially wipe out city ordinances on behalf of one person.

Vice-Chairman Hoffman – Right. I understand. Can you legally pave something, though, that doesn't belong to you?

Secretary Kentner – Well, that's going to be his question. He put millings on the property, and – with millings, it can be oiled and another application of gravel placed over it, and that meets the hard surface paving asphalt requirement. That could be done, and that's a really – probably the most inexpensive way for him to go, is just to chip and seal it. – probably the least expensive of options available besides putting in concrete or asphalt.

Member Campbell – Were you aware of that, Jaime?

Applicant, Jaime Medina – Yeah

Member Lopez – I think that was even something that was discussed in Planning Commissions.

Discussion ensued regarding parking requirements for restaurants.

Chairman Glass – The ownership question is something you (referring to applicant) need to work out. But, for what we're deciding – it's just whether to allow not paving it, or to go ahead and approve what was validated – what was approved by the Planning Commission.

Member Campbell – I have one question. I totally agree with what you're saying here. If he were to pave half of it, or put the millings and oil on half of it - would that meet the parking requirements, as a solution? I know it kind of deviates from your original plan, but would that meet the ordinance, is my question.

Secretary Kentner – We would have to go calculate the seats...

Discussion ensued regarding paving a portion of the lot and the number of required parking spaces.

Chairman Glass – It would just open a big can of worms going forward, if we allowed it to not be paved. And going back to Fulton at the other end...as they pave stuff. It's taking them a long time, but they're working towards that end.

Member Lopez – That's the problem, is if we do it here, then the ordinances apply for anybody else in the future.

Chairman Glass – And then why have an ordinance?

Member Campbell – I think we, as a board, we've discussed all the different options that are available to us, and have worked diligently to resolve it in everyone's best interest, including Jaime's, but I don't think that we can find a solution.

Chairman Glass – Any further discussion? I'll entertain a motion.

MEMBER LOPEZ MAKES A MOTION TO DECLINE APPLICANT'S REQUEST. MEMBER COLLINS SECONDS MOTION.

Votes were taken by yeas and nays and recorded as follows:

Collins	Campbell	Hoffman	Glass	Lopez
Yea	Yea	Yea	Yea	Yea


Motion passed.

VICE CHAIRMAN HOFFMAN MAKES MOTION TO ADJOURN THE MEETING. MEMBER COLLINS SECONDS MOTION. MEETING ADJOURNED AT APPROXIMATELY 9:28 A.M.



 Kaleb Kentner
 Carol Davidson
 Josh Larsen

Secretary



 Bruce Glass
 Jared Hoffman

Chairman
 Vice- Chairman