



**AGENDA
CITY COMMISSION MEETING
Tuesday, October 3, 2017
1:00 PM**

City Administrative Center, 301 N. 8th Street

I. Note:

Pre-meeting at 11:00 a.m. at the Finney County Transit (1008 N. 11th Street) for a presentation to celebrate the 10th anniversary of City Link. Administrative staff will be present and the pre-meeting is open to the public.

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. September 19, 2017 City Commission minutes.

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

VI. CONSIDERATION OF PETITIONS, MEMORIALS AND REMONSTRANCES

VII. REPORT OF THE CITY MANAGER

A. Director of Aviation Powell will provide a report on the annual Federal Aviation Administration (FAA) Certification Inspection conducted on September 5-7, 2017.

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

C. Presentation of the August 2017 Master Activity report from the Garden City Police Department.

VIII. MEETINGS OF NOTE

- October 3-13, 2017 - 2017 Fall Cleanup
- October 4, 2017 - League of Kansas Municipalities; 2017 Regional Supper at Cimarron Public Library at 5:30 p.m.
- October 5, 2017 - Diversity Breakfast at the Clarion Inn and Conference Center, 7:30 a.m. - 9:30 a.m.; Multi Cultural Summit from 10:00 a.m. -

3:30 p.m.

- October 6, 2017 - Candidate Meet & Greet at Patrick Dugan's Coffee House from 5:00 p.m. - 7:00 p.m.
- October 18, 2017 - Annual State of the City address at the Garden City Area Chamber of Commerce breakfast at the Clarion Inn - 7:10 a.m.
- October 21, 2017 - FOLRZ's Boo! at the Zoo starts at 4:00 p.m. at Lee Richardson Zoo
- November 2, 2017 - Black Hills Energy Public Officials dinner at Samy's Spirits and Steakhouse at 6:30 p.m.
- November 4, 2017 - 10th Anniversary Banner Art Auction at the Clarion Inn at 6:00 p.m.
- November 25, 2017 - Stevens Park Tree Lighting Ceremony at 6:00 p.m.
- December 10, 2017 - Downtown Evening Christmas Parade, Main Street - 6:00 p.m.

IX. CONSIDERATION OF APPROPRIATION ORDINANCE

- A. Appropriation Ordinance No. 2444-2017A

X. CONSIDERATION OF ORDINANCES AND RESOLUTIONS

- A. The Governing Body is asked to consider and approve an ordinance amending Park and Tree board meetings.

1. Ordinance No. ____-2017, an ordinance setting forth the operation of the City Park and Tree Board for the City of Garden City, Kansas; amending current code section 94-35; repealing current code section 94-35; all to the code of ordinances of the City of Garden City, Kansas.

- B. The Governing Body is asked to consider and approve an ordinance amending arborist licensing.

1. Ordinance No. ____-2017, an ordinance requiring applicants of an arborist license to meet certain criteria before obtaining an arborist license in the City of Garden City, Kansas; amending current code section 94-2; repealing current code section 94-2; all to the Code of Ordinances of the City of Garden City, Kansas.

- C. The Governing Body is asked to consider and approve a Resolution of Support for a TIGER IX grant application being submitted by Colfax County, New Mexico on behalf of the Southwest Chief Rural Rail Partnership and is asked to consider a pledge of financial support in the amount of \$12,500.

1. Resolution No ____-2017, a Resolution encouraging efforts to maintain the Southwest Chief passenger service through the states of Kansas, Colorado and New Mexico and pledging financial participation in the Colfax County New Mexico TIGER IX grant application.

- D. The Governing Body is asked to consider and approve a vehicle nuisance resolution.

1. Resolution No. _____-2017, a resolution authorizing the removal of motor vehicle nuisances from certain properties in the City of Garden City, Kansas, pursuant to Section 38-63 of the Code of Ordinances of the City of Garden City, Kansas. (618 Thirteenth Street - white passenger car; 411 First Street - tan RV)

XI. OLD BUSINESS

XII. NEW BUSINESS

- A. The Governing Body is asked to consider how it wishes to dispose of the Russell Child Development Center property, owned by the City, at 714 Ballinger Street.

B. 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 low bid for the 2017 Street Tree & Stump Removal Project.
2. The Governing Body is asked to consider and approve the crack sealing bid from B & H Paving, Inc.
3. The Governing Body is asked to consider and approve the purchase of ten compactors for commercial accounts.
4. The Governing Body is asked to consider and approve the contractor licenses for October 3, 2017.

XIII. CITY COMMISSION REPORTS

A. Mayor Dale

B. Commissioner Doll

C. Commissioner Law

D. Commissioner Fankhauser

E. Commissioner Cessna

XIV. OTHER ENTITIES

Presentation of the August 2017 Planning Commission 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: October 3, 2017
RE: 09-19-2017 City Comm minutes

ISSUE:

September 19, 2017 City Commission minutes.

BACKGROUND:

None.

ALTERNATIVES:

None.

RECOMMENDATION:

None.

FISCAL NOTE:

None.

ATTACHMENTS:

Description	Upload Date	Type
09-19-17 CC minutes	9/29/2017	Backup Material

THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS

City of Garden City
September 19, 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, September 19, 2017.

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

Approval of Minutes

September 5, 2017 City Commission minutes were approved with changes.

Public Comment

Tim Regan gifted the book, "Drawdown - The Most Comprehensive Plan Ever Proposed to Reverse Global Warming by Paul Hawken" to City staff and stated he would like to come back to a Town Hall meeting in the future to discuss further.

Consideration of Petitions, Memorials and Remonstrances

The Governing Body considered and authorized a request from Myca Bunch, Executive Director of Downtown Vision, under Code Section 6-35 and 6-133 to allow possession, consumption, and sale of cereal malt beverages or alcoholic liquors on the sidewalks, streets and public park at Stevens Park on Friday, October 6, 2017 for First Friday event in Stevens Park with a beer garden from 5:00 p.m. - 8:30 p.m.

Commissioner Cessna 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

Report of the City Manager

The Garden City Fire Department Technical Rescue Team has been authorized to be an available resource to the State of Kansas Search and Rescue Response System.

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

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

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

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

Presentation of the monthly Financial Reports from Service and Finance.

Presentation of the August 2017 monthly staff report from Lee Richardson Zoo

Meetings of Note

- September 16, 2017 - Fall Fest 2017 - Downtown Garden City
- September 19, 2017 - Garden City Area Chamber of Commerce - Candidate Forum for Garden City Commission from 6:00 - 8:00 p.m.
- September 16-18, 2017 - 2017 League of Kansas Municipalities Annual Conference in Wichita
- September 20, 2017 - Southwest Kansas Coalition Annual Meeting in Dodge City at 6:00 p.m. at Guymon Petro Bar & Grill
- September 28, 2017 - Coffee with a Cop will be at Patrick Dugan's Coffeehouse at 8:30 a.m.
- October 4, 2017 - League of Kansas Municipalities; 2017 Regional Supper at Cimarron Public Library at 5:30 p.m.
- October 5, 2017 - Diversity Breakfast at the Clarion Inn and Conference Center, 7:30 a.m. - 9:30 a.m.; Multi Cultural Summit from 10:00 a.m. - 3:30 p.m.
- October 18, 2017 - Annual State of the City address at the Garden City Area Chamber of Commerce breakfast at the Clarion Inn - 7:10 a.m.
- October 21, 2017 - FOLRZ's Boo! at the Zoo starts at 4:00 p.m. at Lee Richardson Zoo
- November 2, 2017 - Black Hills Energy Public Officials dinner at Samy's Spirits and Steakhouse at 6:30 p.m.
- November 4, 2017 - 10th Anniversary Banner Art Auction at the Clarion Inn at 6:00 p.m.
- November 25, 2017 - Stevens Park Tree Lighting Ceremony at 6:00 p.m.
- December 10, 2017 - Downtown Evening Christmas Parade, Main Street - 6:00 p.m.

Consideration of Appropriation Ordinance

Appropriation Ordinance No. 2443-2017A

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

Ayes: Cessna, Dale, Doll, Fankhauser, Law

Consideration of Ordinances and Resolutions

The Governing Body considered a request from Tom Willis, CEO of Bonanza Bioenergy, LLC, for annexation of property located at 3002 East Highway 50 and to continue to receive all utility services as outlined in the attached Memo of Understanding.

1. Ordinance No. 2771-2017, an ordinance annexing land to the City of Garden City, Finney County, Kansas, pursuant to K.S.A. 12-520(a)(7).

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

Commissioner Fankhauser stepped down from the bench.

The Governing Body considered a resolution allowing Garden City to participate in the Kansas Moderate Income Housing (MIH) Grant Program from the Kansas Housing Resources Corporation (KHRC).

1. Resolution No. 2708 - 2017, a resolution making certain findings and determinations giving authority to the City of Garden City, Kansas to partner with Samy's Development, LLC and apply for and participate in the Kansas Moderate Income Housing Program.

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

Ayes: Cessna, Dale, Doll, Law

Abstain: Fankhauser

Old Business

Commissioner Fankhauser rejoined the meeting.

The Governing Body considered distributing \$600 of remaining 2017 Art Grant funds to High Plains Public Radio as recommended by the Art Grant Committee.

Commissioner Law 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

New Business

Commissioner Doll stepped down from the bench.

The Governing Body considered distributing Downtown Development Funds for 309 N. Main Street. The applicant, Max Miller, had previously applied and been awarded funds. The actual costs were less than 90% of the original application. After discussion, the Commission identified a proportionate award in relationship to 90% of the original estimated cost of the project.

Commissioner Fankhauser moved to approve a new award amount of \$43,711.25. Commissioner Cessna seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Cessna, Dale, Fankhauser, Law

Abstain: Doll

Commissioner Doll rejoined the meeting.

The Governing Body considered changing the language of the Downtown Development Fund

Agreement to include language that would, upon completion, adjust a Downtown Development Fund award based on actual costs in proportion to 90% of the original project cost estimate.

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 the Traffic Advisory Board recommendation from their September 5, 2017 meeting to change the pavement markings on north Main Street to three lanes with a center turning lane from Kansas Avenue to Mary Street.

Commissioner Doll 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 the Traffic Advisory Board recommendation from their September 5, 2017 meeting to install 30 minute parking signs for the business at 112 N. Main Street. The Governing Body asked staff to investigate the possibility of angle parking in this area and bring the item back for future consideration.

The Governing Body considered the Traffic Advisory Board recommendation from their September 5, 2017 meeting for the installation of a Push Button Pedestrian Warning Light for Charles O. Stones Intermediate Center crosswalk on Jennie Barker Road, with the costs of the material and installation to be reimbursed by USD 457.

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 entering into Executive Session pursuant to K.S.A. 75-4319(b) (2) pertaining to consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship, for the purpose of discussing potential litigation, for a period of 15 minutes with the open meeting to resume at 2:25 p.m. The executive session shall include as participants, City Attorney Grisell, City Manager Allen, Assistant City Manager Cunningham and Neighborhood Development Services Director Kentner.

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

Executive Session

The Governing Body considered an Executive Session pursuant to K.S.A. 75-4319(b)(3) pertaining to preliminary discussions prior to the acquisition of real estate, for the purpose of considering a public project, for a period of 10 minutes, with the open meeting to resume at 2:36 p.m. The executive session shall include as participants, City Attorney Grisell, City Manager Allen and Assistant City Manager Cunningham.

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

Consent Agenda

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 renewal of the the Facility Use Agreement between Fullscope Training, LLC and the City of Garden City.

The Governing Body considered and approved the scanning project agreement between the City of Garden City and Docufree.

The Governing Body considered and approved the low bid from Speer Construction for the construction of improvements to the water distribution system and relocation of the wastewater treatment facility effluent structure.

Bidder	Bid Form Attachment A Part 1 - Total Bid Price	Bid Form Attachment A Part 2 - Total Bid Price
Speer Construction, Inc.	\$73,920.00	\$102,840.00
Mies Construction, Inc.	\$106,666.00	\$126,455.00
Smoky Hill, LLC	\$127,645.00	\$170,306.00
Lee Construction, Inc.	\$114,275.50	\$188,641.50
Nowak Construction Company, Inc.	\$180,872.00	\$146,414.00
Dick Construction, Inc.	\$190,308.00	\$141,165.00
Engineer's Estimate	\$155,005.00	\$170,179.60

The Governing Body considered and approved an agreement between the City of Garden City and the United States Department of the Interior: Bureau of Reclamation for funding to study effluent water reuse from resources available to the City.

The Governing Body considered and approved the contractor licenses for September 19, 2017.

The Governing Body considered and approved a Temporary Cereal Malt Beverage license.

Other Entities

Presentation of the August 2017 Traffic Advisory Board minutes.

Presentation of the September 5, 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 Cessna expressed his appreciation for the pre-meeting which displayed the new Fire Platform Truck. He said it was great to see that the Fire Department Technical Rescue Team was part of the statewide response system. He reminded those in attendance and watching on television that the City Commission Candidate forum was later that evening.

B. Mayor Dale complimented the pre-meeting with the new Fire Platform Truck and thought it was a great addition to the department's fleet. He reminded those in attendance and those viewing on television of the City Commission Candidate Forum later that evening, and the forum for USD457 and College Trustee candidates on Thursday, September 21st.

C. Commissioner Doll thought the pre-meeting was wonderful and was excited to see the new Fire Platform Truck's capabilities. She thanked the Fire Department's technical rescue team. Commissioner Doll noted that the Downtown Development Fund had made some big improvements to downtown. She noted that one of the Kansas Avenue projects was on its final concrete pour and was excited for that to open.

D. Commissioner Law had no comments to add to those already shared.

E. Commissioner Fankhauser asked about the scheduling of the three Kansas Avenue projects. Staff answered that the first project (furthest west) was scheduled to be completed by August 1st. It was delayed, in part, by rain; the second project is on schedule. The east project will start this fall, stop for the winter, and resume in the spring of 2018.



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Rachelle Powell, Director of Aviation
DATE: October 3, 2017
RE: 2017 FAA Inspection

ISSUE:

Director of Aviation Powell will provide a report on the annual Federal Aviation Administration (FAA) Certification Inspection conducted on September 5-7, 2017.

BACKGROUND:

The annual airport certification inspection of Garden City Regional Airport was conducted on September 5-7, 2017. The inspection was conducted to determine compliance with Title 14 CFR Part 139, the Airport Certification Manual, and the Airport Operating Certificate. The following discrepancies to Part 139 were noted during the inspection.

1. 139.311 - Marking, Signs and Lighting.

The runway edge marking for Runway 17-35 was faded and not properly maintained. During the movement area inspection, the paint was "flaking" causing Foreign Object Debris (FOD) located at Taxiway Delta.

- a. Airport staff will remove the "flaking" and repaint the marking prior to October 20, 2017.

2. 139.321 Handling and Storing of Hazardous Substances and Materials.

During the fueling inspection, a Jet A truck "Truck 2225" was leaking from the PTO flange joint. NFPA 407 6.2.8.2 states, "leaking vehicles or cars shall be removed from service, defueled, and parked in a safe area until repaired".

- a. The FBO repaired the truck the same day. Please consider this item closed.

ALTERNATIVES:

No alternatives are listed as the memo is for informational purposes.

RECOMMENDATION:

No alternatives are listed as the memo is for informational purposes.

FISCAL NOTE:

Repairs to the runway edge marking is included in the annual airport budget.

ATTACHMENTS:

Description	Upload Date	Type
2017 FAA Inspection Report	9/22/2017	Backup Material



U.S. Department of Transportation
Federal Aviation Administration

Central Region
Iowa, Kansas, Missouri, Nebraska

901 Locust
Federal Building
Kansas City, Missouri
64106

September 11, 2017

File Number:
2017CE800029

Ms. Rachelle Powell
Director of Aviation
Garden City Regional Airport
2225 S. Air Service Rd. Suite 112
Garden City, KS 67846

Dear Ms. Powell:

Garden City Regional Airport
Garden City, Kansas
Compliance Letter

The annual airport certification inspection of Garden City Regional Airport was conducted September 5-7, 2017. The inspection was conducted to determine compliance with Title 14 CFR Part 139, the Airport Certification Manual, and the Airport Operating Certificate. The inspection revealed that the airport was not in compliance with all of the requirements of Part 139. The following discrepancies to Part 139 were noted during the inspection and should be corrected by the dates indicated:

Part 139 Requirements - Sec. 139.311, Marking, signs, and lighting.

(d) Maintenance. Each certificate holder shall properly maintain each marking, sign, or lighting system installed and operated on the airport. As used in this section, to "properly maintain" includes cleaning, replacing, or repairing any faded, missing, or nonfunctional item; keeping each item unobscured and clearly visible; and ensuring that each item provides an accurate reference to the user.

1. 139.311(d) - Marking, Signs, and Lighting.

The Runway Edge marking for Runway 17-35 was faded and not properly maintained. During the movement area inspection, the paint was "flaking" causing Foreign Object Debris (FOD) located at Taxiway Delta.



Runway Edge Marking – RWY 17-35 at Delta

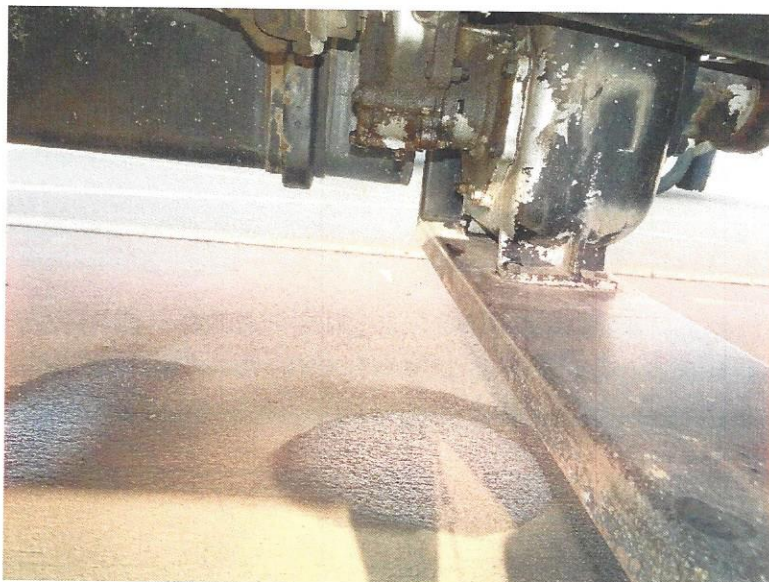
Correction Date: 10/20/2017

Part 139 Requirements - Sec. 139.321 Handling and storing of hazardous substances and materials.

(c) Each certificate holder shall, as a fueling agent, comply with, and require all other fueling agents operating on the airport to comply with the standards established under paragraph (b) of this section and shall perform reasonable surveillance of all fueling activities on the airport with respect to those standards.

2. 139.321(c) – Handling and Storing of Hazardous Substances and Materials.

During the fueling inspection, a Jet A truck “Truck 2225” was leaking from the PTO flange joint. NFPA 407 6.2.8.2 states, “leaking vehicles or carts shall be removed from service, defueled, and parked in a safe area until repaired.” The truck was repaired later that day.



139.321 (c) - Truck 2225

Correction Date: **Closed**

We have given consideration to all available facts and conclude that this matter does not warrant legal enforcement. In lieu of such action we are issuing this letter which will be made a matter of record. We will expect your future compliance with the regulations. Please advise, in writing or by email, when the discrepancies are corrected, within 15 days of the correction dates.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark C. Cozad".

Mark C. Cozad
Airport Certification Safety Inspector



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Service and Finance
DATE: October 3, 2017
RE: Monthly Sales Tax Report - September 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 September, 2017.

ALTERNATIVES:

None.

RECOMMENDATION:

None.

FISCAL NOTE:

None.

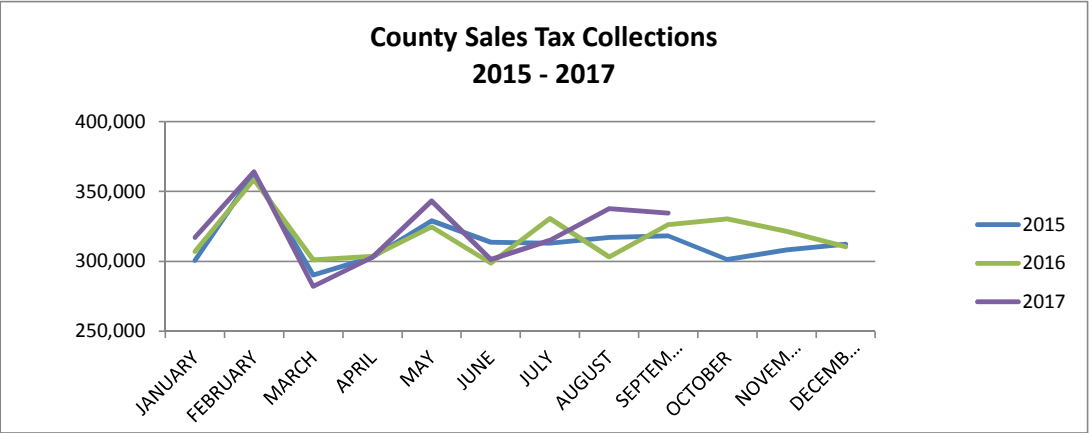
ATTACHMENTS:

Description	Upload Date	Type
2017 Sales Tax reports	9/29/2017	Backup Material

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

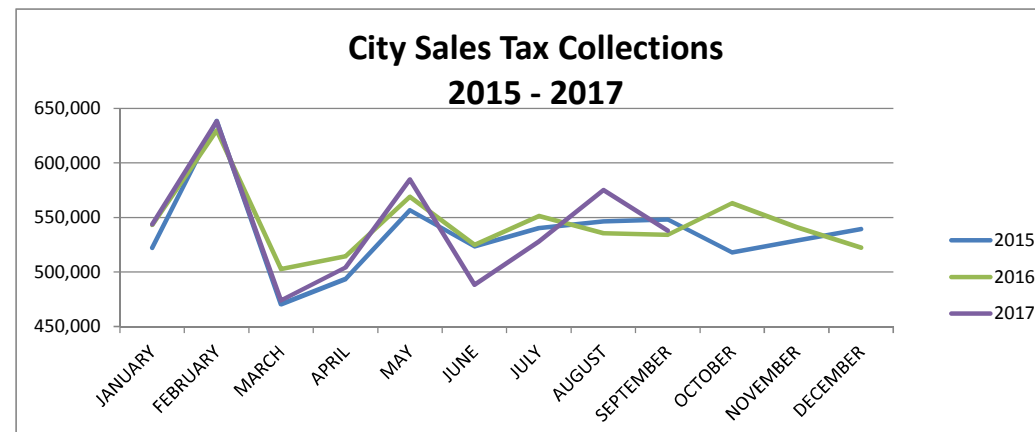
MONTH RECEIVED	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
JANUARY	99,080	87,049	90,999	89,620	90,890	96,504	112,365	136,559	194,148	172,402	201,675	215,987	207,262	300,664	307,037	317,152
FEBRUARY	119,867	107,746	112,817	106,162	108,918	117,464	120,392	112,708	168,090	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	314,986
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	337,844
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	334,573
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>2,898,194</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

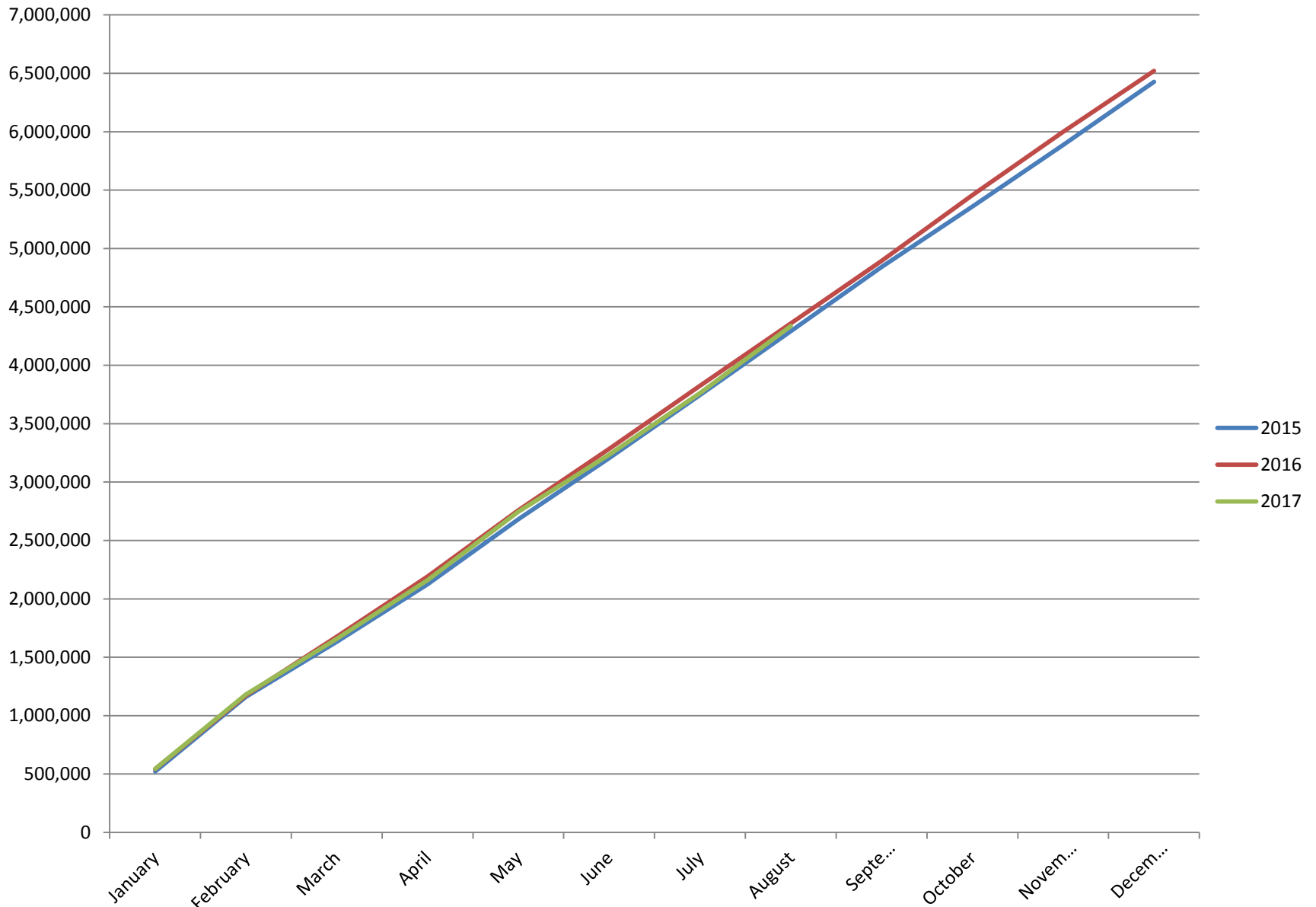


CITY OF GARDEN CITY, KANSAS
ANALYSIS OF CITY SALES TAX RECEIPTS

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	527,818
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	575,191
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	537,873
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>4,874,339</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%	



Cumulative City Sales Tax Collections 2015 - 2017





MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Michael D. Utz, Chief of Police
DATE: October 3, 2017
RE: Presentation of the August 2017 Master Activity report from the Garden City Police Department.

ISSUE:

Presentation of the August 2017 Master Activity report from the Garden City Police Department.

BACKGROUND:

Attached is the August 2017 Master Activity report from the Garden City Police Department.

ALTERNATIVES:

None.

RECOMMENDATION:

None.

FISCAL NOTE:

None.

ATTACHMENTS:

Description	Upload Date	Type
August 2017 Master Activity Report from GCPD	9/28/2017	Backup Material

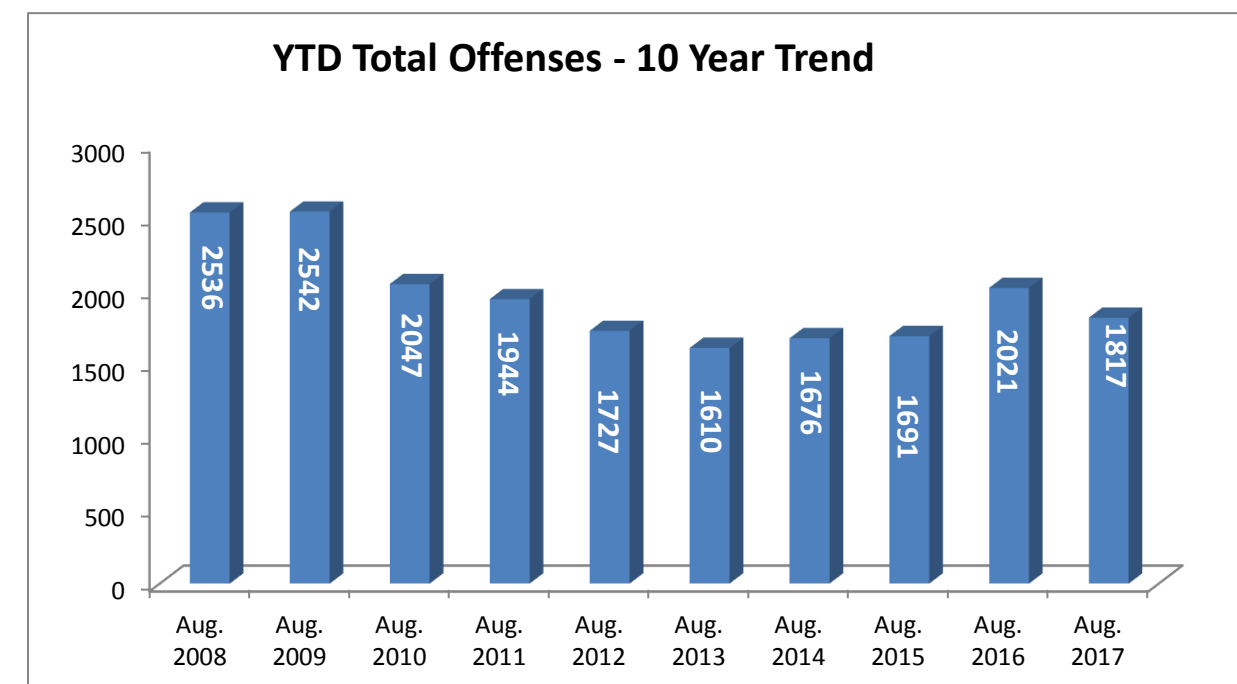
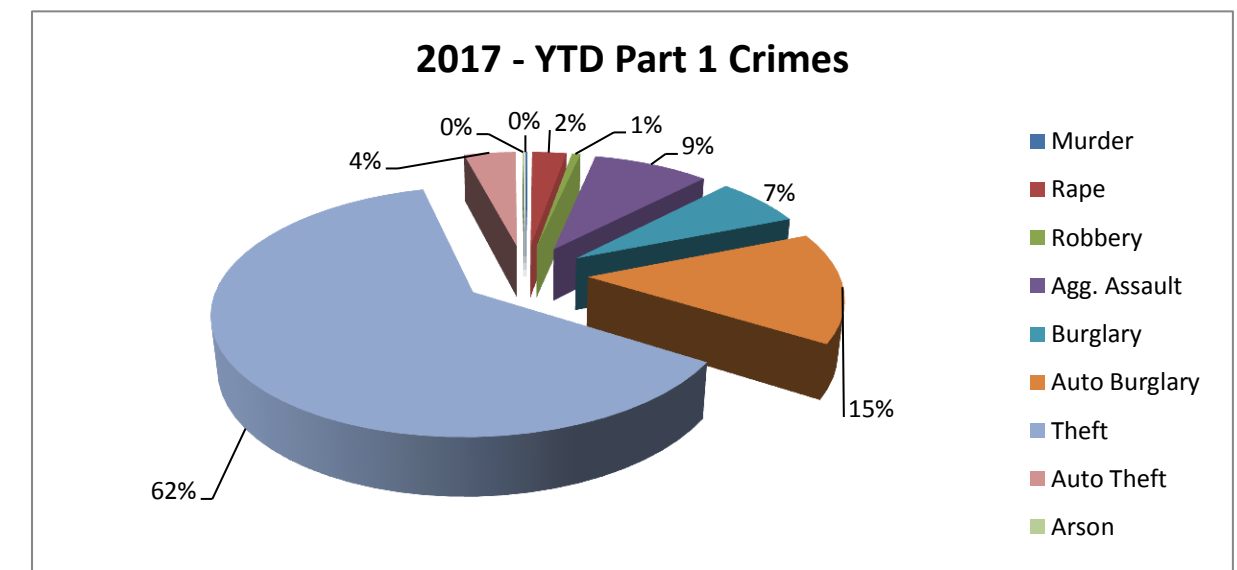


GARDEN CITY POLICE DEPARTMENT

Monthly Activity Report - August 2017

Offenses Reported

	17-Aug	YTD 2017	16-Aug	YTD 2016	% Change YTD	Arrest Aug. 2017	Arrest To Date 2017
Part 1 Crimes							
Murder	0	1	0	0	UNDF	0	2
Rape	1	16	2	10	60%	0	8
Robbery	0	4	0	6	-33%	0	9
Agg. Assault	9	54	5	56	-4%	9	37
Burglary	6	41	3	55	-25%	1	9
Auto Burglary	5	91	11	56	63%	0	17
Theft	63	380	69	453	-16%	16	125
Auto Theft	4	24	2	11	118%	0	0
Arson	0	1	0	3	-67%	0	0
Total:	88	612	92	650	-6%	26	207
Part 2 Crimes							
Criminal Trespass	2	30	8	20	50%	5	24
Criminal Damage	20	171	34	182	-6%	3	103
Drug Violation	25	210	31	207	1%	39	272
Forgery	4	21	4	20	5%	3	3
Graffiti	1	25	3	10	150%	0	0
Sexual Exploitation	0	12	3	11	9%	0	2
Kidnapping	0	4	0	2	100%	0	3
Liquor Violations	0	3	1	2	50%	20	97
Sex Offenses	0	18	6	16	13%	0	9
Simple Assault	20	95	11	104	-9%	13	72
DV Battery	11	80	7	80	0%	10	62
Weapons	0	6	1	9	-33%	0	4
Stalking	3	11	2	9	22%	1	4
All Other Crimes	41	287	24	264	9%	187	740
Total:	127	973	135	936	4%	281	1395
Grand Totals	215	1585	227	1586	0%	307	1602

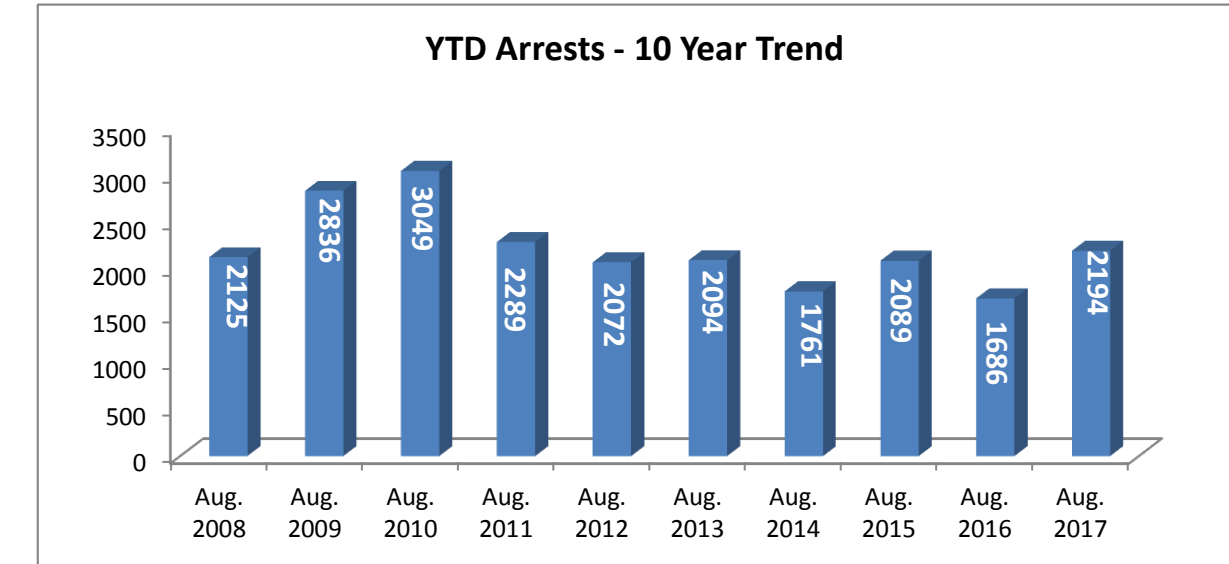


Community Statistics 2011-2017							
	2011	2012	2013	2014	2015	2016	2017
Population	28,855	29,167	30,678	30,761	30,945	30,948	30,948
New Commercial Business	10	10	11	11	29	3	N/A
New Residential Homes	46	20	61	34	95	16	N/A
Patrolling Area	8.68 sq miles	9.07 sq miles	9.18 sq miles	9.31 sq miles	9.75 sq miles	10.23 sq miles	10.23 sq miles

Offense Reports Summary				
	17-Aug	YTD 2017	16-Aug	YTD 2016
Offense Reports	239	1817	286	2021
Patrol/CRD Supplemental Rep	239	1774	113	1215

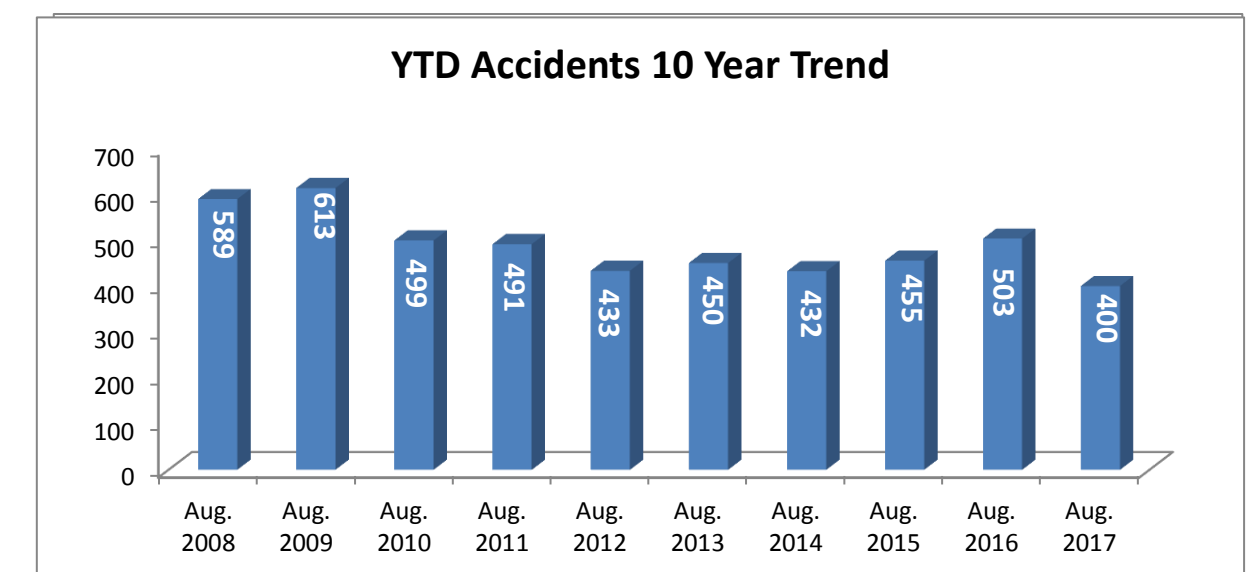
Arrests

	17-Aug	YTD 2017	16-Aug	YTD 2016	% Change YTD
All Other Adult Arrests	226	1509	166	1070	41%
Alcohol Related Arrests	19	124	6	103	20%
Drug Related Arrests	35	255	37	316	-19%
Total Adult Arrest	280	1888	209	1489	27%
All Other Juveniles Detained	13	216	13	139	55%
Alcohol Related Detained	5	5	0	12	-58%
Drug Related Detained	4	23	1	14	64%
Curfew Violations	5	62	2	32	94%
Total Juvenile Arrest	27	306	16	197	55%
Total Custody:	307	2194	225	1686	30%



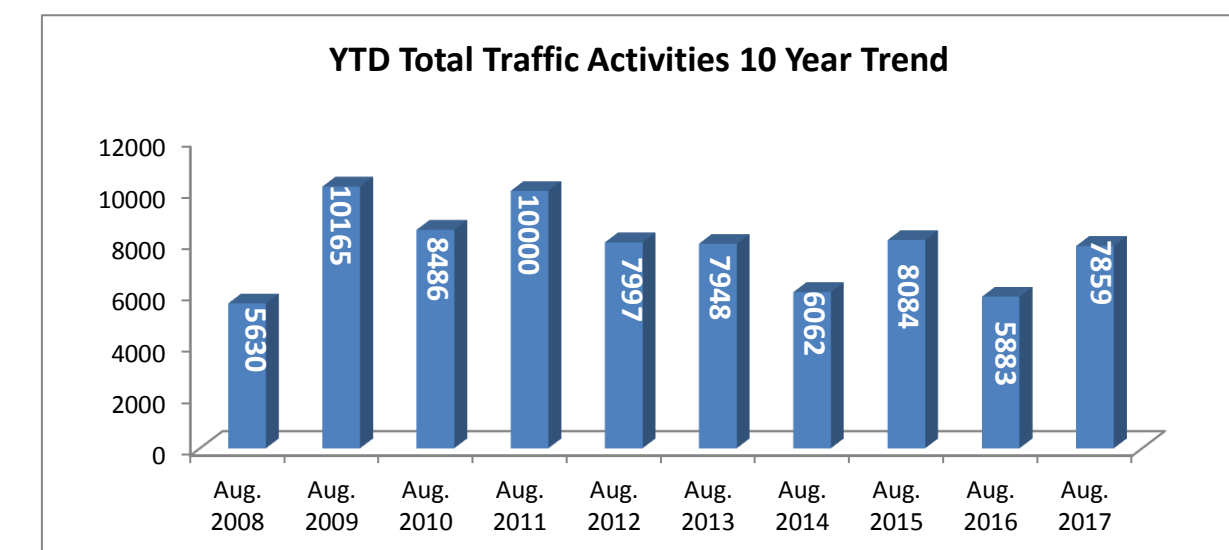
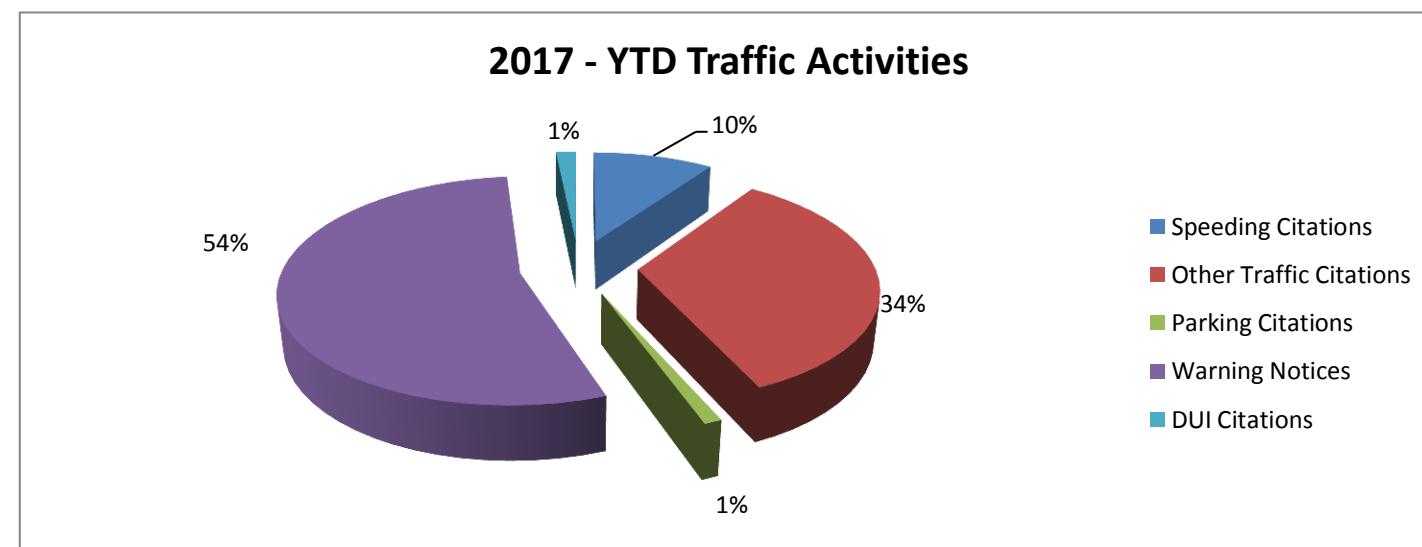
Accidents

	17-Aug	YTD 2017	16-Aug	YTD 2016	% Change YTD
Fatal Accidents	0	0	0	0	UNDF
Injury Accidents	6	22	5	46	-52%
Non-Injury Accidents	59	378	56	457	-17%
Total Accidents:	65	400	61	503	-20%



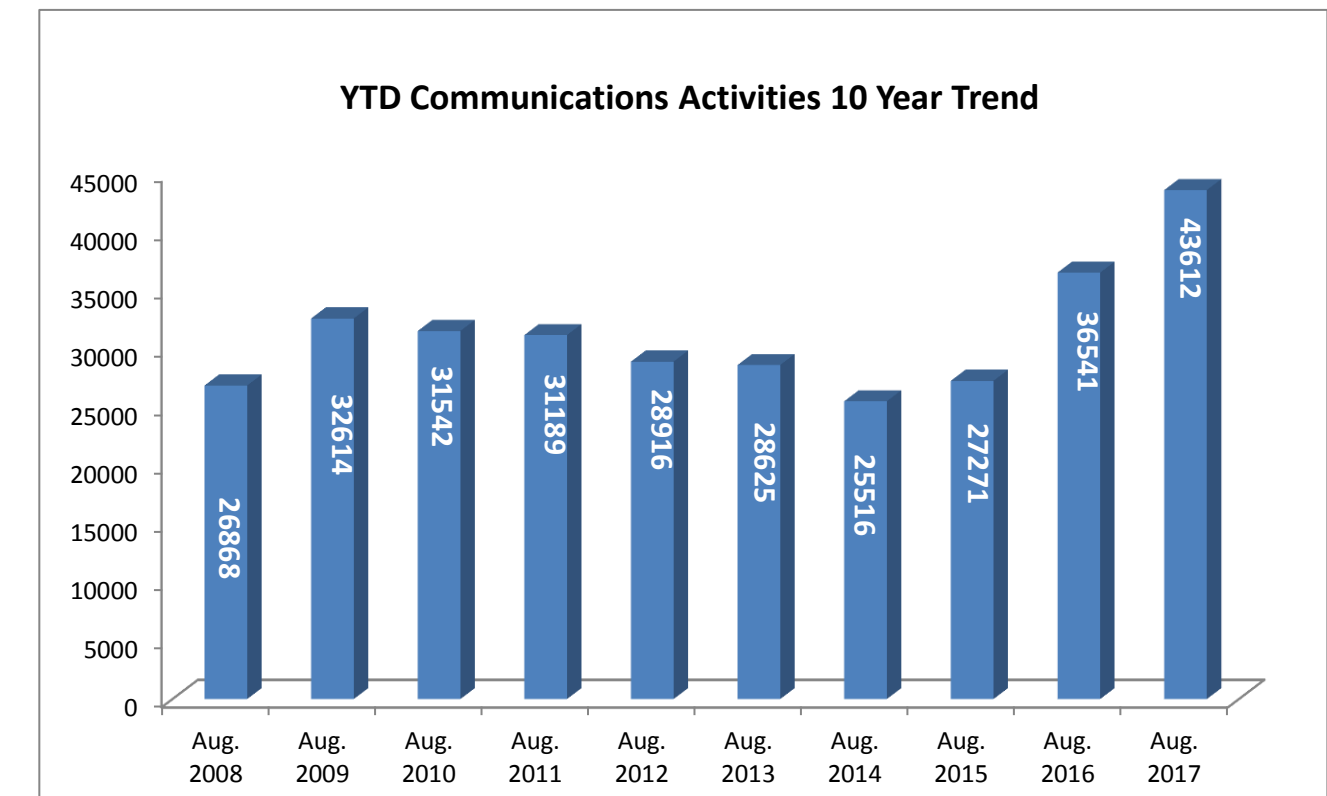
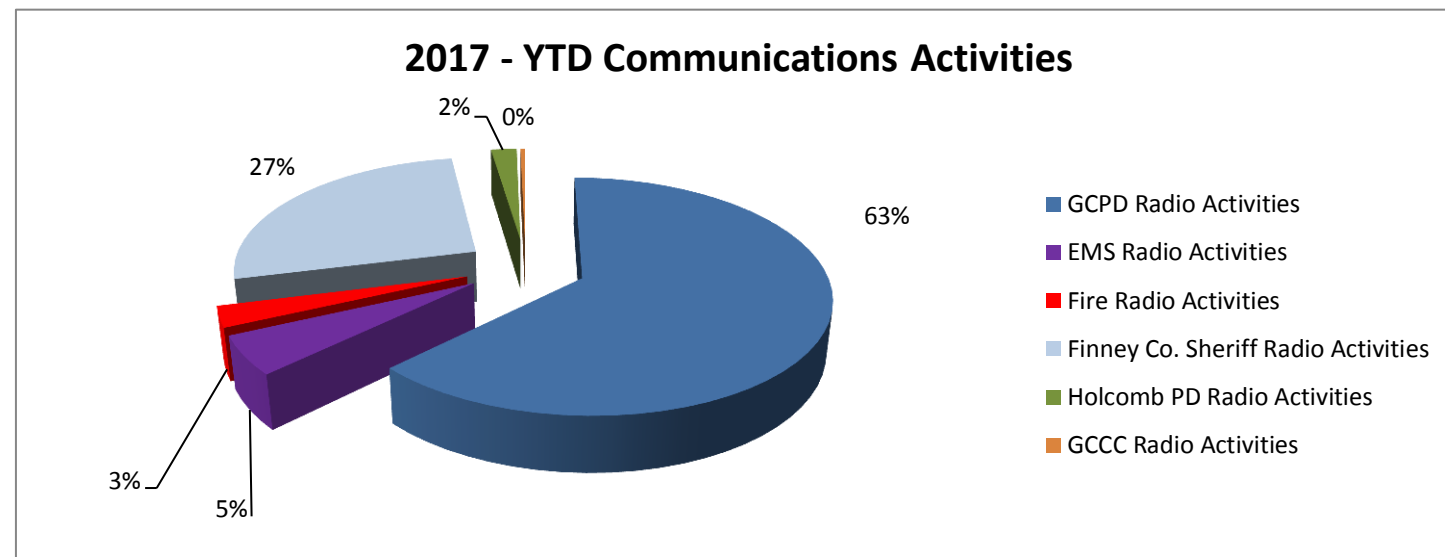
Traffic Enforcement

	17-Aug	YTD 2017	16-Aug	YTD 2016	% Change YTD
Speeding Citations	312	762	40	344	122%
Other Traffic Citations	360	2648	278	2017	31%
Parking Citations	25	81	12	73	11%
Warning Notices	651	4241	356	3390	25%
DUI Citations	22	127	5	59	115%
Totals:	1370	7859	691	5883	34%



Communications Center Activities

	17-Aug	YTD 2017	16-Aug	YTD 2016	% Change YTD
GCPD Radio Activities	4036	27405	3111	23035	19%
EMS Radio Activities	297	2323	288	1075	116%
Fire Radio Activities	151	1267	155	1255	1%
Finney Co. Sheriff Radio Activities	1962	11584	1720	10126	14%
Holcomb PD Radio Activities	95	882	112	954	-8%
GCCC Radio Activities	23	151	27	96	57%
Totals:	6564	43612	5413	36541	19%
911 Calls	1340	11738	1556	11813	-1%
Administrative Phone Calls	7759	N/A	N/A	N/A	UNDF



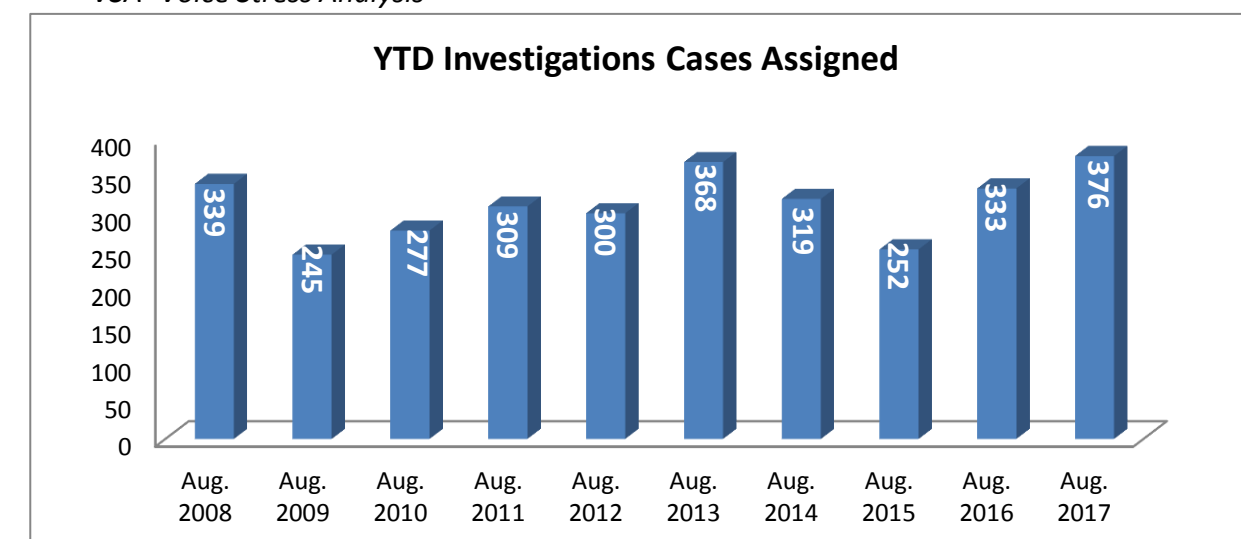
Investigations

	August-17		YTD 2017		%
	Assigned	Cleared	Assigned	Cleared	Cleared
Part 1 Crimes					
Murder & non-Negligent	0	0	4	2	50%
Robbery	0	0	2	2	100%
Assault/Battery/Agg Aslt, Agg	2	2	25	27	108%
Burglary	1	3	14	21	150%
Auto Burglary	0	0	0	7	UNDF
Theft	1	1	44	52	118%
Arson	0	0	1	0	UNDF
Total:	4	6	90	111	123%
Part 2 Crimes					
Forgery/Counterfeiting	1	0	14	16	114%
Fraud	0	0	0	1	UNDF
Vandalism	0	0	2	1	50%
Weapons Violation	1	0	5	3	60%
Sex Offense	1	4	55	62	113%
Drug Violation	11	8	95	68	72%
Gambling	0	0	0	0	UNDF
Other Reportable Offenses	8	12	112	107	96%
Runaway	0	0	11	9	82%
Total:	22	24	294	267	91%
Grand Totals	26	30	384	378	98%

Misc. Investigations Activities				
	17-Aug	YTD 2017	16-Aug	YTD 2016
Current Active Cases	212	N/A	N/A	N/A
Supplemental Reports	148	902	88	1025
Search Warrants	11	84	15	75
Forfeitures Filed	1	1	2	5
*HVV Cases Assigned	9	72	8	N/A
K9 Deployments	14	100	23	134
**ICAC Cases	0	18	N/A	N/A
Computer Forensic Hours	151	863.5	290	798
***VSA /Criminal Polygraph	0	22	1	24

*HVV -Household Violence Unit **ICAC -Internet Crimes Against Children

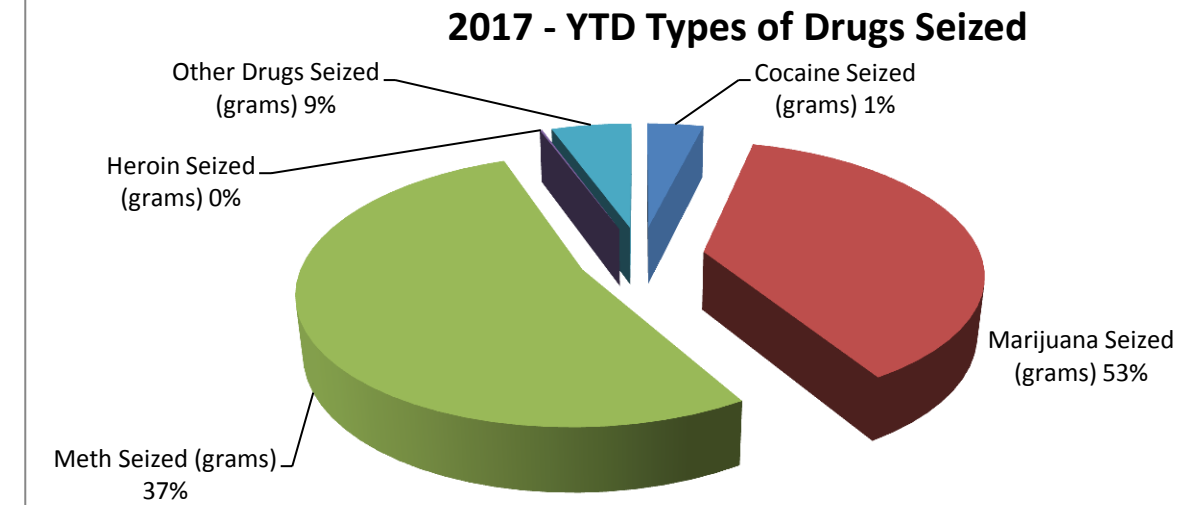
***VSA- Voice Stress Analysis



Evidence Section

GCPD Property and Evidence Seized

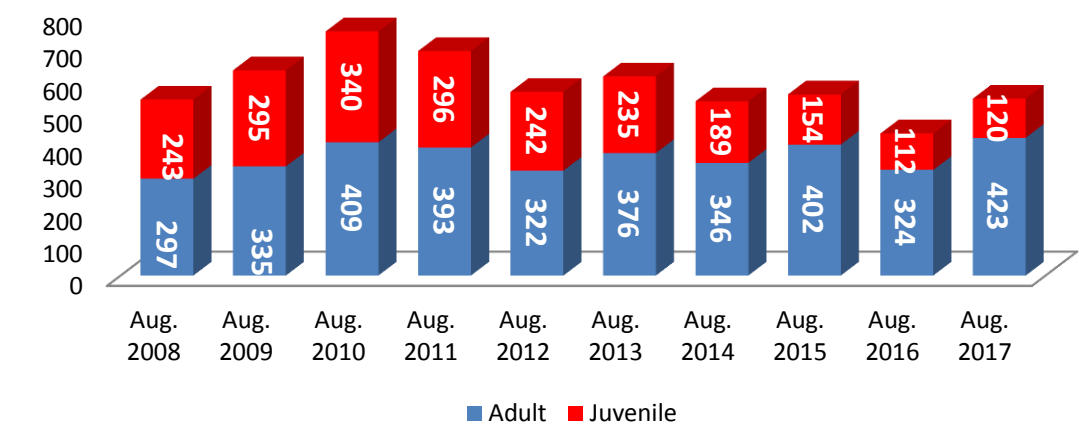
	17-Aug	YTD 2017	16-Aug	YTD 2016	% Change YTD
Evidence Collected	218	1618	379	2238	-28%
Guns Seized	2	29	7	22	32%
Cocaine Seized (grams)	0.7	83.5	1.31	17.62	374%
Marijuana Seized (grams)	67.1	808.311	70.46	2297.895	-65%
Methamphetamine Seized (grams)	162.43	1143.542	120.04	362.21	216%
Heroin Seized (grams)	0	3.43	0	0.2	1615%
Other Drugs Seized (grams)	51.5	119.15	1.18	4.28	2684%
Prescription Drugs Seized (pills)	3	377	38	633	-40%
RX Drugs Drop Box (lbs.)	21.5	97.5	44.5	130	-25%



Affidavits

	17-Aug	YTD 2017	16-Aug	YTD 2016	% Change YTD
Adult Affidavits	59	433	29	324	34%
Juvenile Affidavits	23	120	17	112	7%
Total:	82	553	46	436	27%

YTD Adult and Juvenile Affidavits 10 Year Trend

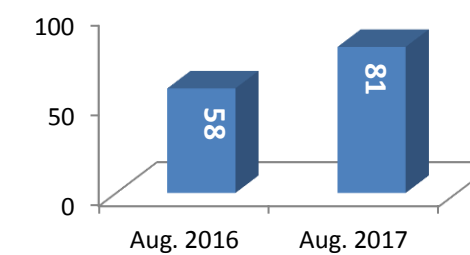


Events

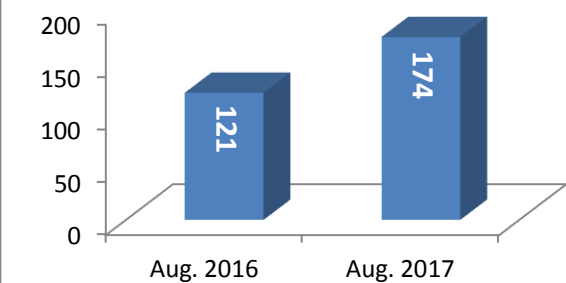
	# of Events	August 2017 Minutes Spent	# of People Attended	# of Officers Assigned	YTD Minutes Spent	YTD # Of People Attended	YTD # Of Officers Assigned
Community Program	9	600	303	46	1830	3693	91
Presentations	4	270	352	4	3485	2237	56
Events	0	0	0	0	90	90	6
Parades	0	0	0	0	0	0	0
Traffic Control	0	0	0	0	645	455	11
Other	1	60	10	2	565	322	12
Total:	14	930	665	52	6615	6797	176

*This does not include SRO presentations

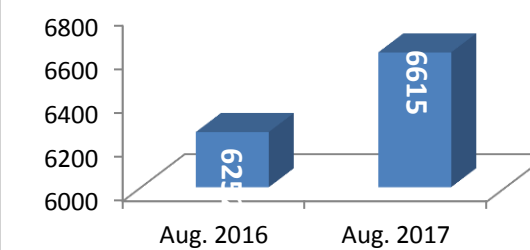
YTD # Of Events Trend



YTD # Officers Utilized

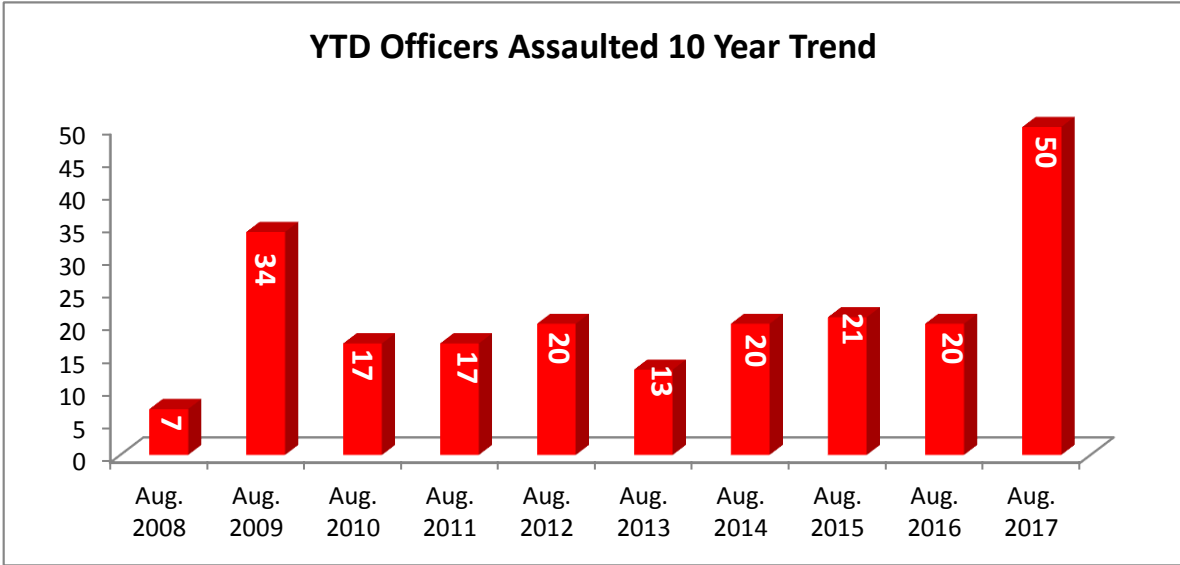


YTD # Minutes Spent



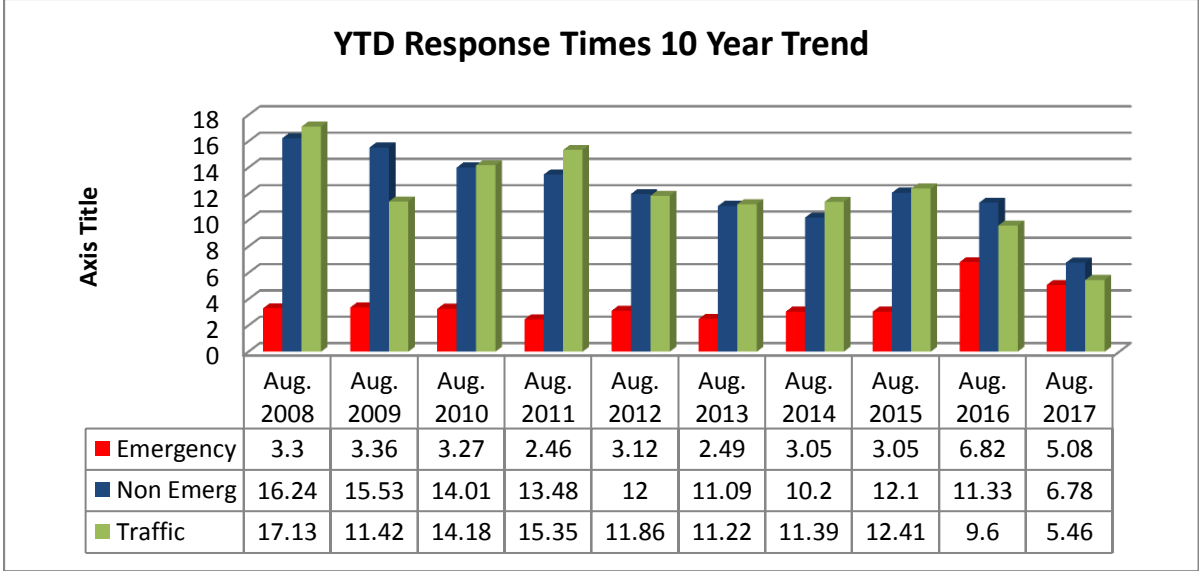
Officers Assaulted

	17-Aug	YTD 2017	16-Aug	YTD 2016	% Change YTD
Firearm	1	5	0	2	150%
Cutting Instrument	0	6	0	0	UNDF
Other Dangerous Weapon	0	9	0	0	UNDF
Hands, Fist, Feet, Etc.	8	30	4	18	67%
Police Service Dog	0	0	0	0	UNDF
Total Assaults:	9	50	4	20	150%



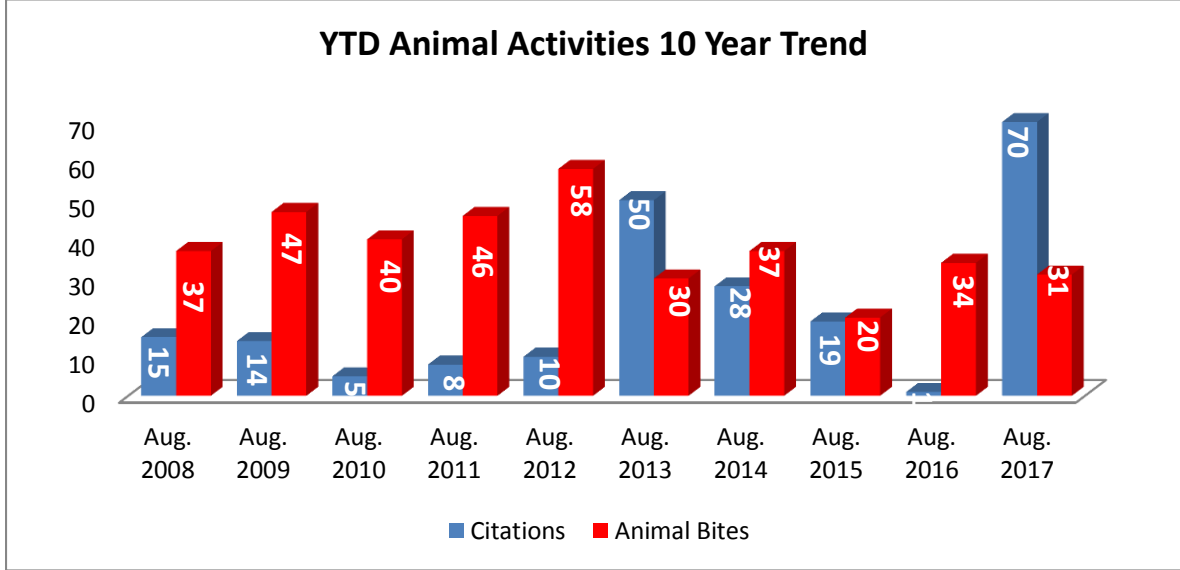
Response Time Summary Overview

	Aug-17	16-Aug
Average Emergency	5.08	6.82
Average Non-Emergency	6.78	11.33
Average Traffic Accident	5.46	9.6



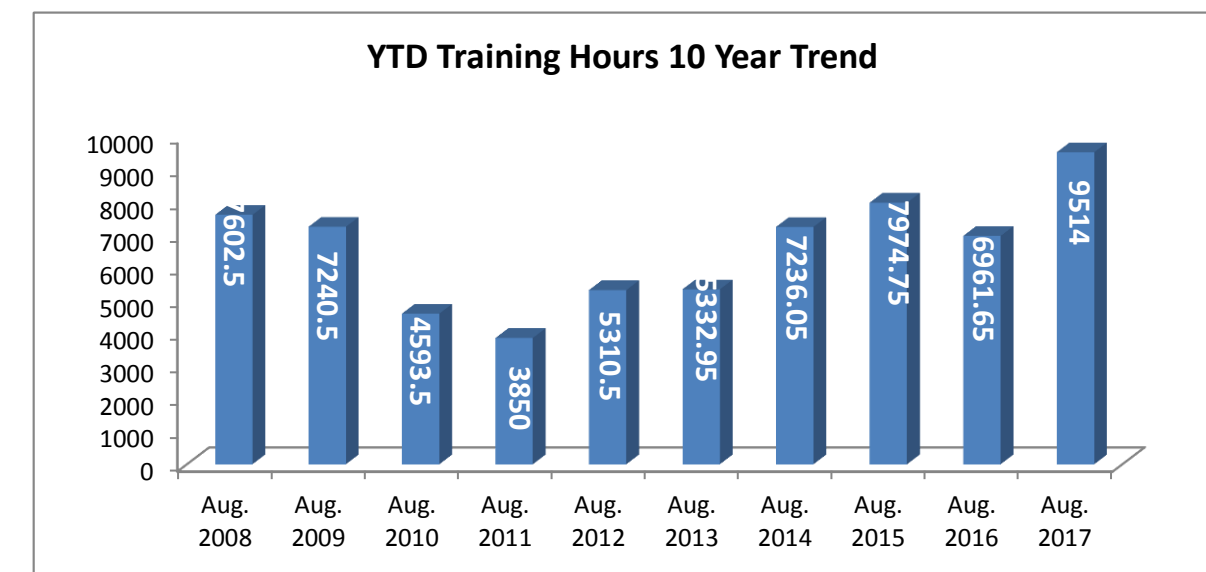
Animal Incidents

	17-Aug	YTD 2017	16-Aug	YTD 2016	% Change YTD
Citations Issued	4	70	0	1	6900%
Animal Bites	1	31	6	34	-9%



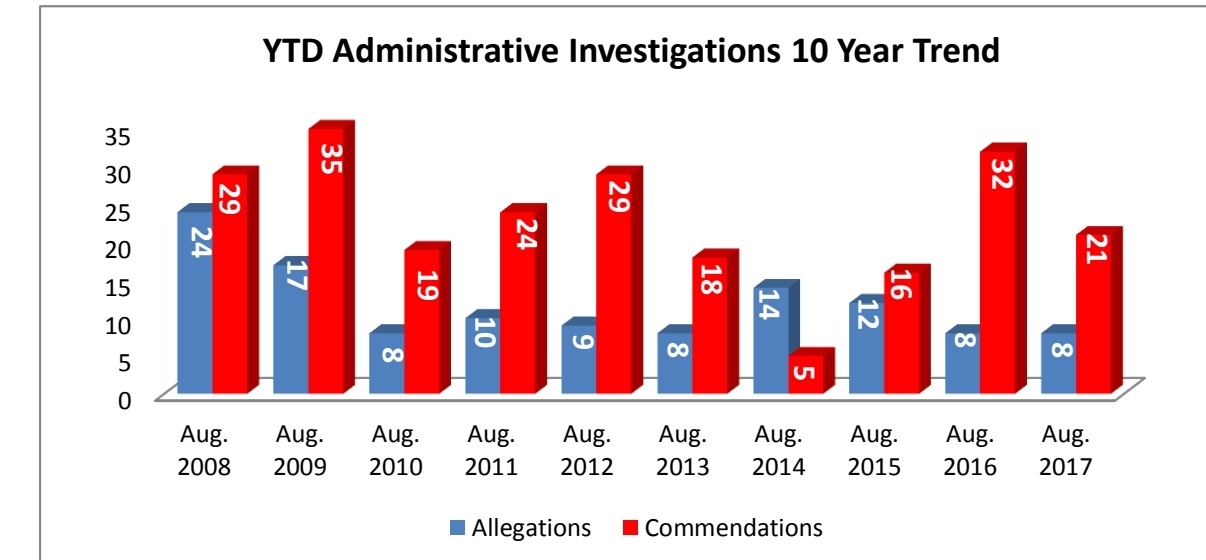
Training Hours Received Overview

	17-Aug	YTD 2017	16-Aug	YTD 2016	% Change YTD
Administrative	101.50	166.50	57.00	260.75	-36%
Patrol/CRD Division	450.00	3804.00	296.00	2892.25	32%
Support Services Division	177.00	550.25	6.00	212.15	159%
Investigations Division	60.00	475.00	80.00	551.00	-14%
Instructor Hours	64.00	569.50	32.00	237.50	140%
SUB-TOTAL TRAINING HRS	852.50	5565.25	471.00	4153.65	34%
Academy Training Hours	920.00	3113.50	184.00	2808.00	11%
SWAT Training Hours	82.50	835.25	0.00	20.00	4076%
TOTAL TRAINING HOURS	1855.00	9514.00	655.00	6981.65	36%



Administrative Overview

	17-Aug	YTD 2017	16-Aug	YTD 2016	% Change YTD
Allegations Received	0	8	0	8	UNDF
Unfounded	0	0	0	0	UNDF
Unsubstantiated	0	0	0	0	UNDF
Sustained	0	3	0	5	-40%
Exonerated	2	2	0	4	-50%
Violation Not Based On Complaint	0	0	0	2	-100%
Investigations In Progress	0	5	0	9	-44%
Administrative Closure	0	3	0	1	200%
Commendations	4	21	2	32	-34%
Backgrounds Completed	1	33	N/A	N/A	UNDF
Backgrounds Active	1	30	N/A	N/A	UNDF
Tested Applicants	0	42	N/A	N/A	UNDF
New Hires	0	9	N/A	N/A	UNDF





MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Andy Liebelt, Superintendent of Public Grounds
DATE: October 3, 2017
RE: Park & Tree Board Meeting Time Amendment - Ordinance 94-35

ISSUE:

The Governing Body is asked to consider and approve an ordinance amending Park and Tree board meetings.

1. Ordinance No. _____-2017, an ordinance setting forth the operation of the City Park and Tree Board for the City of Garden City, Kansas; amending current code section 94-35; repealing current code section 94-35; all to the code of ordinances of the City of Garden City, Kansas.

BACKGROUND:

The current ordinance requires: the Park and Tree Board shall meet on the second Monday in January to elect officers. The Park and Tree Board is also required to meet monthly.

The Park and Tree Board meets the third Tuesday of every month and elects officers during the January meeting every year. The Park and Tree Board recommends amending the ordinance to allow the board to meet monthly on an as needed basis and at special called meetings.

The amended ordinance would allow monthly meetings to be canceled if no quorum can be reached for that month or if no business needs to be discussed.

ALTERNATIVES:

1. Approve recommended amendment to Code Section No. 94-35.
2. Deny recommended amendment to Code Section No. 94-35.
3. Governing Body provide direction to staff.

RECOMMENDATION:

Staff recommends Alternative 1: Approve recommended amendment to Code Section No. 94-35.

FISCAL NOTE:

None.

ATTACHMENTS:

Description	Upload Date	Type
Amendment to Code Section 94-35	9/26/2017	Backup Material
Current Code Section 94-35	9/26/2017	Backup Material

ORDINANCE NO. ____-2017

AN ORDINANCE SETTING FORTH THE OPERATION OF THE CITY PARK AND TREE BOARD FOR THE CITY OF GARDEN CITY, KANSAS; AMENDING CURRENT CODE SECTION 94-35; REPEALING CURRENT CODE SECTION 94-35; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Garden City, Kansas:

SECTION 1. Section 94-35 of the Code of Ordinances of the City of Garden City, Kansas (City), is hereby amended to read as follows:

Section 94-35. Operation.

The City Park and Tree Board shall meet annually at its regularly scheduled January meeting each year and shall choose a chairman, vice-chairman and secretary. It shall make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. The board shall meet once each month, and at such special called meetings as may be necessary, unless determined otherwise by the Parks Superintendent and the Park and Tree Board.

SECTION 2. Section 94-35 of the Code of Ordinances of the City of Garden City, Kansas, is hereby repealed, to be replaced as specified in this ordinance.

SECTION 3. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. This ordinance shall be in full force and effect from and after its publication, in the Garden City Telegram, the official city newspaper.

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, the 3rd day of October, 2017.

Melvin L. Dale, Mayor

ATTEST:

Celyn N. Hurtado, City Clerk

APPROVED AS TO FORM:

Randall D. Grisell, City Attorney

Sec. 94-35. - Operation.

The city tree board shall meet annually on the second Monday in January of each year and shall choose a chairman, vice-chairman and secretary. It shall make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business and the board shall meet once each month and at such special called meetings as may be necessary.

(Code 1968, § 25-155)



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Andy Liebelt, Superintendent of Public Grounds
DATE: October 3, 2017
RE: Amending Arborist License & Insurance Requirements - Ordinance 94-2(b) and (d)

ISSUE:

The Governing Body is asked to consider and approve an ordinance amending arborist licensing.

1. Ordinance No. _____-2017, an ordinance requiring applicants of an arborist license to meet certain criteria before obtaining an arborist license in the City of Garden City, Kansas; amending current code section 94-2; repealing current code section 94-2; all to the Code of Ordinances of the City of Garden City, Kansas.

BACKGROUND:

Concerning Section No. 94-2(b)

In order to become a licensed arborist in the City of Garden City, all applicants are required by ordinance to pass a written arborist examination. The Park and Tree Board would like to amend ordinance Section No. 94-2(b) to offer more options for potential arborists to become licensed in the City.

The ordinance currently requires all applicants to pass a written examination as the only test for knowledge in the forestry industry. The Park and Tree Board recommends in order to become a licensed arborist in the City, arborist license applicants must meet one of the following criteria:

1. Pass the city arborist examination in either written or verbal form.
2. Pass the Arborist Training Program administered by the Kansas Arborist Association.
3. Reciprocate arborist licenses from other communities based on the Park Superintendent's discretion.

Concerning Section No. 94-2(d)

Currently, if an arborist fails to renew their license with the City within one calendar year of issuance, they are required to pass the arborist exam again in order to reapply for licensing. Staff and the Park and Tree Board recommend extending this requirement from one calendar year from license issuance to two calendar years. This change would not negate the requirement for arborists to renew their license annually to conduct business within the city limits. The request would only change that the arborist meet the criteria laid out in Section No. 94-2(b) after their license has not been renewed within two calendar years of issuance.

These changes are being requested to encourage potential arborists to obtain a license within the City of Garden City and allow for more than one avenue to prove aptitude in the tree trimming industry.

ALTERNATIVES:

1. Approve recommended amendments to Code Section No. 94-2(b) and (d).
2. Approve recommended amendment to Code Section No. 94-2(b).
3. Approve recommended amendment to Code Section No. 94-2(d)
4. Deny all recommended amendments to Code Section No. 94-2.
5. Governing Body provide direction to staff.

RECOMMENDATION:

Staff recommends Alternative 1: Approve recommended amendment to Code Section No.94-2 (b) and (d).

FISCAL NOTE:

None.

ATTACHMENTS:

Description	Upload Date	Type
Amendment to Code Section 94-2	9/26/2017	Backup Material
Current Code Section 94-2	9/26/2017	Backup Material

ORDINANCE NO. ____-2017

AN ORDINANCE REQUIRING APPLICANTS OF AN ARBORIST LICENSE TO MEET CERTAIN CRITERIA BEFORE OBTAINING AN ARBORIST LICENSE IN THE CITY OF GARDEN CITY, KANSAS; AMENDING CURRENT CODE SECTION 94-2; REPEALING CURRENT CODE SECTION 94-2; ALL TO THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Garden City, Kansas:

SECTION 1. Section 94-2 of the Code of Ordinances of the City of Garden City, Kansas (City), is hereby amended to read as follows:

Section 94-2. Arborist license and liability insurance; required.

As used in this article, arborist shall mean an individual who is trained in the field of arboriculture involving the caring for and maintaining of trees:

- (a) It shall be unlawful for any person to engage in the business of arboriculture within the City without first applying for and procuring an arborist license. The pruning and general maintenance of trees by persons not regularly engaged in the business of an arborist, shall not be required to obtain an arborist license, as long as the cutting height of the pruning does not exceed eight feet (8') from ground level. The annual license fee shall be as established in section 42-517.
- (b) Before any license shall be issued, each applicant shall meet one (1) of the following criteria:
 - 1) Pass the City's arborist examination, administered by the Parks Superintendent, or other employee designated by the City Manager. The examination may be taken in written or verbal form;
 - 2) Pass the Arborist Training Program administered by the Kansas Arborist Association; or
 - 3) The reciprocation of an arborist license from another jurisdiction, state, municipality or licensing entity may be granted, at the discretion of the Parks Superintendent.
- (c) Each applicant for a license under this section shall annually file evidence of public liability insurance coverage in an amount not less than \$500,000.00 per occurrence.
- (d) Whenever an arborist license has not been renewed for a period exceeding two (2) calendar years from issuance, a renewing arborist must meet one (1) of the criteria in Section 94-2(b).
- (e) No license shall be required of any public utility company or city employee doing work in the pursuit of their employment; provided, however, that such employees shall be required to successfully complete one (1) of the criteria prescribed in Section 94-2(b).

- (f) If a licensed arborist violates the provisions of this chapter, displays an inability to perform that work for which the arborist is licensed in a manner commensurate with the recognized standards of a trained arborist, or conducts business in a manner adverse to the interests of residents of the city, the city tree board shall meet and make recommendation to the governing body in regard to revocation or suspension of the individual's arborist license. Final action on a license revocation or suspension shall be vested in the governing body.

SECTION 2. Section 94-2 of the Code of Ordinances of the City of Garden City, Kansas, is hereby repealed, to be replaced as specified in this ordinance.

SECTION 3. If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

SECTION 4. This ordinance shall be in full force and effect from and after its publication, in the Garden City Telegram, the official city newspaper.

APPROVED AND PASSED by the Governing Body of the City of Garden City, Kansas, the 3rd day of October, 2017.

Melvin L. Dale, Mayor

ATTEST:

Celyn N. Hurtado, City Clerk

APPROVED AS TO FORM:

Randall D. Grisell, City Attorney

Sec. 94-2. - Arborist license and liability insurance; required.

As used in this article, arborist shall mean an individual who is trained in the field of arboriculture involving the caring for and maintaining of trees:

- (a) It shall be unlawful for any person to engage in the business of arboriculture within the city without first applying for and procuring an arborist license. The pruning and general maintenance of trees by persons not regularly engaged in the business of an arborist, shall not be required to obtain an arborist license, as long as the cutting height of the pruning does not exceed eight feet from ground level. The annual license fee shall be as established in section 42-517.
- (b) Before any license shall be issued, each applicant shall successfully complete a written examination, administered by the park department superintendent or employee designated by the city manager.
- (c) Each applicant for a license under this section shall annually file evidence of public liability insurance coverage in an amount not less than \$500,000.00 per occurrence.
- (d) Whenever an arborist license has not been renewed for a period exceeding one calendar year from issuance, another written examination shall be required.
- (e) No license shall be required of any public utility company or city employee doing work in the pursuit of their employment; provided, however, that such employees shall be required to successfully complete a written examination.
- (f) If a licensed arborist violates the provisions of this chapter, displays an inability to perform that work for which the arborist is licensed in a manner commensurate with the recognized standards of a trained arborist, or conducts business in a manner adverse to the interests of residents of the city, the city tree board shall meet and make recommendation to the governing body in regard to revocation or suspension of the individual's arborist license. Final action on a license revocation or suspension shall be vested in the governing body.

(Ord. 2293 § 1, 2-8-05; Ord. No. 2525-2011, § I, 8-2-11; Ord. No. 2739-2016, § 1, 9-20-16)

Cross reference— Businesses, ch. 22.



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Steve Cottrell, Assistant to the City Manager
DATE: October 3, 2017
RE: Resolution of Support for a TIGER IX grant

ISSUE:

The Governing Body is asked to consider and approve a Resolution of Support for a TIGER IX grant application being submitted by Colfax County, New Mexico on behalf of the Southwest Chief Rural Rail Partnership and is asked to consider a pledge of financial support in the amount of \$12,500.

1. Resolution No____-2017, a Resolution encouraging efforts to maintain the Southwest Chief passenger service through the states of Kansas, Colorado and New Mexico and pledging financial participation in the Colfax County New Mexico TIGER IX grant application.

BACKGROUND:

The USDOT is again soliciting applications for Transportation Investment Generating Economic Recovery (TIGER), similar to the TIGER VI and TIGER VII applications successfully submitted by Garden City and La Junta, this application seeks to improve remaining segments of rail in Kansas, Colorado and New Mexico which supports the Southwest Chief passenger rail service.

The pledge of funds, combined with funds from the state Departments of Transportation, BNSF and Amtrak will provide the local match to a grant request which, if awarded, would address much of the remaining portions of rail in Kansas, Colorado and New Mexico which were identified by Amtrak and BNSF as needing repaired in order to preserve service along the route.

ALTERNATIVES:

1. Approve the Resolution and pledge the funding.
2. Approve the Resolution and do not pledge the funding.
3. Do not approve the Resolution or the funding.

RECOMMENDATION:

Staff recommends Approving the Resolution in Support of the Colfax County New Mexico's TIGER IX application on behalf of the Southwest Chief Rural Rail Partnership and pledges financial support in the amount of \$12,500.

FISCAL NOTE:

It the grant is awarded, the \$12,500 will be incorporated into the preparation of the 2018 budget.

ATTACHMENTS:

Description

Upload Date Type

RESOLUTION NO. _____-2017

**A RESOLUTION ENCOURAGING EFFORTS TO MAINTAIN THE
SOUTHWEST CHIEF PASSENGER SERVICE THROUGH THE STATES
OF KANSAS, COLORADO AND NEW MEXICO AND PLEDGING
FINANCIAL PARTICIPATION IN THE COLFAX COUNTY NEW MEXICO
TIGER IX GRANT APPLICATION MATCH**

WHEREAS, Amtrak's Southwest Chief serves Kansas on its route between Chicago and Los Angeles on the host railroad lines of BNSF Railway and the New Mexico Department of Transportation; and

WHEREAS, eastbound and westbound trains stop at Garden City daily and served more than 49,384 Kansas passengers in 2016; and

WHEREAS, Amtrak provides a transportation link to the residents of southwest Kansas that is of growing importance and will likely become critical as rising energy prices curtail the attractiveness of driving and flying; and

WHEREAS, railway freight traffic has declined, thereby reducing monies customarily set aside for rail maintenance and consequently forcing travel at lower speeds; and

WHEREAS, it has been estimated that the rail traversed by the Southwest Chief is in immediate need of more than \$50 million in rail repairs in Kansas, Colorado and New Mexico, in order to resume normal speeds; and

WHEREAS, it has been further projected that rail repairs over the course of the entire rail will total \$200 million over the next ten years; and

WHEREAS, Amtrak is unable to make said repairs given current fiscal conditions; and

WHEREAS, the Southwest Chief Rural Rail Partnership, of which Garden City is a member, has joined many other communities in Kansas, Colorado and New Mexico to support both financially and legislatively the upgrade of the line between Kansas, Colorado and New Mexico; and

WHEREAS, in 2014 the City of Garden City and in 2015 the City of La Junta Colorado, both on behalf of the Southwest Chief Rural Rail Partnership, successfully applied and received a \$12.4 million TIGER VI discretionary grant and \$15.2 million TIGER VII discretionary grants respectively for repairs along the Southwest Chief route; and

WHEREAS, Colfax County, New Mexico intends to apply for TIGER IX funding to continue needed repairs through the Kansas and Colorado sections of this line.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Garden City, Kansas that the City of Garden City offers our support of the Colfax

County, New Mexico, TIGER IX application and agrees to pledge \$12,500.00 toward the grant match to be paid in 2018 should the grant be awarded.

ADOPTED by the Governing Body of the City of Garden City, Kansas this 3rd day of October, 2017.

Melvin J. Dale, Mayor

ATTEST:

Celyn N. Hurtado, City Clerk



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Kaleb Kentner, Neighborhood and Development Services Director
DATE: October 3, 2017
RE: Motor vehicle nuisance at 618 Thirteenth Street and 411 First Street

ISSUE:

The Governing Body is asked to consider and approve a vehicle nuisance resolution.

1. Resolution No. _____-2017, a resolution authorizing the removal of motor vehicle nuisances from certain properties in the City of Garden City, Kansas, pursuant to Section 38-63 of the Code of Ordinances of the City of Garden City, Kansas. (618 Thirteenth Street - white passenger car; 411 First Street - tan RV)

BACKGROUND:

The Governing Body of the City of Garden City has declared it unlawful for any person to maintain a motor vehicle nuisance on private property within the City of Garden City.

The residents and/or owners of 618 Thirteenth Street and 411 First Street have been notified pursuant to Section 38-63 of the Code of Ordinances and have neither abated the nuisance conditions nor requested a hearing before the Governing Body.

ALTERNATIVES:

1. The Commission may elect to pass the attached resolution.
2. The Commission may elect to not pass the attached resolution.

RECOMMENDATION:

Staff recommends approval of the resolution.

FISCAL NOTE:

The abatement costs incurred by the City shall be charged against the lots or parcels of ground on which the motor vehicle nuisance is located.

ATTACHMENTS:

Description	Upload Date	Type
Motor Vehicle Nuisance Resolution (618 13th and 411 1st)	9/27/2017	Backup Material

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE REMOVAL OF MOTOR VEHICLE NUISANCES FROM CERTAIN PROPERTIES IN THE CITY OF GARDEN CITY, KANSAS, PURSUANT TO SECTION 38-63 OF THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY, KANSAS.

WHEREAS, the Governing Body of the City of Garden City has declared it unlawful for any person to maintain a motor vehicle nuisance on private property within the City of Garden City, and

WHEREAS, the residents and/or owners of the private property at the addresses listed herein have been notified pursuant to Section 38-63 of the Code of Ordinances and have neither abated the nuisance conditions nor requested a hearing before the Governing Body.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Garden City, Kansas:

SECTION 1. Ten (10) days after passage of this Resolution the Public Officer is hereby authorized to abate the following motor vehicle nuisance conditions:

*618 Thirteenth St- Inoperable and/or unregistered vehicles- White passenger car
411 First St- Inoperable and/or unregistered vehicles- Tan RV*

SECTION 2. The abatement costs incurred by the City shall be charged against the lots or parcels of ground on which the motor vehicle nuisance is located.

PASSED AND APPROVED by the Governing Body of the City of Garden City, Kansas, on this 3rd day of October, 2017.

Melvin L. Dale, MAYOR

ATTEST:

Celyn N. Hurtado, CITY CLERK

618 Thirteenth St



411 First St





MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Staff
DATE: October 3, 2017
RE: Disposal of the Russell Child Development Center facility

ISSUE:

The Governing Body is asked to consider how it wishes to dispose of the Russell Child Development Center property, owned by the City, at 714 Ballinger Street.

BACKGROUND:

Clifford R. Hope Jr. and Dolores S. Hope gifted the property at 714 Ballinger Street to the City in 1979 for the use and benefit of Russell Child Development Center, Inc (RCDC).

RCDC is pursuing the construction of a new facility to meet modern needs and demands. They are interested in leaving their current location upon construction and opening of their new facility. The Governing Body is being asked to consider either selling the property and contributing the proceeds of the sale to RCDC, or to allow RCDC to sell the property and keep the proceeds, consenting to have the Mayor sign the deed at the closing.

The City Attorney has reviewed the deed and agrees that either of the above alternatives meets what appears to be the will of the Mr. and Mrs. Hope at the time of the gift.

The property is zoned Residential and is surrounded by Residential. There are limited "office-type" uses that are suitable for this zoning.

ALTERNATIVES:

1. Authorize the City to market and sell the property at 714 Ballinger Street and give the net proceeds to RCDC.
2. Authorize RCDC to market and sell the property on behalf of the City, with the proceeds going to RCDC, and consenting to the Mayor signing the deed at closing.
3. Any other option deemed appropriate by the City Commission.

RECOMMENDATION:

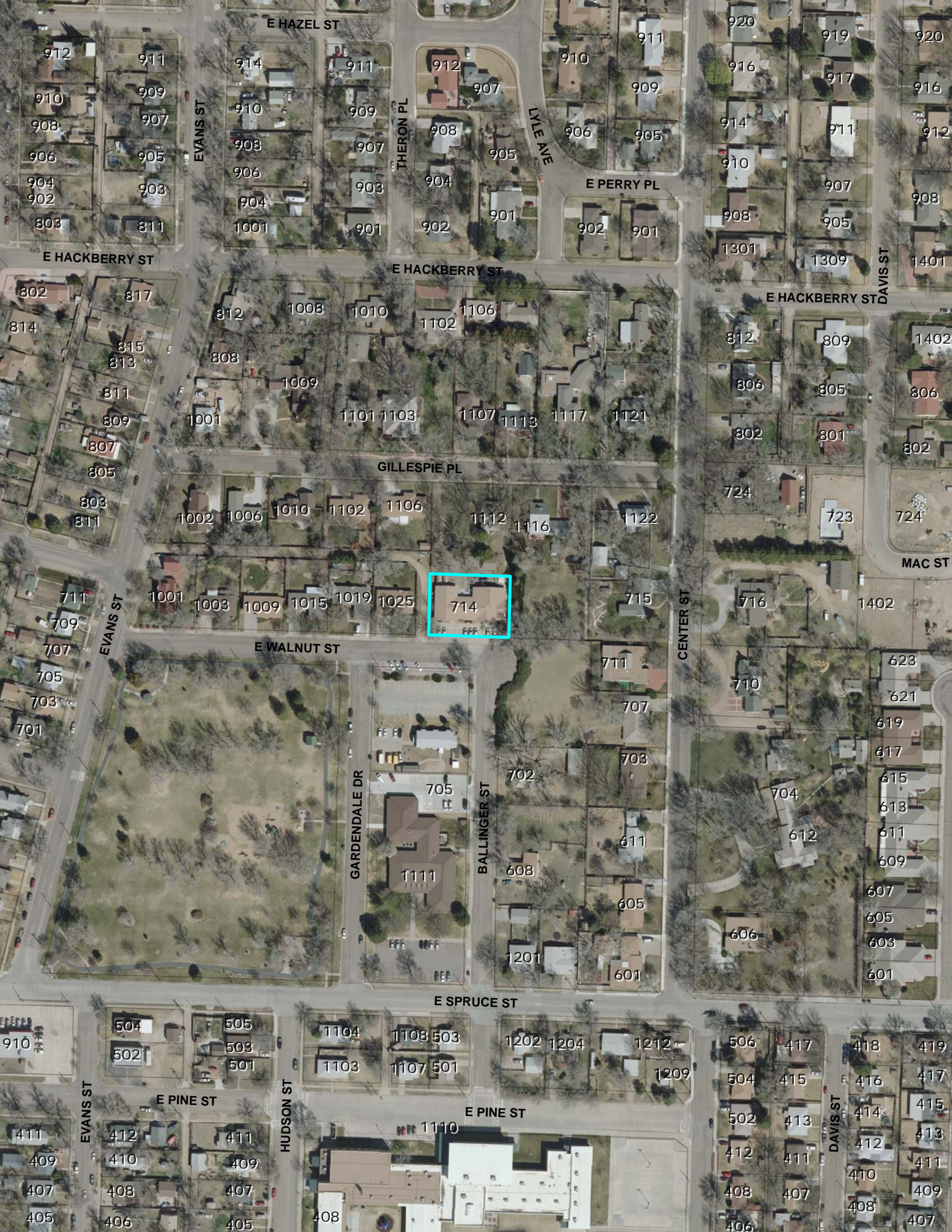
Staff recommends either option 1 or 2.

FISCAL NOTE:

Finney County appraises the building and land at \$385,630.

ATTACHMENTS:

Description	Upload Date	Type
714 Ballinger	9/28/2017	Backup Material



E HAZEL ST

912
910
908
906
904
902
803

EVANS ST

911
909
907
905
903
1001

TERON PL

911
909
907
905
904
902

910
906
905
902

911
909
905
901

916
914
910
908
1301

E HACKBERRY ST

E HACKBERRY ST

E HACKBERRY ST

802
814
817
815
813
811
809
807
805
803
811

312
808
1001

1008
1010
1101
1103

1106
1102
1107
1113
1117
1121

812
809
806
805
802
801

1401
1402
806
802

DAVIS ST

EVANS ST

711
709
707
705
703
701

1001
1003
1009
1015
1019
1025

714

715
711
707

CENTER ST

716
710

1402
623
621
619
617
615
613
611
609
607
605
603
601

E WALNUT ST

GARDENDALE DR

BALLINGER ST

705
1111

702
703
611
608
605
1201
601

704
612
606

E SPRUCE ST

E PINE ST

E PINE ST

910
411
409
407
405

504
502
412
410
408
406

HUDSON ST

1104
1103
1108
1107
503
501
1110
408

1202
1204
1212
1209

506
504
502
417
415
413
412
408
406

DAVIS ST

418
416
414
412
410
408
419
417
415
413
411
409
407

31 817

FROM

TO

Entered in Transfer Record in
my office, this 37 day of Nov
1979
County Clerk

STATE OF KANSAS, ss.
County, ss.
This instrument was filed for record on the
26 day of Nov
19 79, at 2:15 o'clock P. M., and
daily recorded in Book 31 of Deeds.
at page 817

Margaret Harmon
Register of Deeds.
By _____ Deputy.

FEES.

Register of Deeds, for recording, \$ 5.00
County Clerk, for transfer, \$ _____
Total, \$ _____

THIS DEED, Made this 1st day of November

19 79, between Clifford R. Hope, Jr. and
Dolores S. Hope, husband and wife,

of Finney County, in the State of Kansas,

of the first part, and City of Garden City, Kansas, for the
use and benefit of Russell Child
Development Center, Inc.

of Finney County, in the State of Kansas,

of the second part,

WITNESSETH, That parties of the first part, in consideration of

the sum of Gift and Dollars,
100

the receipt of which is hereby acknowledged, do by these presents

convey and warrant unto party of the second part, its successors

and assigns, all the following-described real estate situated in the County

of Finney and State of Kansas, to-wit:

A portion of Lot 4, Block C, A. H. Smith's Replat of Gillespie Acres,
more particularly described as:

Commencing at a point which is 27 feet south and 317.2 feet west of
the northeast corner of Lot 6, Smith's Addition to the City of
Garden City, Kansas, thence running southerly 191.67 feet to the
point of beginning; thence running westerly 143.6 feet; thence
running southerly 111.03 feet; thence running easterly 143.6 feet;
thence running northerly 111.03 feet to the point of beginning.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances
thereunto belonging or in anywise appertaining, forever.

And party of the first part, for themselves, their heirs, executors and administrators, do
hereby covenant, promise and agree to and with party of the second part that at the delivery of these presents
they lawfully seized in their own right, of an absolute and indefeasible estate of inheritance, in fee
simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free,
clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assess-
ments and incumbrances of what nature or kind soever except;

Grantors reserve an easement across the above described tract for the purpose of
emptying trash so that the same may be collected by the City trash collection
services.

and that they will warrant and forever defend the same unto party of second part, its successors
and assigns, against parties of the first part, their heirs, and all and every person or persons
whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, parties of the first part have hereunto subscribed their name, the day
and year first above written.

Clifford R. Hope, Jr.
Dolores S. Hope
Dolores S. Hope

STATE OF KANSAS, FINNEY COUNTY, ss.
BE IT REMEMBERED, That on this 16th day of November, 1979, before me, the
undersigned, a Notary Public in and for the County and State aforesaid, came
Clifford R. Hope, Jr. and Dolores S. Hope, husband and wife,

who are personally known to me to be the same persons who executed the foregoing
deed, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official
seal on the day and year last above written.

My commission expires January 7, 1981

Martha Breit
Notary Public.



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Andy Liebelt, Superintendent of Public Grounds
DATE: October 3, 2017
RE: 2017 Street Tree & Stump Removal Project

ISSUE:

The Governing Body is asked to consider and approve the low bid for the 2017 Street Tree & Stump Removal Project.

BACKGROUND:

Bids were opened on September 19, 2017, in the City Administration Center at 10:00 a.m. for the removal of 32 trees and 32 stumps in the City right-of-way. The low bid came from Pro-Cut Tree Service in the amount of \$11,250.00. Work will be completed by January 31, 2018.

The bid tabulation sheet has been attached for the Governing Body's review.

ALTERNATIVES:

1. Approve the low bid for the removal of 32 trees & 32 stumps from Pro-Cut Tree Service for \$11,250.00.
2. Reject the low bid from Pro-Cut Tree Service.
3. Direct staff to other alternatives.

RECOMMENDATION:

Staff recommends Alternative 1: Approve the low bid for the removal of 32 trees & 32 stumps from Pro-Cut Tree Service for \$11,250.00.

FISCAL NOTE:

Tree Trimming - #001-14-135-5445; Budgeted Amount \$7,209.38

Tree Loan Expenses - #001-14-135-6039; Budgeted Amount \$4,040.62

ATTACHMENTS:

Description	Upload Date	Type
Tree & Stump Removal Bid Tab	9/27/2017	Backup Material

CITY OF GARDEN CITY

STREET TREE AND STUMP REMOVAL 2017

BID TABULATION SHEET

Date & Time: Tuesday, 19 September 2017
 Services: Tree & Stump Removal
 Location: Situation Room

DEPT.

Parks

BIDDERS	REMOVAL OF TREES 32	REMOVAL OF STUMPS 32	TOTAL	COMMENCE ON OR ABOUT	COMPLETED ON OR ABOUT	EXCEPTIONS & COMMENTS
Pro-Cut Tree Service Garden City, KS	\$7,500.00	\$3,750.00	\$11,250.00	Sep 19, 2017	Jan 31, 2018	
Alfred's Superior Tree Service Wichita, KS			\$15,410.00	Oct 2017	Dec 2017	
DV Enterprises, LLC Liberal, KS	\$380.51 \$12,176.32	\$158.98 \$5,087.36	\$17,263.68	Nov 27, 2017	Dec 15, 2017	
Arensmen Tree Service Kinsley, KS	\$18,880.00	\$3,000.00	\$21,880.00	Sep 19, 2017	Oct 19, 2017	
Solida Tree Service, Inc. Phillipsburg, KS						



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Sam Curran, Public Works Director
DATE: October 3, 2017
RE: Crack Sealing Bid 2018

ISSUE:

The Governing Body is asked to consider and approve the crack sealing bid from B & H Paving, Inc.

BACKGROUND:

Bids were opened at 10:00 a.m. on September 19, 2017 at the City Administration Center for 183,000 pounds of crack filler placed by a contractor. Several bids were mailed; however, we received only two bids. This project will seal the cracks in the asphalt pavement for the 2018 Street Sealing Maintenance Project, Cycle 5.

Staff has attached the bid tabulation sheet and map for your review.

ALTERNATIVES:

1. Approve the crack sealing bid from B & H Paving, Inc. for \$165,798.00
2. Reject the low bid from B & H Paving, Inc.

RECOMMENDATION:

Staff recommends Alternative 1: Approve the crack sealing bid from B & H Paving, Inc. for \$165,798.00.

FISCAL NOTE:

Material-Street Repair - #032-21-211-5530.07; Budgeted Amount \$189,700.00.

ATTACHMENTS:

Description	Upload Date	Type
Crack Sealing 2018 Bid Tab	9/19/2017	Backup Material
Crack Sealing 2018 Map	9/20/2017	Backup Material

CITY OF GARDEN CITY
2018 CRACK SEALING PROJECT
CYCLE 5

Bid Tabulation Sheet

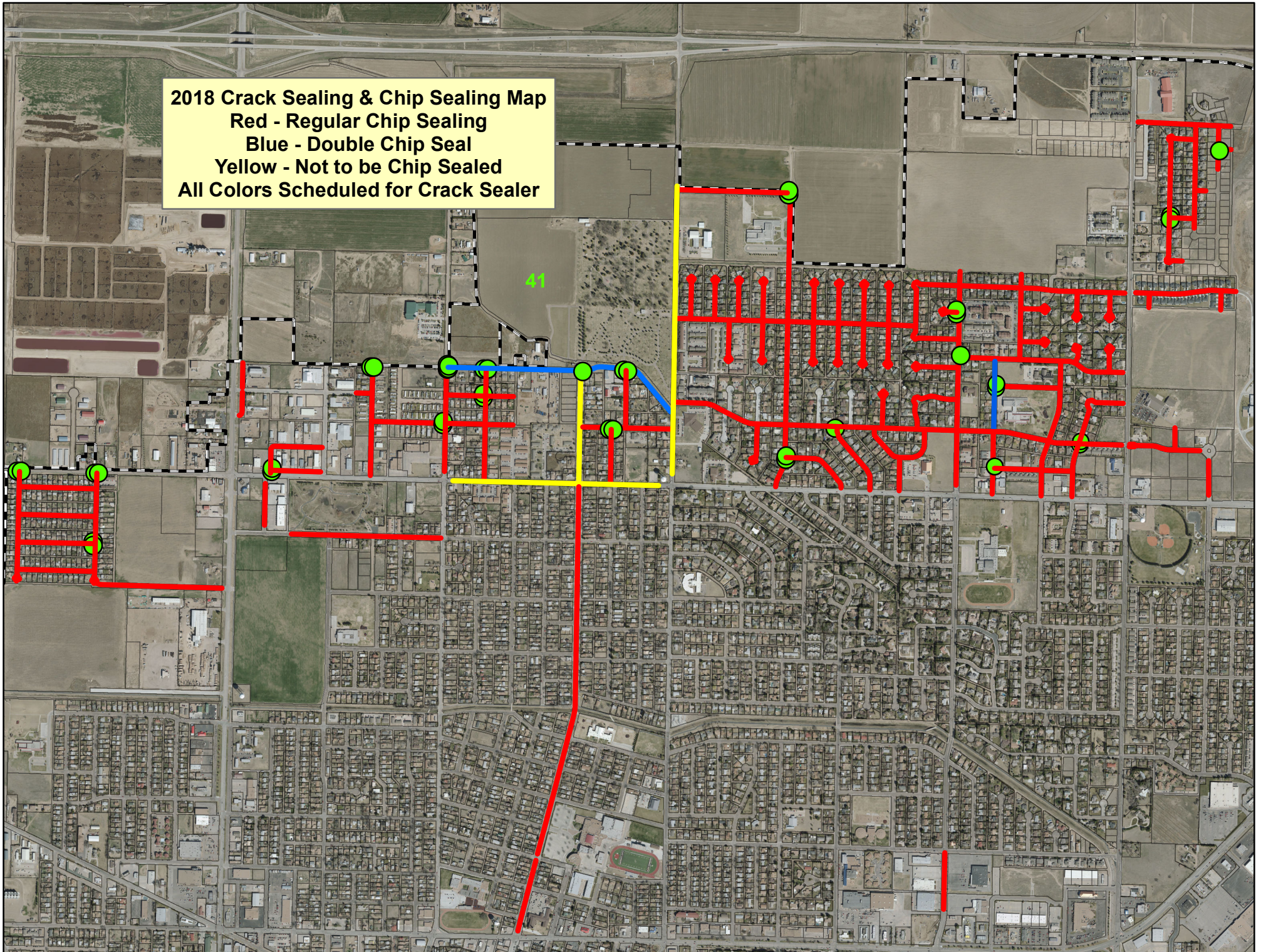
Date & Time: Tuesday, Sept 19, 2017 10:00 a.m.

DEPT.
Street

BUDGET
\$ 189,700.00

BIDDERS	UNIT COST PER POUND 183000	TOTAL COST	COMMENT
B & H Paving Scott City, KS	\$0.906	\$165,798.00	
APAC Dodge City, KS	\$0.94	\$172,020.00	

2018 Crack Sealing & Chip Sealing Map
Red - Regular Chip Sealing
Blue - Double Chip Seal
Yellow - Not to be Chip Sealed
All Colors Scheduled for Crack Sealer





MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Sam Curran, Public Works Director
DATE: October 3, 2017
RE: Solid Waste Compactor Bid - 2017

ISSUE:

The Governing Body is asked to consider and approve the purchase of ten compactors for commercial accounts.

BACKGROUND:

Bids were opened September 19, 2017 in the City Administrative Center at 10:00 a.m. for ten compactors. The low bidder was Advanced Compactors, LLC from Taunton, Massachusetts for \$65,100.

Staff has attached the bid tabulation sheet for your review.

ALTERNATIVES:

1. Approve the low bid of 10 compactors from Advanced Compactors, LLC for \$65,100.
2. Reject the low bid from Advanced Compactors, LLC

RECOMMENDATION:

Staff recommends Alternative 1: Approve the low bid of 10 compactors from Advanced Compactors, LLC for \$65,100.

FISCAL NOTE:

Trash containers - #075-51-511-6185; Budgeted Amount \$75,000.

ATTACHMENTS:

Description	Upload Date	Type
Compactor bid tab - 19 Sep 2017	9/19/2017	Backup Material

CITY OF GARDEN CITY SOLID WASTE COMPACTORS

BID TABULATION SHEET

Date & Time: Tuesday, 19 Sep 2017
 Equipment: Solid Waste Compactors
 Location: Situation Room

DEPT. BUDGET
 Solid Waste \$75,000.00

BIDDERS	4 -- 8 YARD FRONTLOAD COMPACTORS	6 -- 6 YARD FRONTLOAD COMPACTORS	GOV'T DISCOUNT	TOTAL	DELIVERY DATE	EXCEPTIONS & COMMENTS
Advanced Compactors, LLC Taunton, MA	\$7,000.00 \$28,000.00	\$7,000.00 \$42,000.00	\$4,900.00	\$65,100.00	1 week	
Advanced Enviro Systems Chester, PA	\$11,302.00 \$45,208.00	\$10,747.00 \$64,482.00		\$109,690.00	4 weeks	
Scranton Mfg / KPAC Scranton, IA	\$14,925.00 \$59,700.00	\$14,255.00 \$85,530.00	\$4,356.90	\$140,873.10	8 - 10 weeks	



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Kaleb Kentner, Neighborhood & Development Services Director
DATE: October 3, 2017
RE: New and Renewed Contractor Licenses for October 3, 2017.

ISSUE:

The Governing Body is asked to consider and approve the contractor licenses for October 3, 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 contractor license for 2017.

ALTERNATIVES:

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

RECOMMENDATION:

Staff recommends approval of contractor licenses as presented.

FISCAL NOTE:

None.

ATTACHMENTS:

Description	Upload Date	Type
Contractor Agenda for October 3, 2017	9/27/2017	Backup Material

CONTRACTOR LICENSE AGENDA

October 3, 2017

2017 New

CLASS A General

Christian Brothers Construction

CLASS E-SOC Specialized Other

Furr Lawn and Landscape

2017 Renewal

CLASS B General

Energy Guard Midwest, LLC



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Kaleb Kentner, Neighborhood and Development Services Director
DATE: October 3, 2017
RE: Planning Commission Approved Minutes – August 17, 2017

ISSUE:

Presentation of the August 2017 Planning Commission approved minutes from the Neighborhood and Development Services Department.

BACKGROUND:

Attached are the approved minutes from the August 2017 Planning Commission meeting.

ALTERNATIVES:

None.

RECOMMENDATION:

None.

FISCAL NOTE:

None.

ATTACHMENTS:

Description	Upload Date	Type
Planning Commission Approved Minutes August 17, 2017	9/27/2017	Backup Material

MINUTES

HOLCOMB - GARDEN CITY - FINNEY COUNTY AREA PLANNING COMMISSION

August 17, 2017

The Holcomb-Garden City-Finney County Area Wide Planning Commission scheduled a Public Hearing at 9:00 a.m. Thursday, August 17, 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, Vice-Chairman Law, Member Howard, Member Gigot, Member Germann, Member Stewart, Member Hitz, and Member Schneider. Also present were Secretary Kentner and Staff Larsen.

II. SWEARING IN OF NEW MEMBERS – Vicki Germann, Robert Law

Vicki Germann is now a County representative finishing a term that expires 12/31/2018, and Bob Law is now a City representative completing a term that expires 12/31/2017.

III. APPROVAL OF MINUTES- July 20, 2017

Member Hitz makes motion to approve the minutes from July 20, 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.

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

OPEN PUBLIC COMMENT for items not on agenda.

NO RESPONSE

CLOSED PUBLIC COMMENT

V. GENERAL STAFF REPORT AND UPDATE

Secretary Kentner presented the General Staff Report, copies of which are available through the Neighborhood & Development Services office, and asked if anyone had questions regarding those items.

Staff addressed questions regarding the General Staff Report and Update.

VI. 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

GC2017-28: The City and the Finney County Economic Development Corporation have requested and submitted a STAR Bond Project Plan for consideration. The location of the STAR Bond Project is generally located south of Schulman Ave and east of Lareu Rd in Garden City.

Secretary Kentner – This actually will take two actions, but they can be done simultaneously. This will require an amendment to the Comprehensive Plan, which will be the first item to discuss and consider. The second will be the consideration of the STAR Bond Project. State statutes outline the role of the Planning Commission in the STAR Bond, and that is that the Planning Commission, upon finding that the STAR Bond Project planned is consistent with the intent of the

Comprehensive Plan for the development of the City - that's your responsibility, to find out whether it is or it isn't, and give that recommendation to the Governing Body.

Staff Larsen reads staff report.

Secretary Kentner – Here's the general location with the existing zoning shown on it, that's included in your packet, which is also the area in the Comprehensive Plan that we would be showing as a mixed use area as allowed in the Comprehensive Plan to go Residential or Commercial potential. With that, we'll turn the time over to Finney County Economic Development (FCED). They have a presentation to go through in regards to the project to give you a little bit more detail. We will open up to public comment after their presentation.

Lona DuVall, President/CEO, FCED provided a presentation on the STAR Bond– STAR Bond is a sales tax and revenue bond. It really is a tool the State has created that allows the State to partner with local communities and private developers to create projects that probably otherwise wouldn't happen within our communities in Kansas. I want to be clear – it does not create an additional sales tax. It is only capturing the incremental sales tax, the difference between what was the base in any given geographic area to what is now being collected in that geographic area. This is based on the sales tax that is already being collected at the current rate. There won't be any additional percentage of sales tax collected. None of that. The only thing that this tool allows us to do, the State agrees to partner with the local community and actually make their portion of that incremental sales tax available back to the community, or the private developer, to help repay for the project that they're building.

Discussion ensued regarding sales tax vs. STAR Bond and user fees.

Discussion ensued regarding when the STAR Bond District was established and where the boundary lies, as well as what happens if additional sales taxes are passed, and the difference between allocated/obligated and unallocated/unobligated portions of sales tax.

Steve Cottrell, Assistant to the City Manager – Maybe I can help clarify this a little bit. Currently in Garden City, the total sales tax rate is 8.65%; 6.5% is State of Kansas, 1% (2 half-cent amounts) goes to the City, 1% goes to the County, and .15% is Horse Thief Reservoir. Of that 8.65%, STAR Bond incremental revenue is based on the whole 6.5% of the States, and the unobligated portion of the City's sales tax, which is one of the half-percent was just General purposes, and the other half-percent was dedicated to capital improvements, roads, transportation projects etc. That is, as Lona's describing, an obligated sales tax existing. The new one that we'll be voting on at .3% is also obligated to certain projects, so that is not included in anything that comes back to the STAR Bond. So, we've got the State's 6.5%, we have a half-percent of the City's, and another .24%, which is our share of the County's sales tax that wasn't specifically obligated to pay for a certain project. So, 6.74% of the 8.65% of the incremental sales is what the STAR Bond revenue is pulled out and given to the City. You don't pay anything additional when you shop at Schulman Crossing or Old Chicago. And everybody else who comes from out of town, as the sales increase, that amount over what was calculated for calendar year 2014, which is our base year, and in that time Menard's was open and Dick's and some others for less than six months or so. Now that Schulman Crossing is near fully occupied, sales in 2014 were \$39million. In 2017 sales were \$72million. So, sales tax on the difference between \$72million and \$39million is where that calculated revenue for STAR Bond comes from.

Member Stewart – That 6.74% on the additional?

Member Germann – So that money becomes obligated, correct, to the STAR Bond?

Steve Cottrell – Right. Now, the City – Jim had asked if we have enough unobligated money – passed the STAR Bond District creation back in 2014. We were hoping that it would come to reality, so rather than take all of the sales tax revenue that would come off of Schulman Crossing and getting used to that in the budget, we pulled out the amount we would have lost because of that .74% and said "this is going to go in a different fund", and used it for Downtown Development funding. So, it is nothing that we're getting used to spending that all of a sudden now we have to make up a \$300,000 gap in our budget. We don't have unobligated money, but we're not giving up anything that we're used to getting. And the big benefit is the fact that the 6.5% that the State gets – they're saying "this project means a lot to the State of Kansas, and we're willing to forego our sales tax off of that district for up to twenty years to help build and pay for this complex".

Shannon Dick, FCED – The other thing that is important, I think, is normally on sales tax money that's being generated here – how much percent goes back to our community?

Steve Cottrell – One percent comes to the City and one percent goes to the County.

Shannon Dick – So, about two percent. Using the STAR Bond tool, we're able to capture an additional 6.5%. We'll actually have much more use of our own sales tax money establishing this project, because we won't be losing all of that – we'll be recapturing it.

Steve Cottrell – The State of Kansas is the big investor in revenue strain to make this project function.

Member Germann – So, is there already a fund in place because we started this STAR Bond District in 2014? Is there already some funds captured for that, or how does that work?

Lona DuVall – That's what he was talking about.

Steve Cottrell – We've set it aside, and we've used that for the Downtown Development Fund.

Lona DuVall – We don't have the State's portion. We won't receive the State's portion until the project is approved by them.
Steve Cottrell – We've been pulling out the amount that we would get off our local portion of the sales tax, and put it over here and then use it somewhere else.

Chairman Lopez – One question I have is, once the bond is satisfied, the additional revenue would flow into the community and the State's, but at a higher rate?

Steve Cottrell – There's a maximum time of twenty years that this can happen. The revenues are generated because of increased sales and whatever, and a bond can get paid off in fifteen years – it stops, the State gets their money, we get our money.

Discussion ensued regarding the additional tax at Old Chicago. Steve Cottrell and Lona DuVall emphasized that the additional tax amount assessed there is not associated with the STAR Bond. Secretary Kentner explained that Old Chicago is in an improvement district.

Chairman Lopez – How would you compare this to, say, a tax abatement?

Lona DuVall – Not at all. They're both tools, obviously, to inspire growth, but a tax abatement actually gives you a reduction. They get a percentage rebated on what their incremental tax increase is. In this case, that doesn't exist. It's simply capturing dollars that, as Vicki & Shannon have said, would have gone to Topeka for them to determine where to spend it. Instead it allows us, as a community, to say "this is valuable, this meets the requirements the State has set forth for it, and we feel like we want that money to be spent in our community where we know what the value of it is".

Secretary Kentner – The important part about this is this part of it is only one part of the funding, because the Developer still does have a substantial amount of cost.

Member Howard – So, this is privately owned. Then there won't be any city employees working out there, is that correct? We won't hire people to go out and run the place? We won't be obligated for anything because it's privately owned? So, if it goes under, defunct, they just walk off and leave it. We have no obligation to help them out in any way, whatsoever, if they build this thing that costs all this money and nobody wants to go watch hockey, nobody wants to go watch people play cricket. We don't help them in any way whatsoever, we just wave goodbye as they head down the street.

Matt Allen, City Manager – And just for clarity, the "they" is the public on the November 7 ballot. It's not a City Commission or a County Commission. The "they" that would approve any sales tax is the community.

Member Hitz – I understand that.

Matt Allen – It's been misrepresented on about three different occasions up here.

Member Hitz – All I'm saying is, even though it's an increase, they're going to pay it anyway. It doesn't matter who you are, once you go buy something out there, you're going to pay it anyway.

Lona DuVall – Right. It's dollars that are already out there. As I said at the beginning, this tool – and we do want you to understand the tool – it's not that important to what *you* need to decide. What you're deciding, obviously, is does this project fit the Comprehensive Plan? Does it fit what the City is looking to do for its future? That's what you're looking at today. We wanted you to have an understanding of the tool, simply because we *don't* want it misrepresented. I still hear that there is an extra sales tax charged at Schulman Crossing – there is not. It is a tax increment finance that's property tax based. It does not charge. You do not pay an extra percentage of sales tax when you buy something at Menard's, or TJ Maxx, or Hobby Lobby. So, I want to make sure that you guys understand there is *no* additional sales tax collected. These are dollars already being spent in our community.

Member Howard – And property taxes won't go up because of anything being built?

Lona DuVall – This does not ask for any of that.

Shannon Dick – Something useful – for the State to agree to this, we have to demonstrate that it will bring people in from out of state, so there will be new money because of this specific project.

Member Hitz – But that's only in theory.

Lona DuVall – It's not only in theory, Leonard. The State requires, for these tools to be utilized, that you – obviously they're not going to forego their revenue unless they have some assurance that they are going to actually gain in the long-term. Much like we look at when we do a tax abatement, for instance. We recognize that even if we're giving them a 20% tax abatement, we're still collecting 80% of those new dollars up front, and after ten years, we're gonna have 100% of those new dollars. That's the assurance we have that this is worth doing, because we're still gaining and eventually we're going to have even more as a result of that project. We're simply assisting them in their start.

Chairman Lopez – Do you think that your presentation will help answer some of these questions?

Lona DuVall – Well, we hope so. Again, what you're looking at is the project and whether it fits.

Chairman Lopez – I think that what we have are a lot of concerns that all of us share, and I share the same concerns you do. But let's give them an opportunity to give their presentation and then we'll ask our questions after that.

Lona DuVall – Where we are right now – all of you I think have probably heard about the STAR Bond at some point because it has been discussed at length for a few years now in the community – we started talking about creating a STAR Bond District when we started looking at the Schulman Crossing project. Recognizing that was going to be a significant amount of new tax revenue, we would like to use that sales tax revenue in our community, if that was at all possible. We applied to the State and sent them what we wanted to be our district. They agreed to that and put it in place. Sporting KC, the soccer group

out of Kansas City, had actually come to us and suggested that perhaps we utilize that STAR Bond District to create a soccer developmental facility that would allow a lot, obviously, of soccer areas and different levels of development, and so forth. They didn't intend to bring any money to that project, but would bring their name and their development. We felt like it might make sense to look at a broader scope than just soccer for our community. So, that really is what started us down the path of where we're at on these facilities that we're suggesting. We took this to the Department of Commerce. We had to file for an extension – you're given a specific amount of time to apply for a STAR Bond project. We had reached that point, had to go and get an extension because we were finally on a path that we felt could come up with a project. We are able to do that and took this plan to them. They agreed that this made sense and was something that would work well for them. So, at that point we developed the concept more fully and then started meeting with the private investment side to determine what was going to work for both sides to get this complex built.

Lona DuVall & Shannon Dick began presenting a PowerPoint presentation regarding the Sports of the World Complex and how it fits in the Finney County Comprehensive Plan and the Garden City 2020 Plan.

Lona DuVall – Any questions on why we feel this project meets those requirements?

Member Howard – One question. This is privately owned. What company owns this and who is the owner of the company?

Lona DuVall – That's why we're here today. We've been representing the private investment side of this. At some point it will be very obvious who they are, but they've chosen not to go public at this point.

Member Schneider – And at any time would this fall under the Parks & Rec Department or anything like this?

Lona DuVall – It's certainly not set up to be. It's certainly not set up to increase costs.

Member Germann – So the total STAR Bond area is thirty-two point seven (32.7) acres?

Lona DuVall – The Sports of the World Complex is the thirty-two point seven (32.7) acres. The STAR Bond District is three hundred twelve (312) acres, roughly.

Member Howard – What brought that hockey thing?

Lona DuVall – We'll talk about that. I want to answer your questions, but, like I said, most importantly we want be sure there's not misinformation out about the tool. That can lead to nothing but an ill-informed public if you don't understand the tool.

Member Stewart – It says to the north it's multi-family and single-family, but aren't there a couple of churches there?

Lona DuVall – There are some churches in this upper portion on Schulman, yes.

Member Stewart – Churches can be in residential?

Secretary Kentner – Yes, they can be in residential or commercial.

Member Stewart – I didn't have any problem with it, I just wondered.

Secretary Kentner – We'll let them finish their presentation and then we'll go back through and discuss the zoning and the Comprehensive Plan a little bit more.

Lona DuVall & Shannon Dick continued the PowerPoint presentation, which includes a 3D representation of the Sports of the World Complex.

Lona DuVall – Just so you kind of have an understanding of how much space it takes up and how it fits in relation to other stuff, as you can see this project falls directly behind where Old Chicago and the hotel and water park are now. It will be designed architecturally so that it is pleasing and all those align with the new construction that already exists in front of it. We want to make sure we preserve that character and build on that character that's already in existence.

Lona & Shannon showed the 3D representation of the complex and gave explanations as to why each feature was selected and what kind of user interest and traffic are predicted. Discussion ensued regarding cost estimates of this particular concept and what the current tax revenues are. Discussion ensued regarding the portion of the costs paid from the STAR Bond funds and how much will be paid by the private investor(s).

Member Howard – There's a couple questions I have left. One is will the private investor have a lot of money in this or will just the taxpayers have money in it? The other is I want to know for sure that absolutely the City, the County, the taxpayers will not pay one penny in maintaining this place.

Lona DuVall – I understand your question, and it's a valuable question. But I don't think it pertains to what you're deciding here today.

Matt Allen, City Manager – I also speak to the maintenance and the City's watching the financial side of this proposal, because a lot of the questions that you have, maybe more so than the upfront expense is the ongoing expense, and those are all pretty legitimate questions. Given that the nature of this is outdoor fields and that, I would say, we do better than anybody else in town. We would be open to an arrangement here, but we're gonna get paid for it. We've got the best people to do this, and we're out doing it, and it already drives me nuts that four trucks pulling trailers with mowers on it go to Tangeman Complex every week. We should certainly, as a community, be talking about consolidating all of that. That's another issue. This issue, if in the Operator's plan – keep in mind the Developer and the Operator for any of these facilities may end up being different people – but if the Operator is thinking "I don't know if I can do a premiere rugby/soccer turf", which isn't the Fescue 31 blend that we all throw in the ground, it rivals more of what's going on at the golf course than what's going on at the park – we might be open to that, but we're going to negotiate an agreement to be that person. Would there be an expense? There might be. Is there going to be a revenue? There'd better be. If I'm involved in the negotiations of us being involved out there, then there's gonna be. I'm open to doing that, just like I'm open to doing the grounds for the school district or the grounds for the college, or the grounds for Finney County, if they want to have that conversation, but there's

going to be a revenue stream to make up what the difference to the City's general fund is going to be. That's just good business. And it ultimately lowers the tax obligation to the property tax.

Member Hitz – Jim was asking, I think, about the cost. This total, grand total estimated projected cost \$129 million. Is that what we're thinking this project is going to cost?

Lona DuVall – That actually includes some of the expenses that have already been incurred. So, that includes some of the construction. That includes some of Schulman Crossing.

Member Hitz – It's all listed here. And I think, as you stated earlier, what we're going to be asked to do today is to vote either to amend the Comprehensive Plan or to not amend it so you can fit into it, and I understand that. There are some questions I have. And I got this yesterday. I don't know, to be honest with you, if I would feel real comfortable voting today. I have a lot of questions that I think are going to enter into whether I think I would be in favor of amending the Comprehensive Plan. I'm not saying I wouldn't. This is a pretty good-sized project, and I don't want to rush into anything. I don't want to jump in and say, "let's vote on it". I know beyond this it can't be anything until the City Commissioners approve it, is that correct? They've got to have the Comprehensive Plan amended before they will vote to approve this whole project, is that correct?

Secretary Kentner – Right. I think probably where we're at right now, if the presentation is complete, I think the best thing to do is to come back to our actions to your packets. Let's move forward with that, because we need to hold a public hearing and open it up to discussion and we can ask any of the further questions that you have so we can keep the meeting moving ahead so we're not here until lunchtime.

Chairman Lopez – (to Lona) Was that your full presentation?

Lona DuVall – I think it's plenty. Really, the focus of today – and I understand you want to know more about the business side of it, and how it operates and all of that, and we're happy to have those discussions to whatever extent we can with you, individually. You're welcome to contact us and ask more questions, but again, I want you to focus on what *you* need to focus on as Planning Commissioners, not worry about the side that really isn't...

Member Hitz – You've had this in front of you how long? How long have you been working on this? A year? Two years?

Lona DuVall – Finney County Economic Development became engaged in developing the project, coming up with the ideas, doing the research, getting the data, in December.

Member Hitz – And you understand it a whole lot better than I do. I've had twenty-four hours, and I'm not going to be real comfortable...

Member Stewart – We don't get to vote whether or not they can do it. We get to vote whether or not they can do it *here*. We're getting into all this other stuff, and it really shouldn't be part of our decision.

Member Hitz – It's important to understand it to vote whether or not we want to change the Comprehensive Plan. I have questions. I understand we're not here to vote on whether this is approved or not. We're here to vote on whether we want to amend the Comprehensive Plan or whether we don't, but there's a lot of questions I have in my mind that I would like answers to before I even vote in favor of amending the Comprehensive Plan.

Secretary Kentner – Absolutely

Chairman Lopez – Let's go ahead and go on with the meeting. We will get to your questions, because I have some questions as well.

Matt Allen – Chairman, more of a context from the City Commission's standpoint which is you have either some questions or there have been some comments made that I would like to address. STAR Bond, as an idea in Garden City, did originate with the development of what eventually became Schulman Crossing. It was originally explored at the beginning of 2011, and there was a different developer, different concepts thrown out there. What eventually ended up happening, though, was that project was able to financially go without a STAR Bond, but the Commission remained open to the idea if the developer wants to bring a project that's STAR Bond worthy and can get over the hurdles that the State says – it has to be this big, and it's got to prove it draws people from out-of-state, etc – if you can get over those hurdles, we'll give up our increment, because the kicker is that State sales tax that gets diverted and reinvested directly into Garden City instead of going to another county. The first, I would say, legitimate STAR Bond proposal that came up was directly related to Sporting KC. What we know now that we didn't know then, as a community, was they were also heavily involved – that ownership group was heavily involved – with Kansas City's expansion of their Village West – is that what it's called? – Legends, to have the USA soccer facility, as well. They were a soccer-centric group led by Neil Patterson. They said "our focus has to be on the national training facility. We like your project, we like the idea, we like the idea of player development and starting that, but USA soccer is the gold ring". So, our project went on the back burner for about a year. The following year, Neil Patterson became ill, and he was kind of the innovator of that group, and he passed away a couple months ago. The question "would Sporting KC still be part of this" – Sporting KC on the other one was never bringing any money. We had the same problem on that STAR Bond that it was looking like we were having on this one, which is if there's no real money behind this, then you're building public facilities, and we can't afford that. There's a very real \$6 million gap between the estimates of the expenses and the revenue, but there's a 100% gap on the ongoing operations. You have to find private investment, you have to find private operators, and Sporting KC was bringing their brand, but – they would bring to this project what they were going to bring to the other project, and that's their marketability and their shield, which is significant. In that world, it's as significant as it gets in the US, but that's sort of the lay of the land. The Commission, when they evaluate whether or not to send this on to the State, maybe more importantly, when the State sits down to review the plan, they're going to want to see the private money, does this pencil not just in construction, but is there a viable ongoing operation plan as part of this, too?

That's the six year history of the City being involved in these ideas of STAR Bond. The other thing that I think is important to note, if there was going to be a STAR Bond project, we were strong advocates at the staff level that was really driven by some comments from both eras of Commissions that worked on this. It's got to be something that fits this community. We don't want – apologies to my friends in Derby – we don't want Dinosaur World. We don't want something that's going to have, five years from now, a broken Tyrannosaurus Rex arm. We don't want one-time money. We want it to fit the character of the community. I think the Sporting KC project did, but maybe the project the Finney County Economic Development Corporation has worked on is a little broader. I think it's probably even a better fit than the first one. Thanks for letting me make those comments.

Member Germann – I have a question for you.

Matt Allen – Yes.

Member Germann – The City Commission has already approved this STAR Bond?

Matt Allen – No, the only thing the Commission has approved are the STAR Bond boundaries. They created the District, and really the most important part about creating the district was establishing the base line. I think Commissioner Howard had a question about where the money would come from. So, that December 2014 created a dotted-line on the map. Any growth in sales tax would be defined from that day – December 11, 2014, I think – within that district. That's important because it captured most all, with the exception of about 3 stores for 3 months of phase 2 – it really didn't capture Menard's. Menard's had already had a full year in, so Menard's is all in General Fund. If Menard's grows from \$30 million in sales to \$31 million in sales, the sales tax on that \$1 million would be in the increment. But you don't get the full – this thing would have been a monster if it could have been done before then, but it's not a bad thing that that's off-setting property taxes in the General Fund, either. Phase 2 has almost all of it.

Matt Allen gave further explanation regarding which stores existed in Schulman Crossing prior to the creation of the STAR Bond District, and the strategy to attract future retailers to this district to take full benefit of the STAR Bond tool.

Chairman Lopez – One thing I'd like to say before we proceed is that I think all of us have concerns about this – it's a big project and could be intimidating to us, as well. I think we'll approach this incrementally, talking about if we're going to approve this change to the Comprehensive Plan, and then we'll move on to the next business. But also, I ask Commissioners to refrain from trying to get yourself convinced right now for your vote; let's hear folks out, let's hear public comment, let's hear questions from other people. I don't really want any monopolization of this meeting.

OPEN PUBLIC COMMENT

NO RESPONSE

CLOSE PUBLIC COMMENT

Secretary Kentner – This is an action, first, to consider an amendment to the Comprehensive Plan. To help clarify a bit, the STAR Bond actually came before the Planning Commission at its inception when the City Commission looked at the district boundaries overall and a concept of a STAR Bond was approved, or given a consensus nod to proceed at that time. Now, that didn't have any actual conceptual project, and that's what you'll be looking at today. When you're looking at amending, or evaluating the criteria of amending the Comprehensive Plan, you actually have a guide to help you do that – and that's in the regulations themselves. What you want to look at in amending the Comprehensive Plan is several key characteristics, and that is – you want to look at the physical characteristics of the neighborhood and surrounding property under consideration; you want to look at the existing zoning, as well as the future land use that is currently in place and the proposed change in land uses for the property considered and both adjacent and nearby properties; you also want to take into account the suitability under existing conditions of the subject property for the land use which is being proposed to be amended in the Comprehensive Plan; and you also want to look at the extent to which alterations of this land use would have on the nearby properties; you want to look at the goals that were outlined in the Comprehensive Plan; you also want to look at the length of time the subject property has been vacant or undeveloped; and you want to look at the general relative gains of the public to health, safety, and welfare in making this amendment to the Comprehensive Plan. Those are your guiding principles when you look at amending the Comprehensive Plan. With that, when we looked at the properties – that's why in Staff Report it outlines that when this project gets to development stages the conceptual plan may change or be modified, but that will go through the process of Site Plan Development and meet all the criteria that's in the zoning regulations. The big things, as far as your professional staff and looking at amending the Comprehensive Plan and the recommendation that we gave, is we looked at those criteria that we just went over and you have residential properties to both the south and to the east of the property. You have some mixed-use of some churches and the small apartment complex there to the north, and you look at the development that has been occurring in that area, and what the potential is. The Comprehensive Plan allows for, in the future land use plan, more flexibility in the future land uses. So we created those mixed uses within the Comprehensive Plan – there were some areas that you felt, as the Planning Commission, and the public felt at that time, could go anyway. It could go commercial, it could go industrial, it could go residential, and you have that area sort of ear-marked in certain spots. And you have a classification for each future land use of commercial/residential that it could go kind of either way, depending of course on how it's actually developed out. In our review of the goals of the Comprehensive Plan, we believe that it does meet those goals, and we feel, as requested, the best fit for the future land use plan is – currently it's two or more families – considering the uses nearby and around it, we feel that this property in particular has the potential to go commercial or residential in the zoning, and that's somewhat reflective of the existing zoning south of the property.

Discussion ensued regarding the current zoning and uses of the subject property and surrounding properties, and what the Comprehensive Plan goals are.

Secretary Kentner – Are there any questions in regards to the Comprehensive Plan?

Chairman Lopez – Before we get into that...

Member Howard – I've just got to say, I've got to go. I have a 10:30 I cannot miss. If it comes up, I'm going to vote to table this until we've got more information and answers if I can leave a proxy vote for that. If we have to vote on it today, with the information we've got, I want to proxy vote no, okay?

Chairman Lopez – Having said that, what I would like – first of all, this discussion is strictly on the change to the Comprehensive Plan. Forget about the funding, forget about the STAR Bond, forget about everything. If someone came in today and wanted to put this project into place, not asking for any funding, not asking for anything, just to build this here, would this be an appropriate use of this land? This is what I want discussed.

Member Germann – I think it's completely appropriate. I think it's more appropriate than what is in the Comprehensive Plan right now.

Member Schneider – I agree.

Member Hitz – It's residential all around it.

Member Germann – No.

Member Stewart – On two sides, yeah.

Member Hitz – One of the criteria that we're supposed to look at is the effect on the surrounding area. Is that not right?

Secretary Kentner – That's absolutely right.

Member Hitz – And we're going to vote that we're going to change it from...

Member Germann – Condominium...

Secretary Kentner – No, we're not changing the underlying zoning. The zoning stays the same.

Member Hitz – Changing the Comprehensive Plan from what to what?

Secretary Kentner – From "Residential Two or More Family" potential only, to either "Commercial" or "Residential" potential.

Member Hitz – I'm following you. Now, has there been any – or is it even proper at this time – to have any survey of those folks who live in residential area around this what effect it will have on their property?

Member Germann – This is not rezoning, though.

Member Hitz – I understand that, but if we change it, then it can be a Residential area. If we don't...

Member Germann – It could be exactly what it is, or it could be different.

Member Hitz – That's what I'm saying. But if we don't change it then they can't put the commercial in there, which protects those people.

Member Germann – There's already a commercial there...

Member Schneider – In a sense, this would protect from any other commercial – personally, I'd much rather live next to a soccer field than three restaurants. That's my personal opinion as a resident.

Secretary Kentner – It was published in the paper, so the public does have the opportunity to come and voice their opinion. Just as you have done in the past, if you feel you want to make sure the public has an opportunity to voice their opinion, you can table that and we can get the public's opinion, or ask again for them to come in. That's a viable option. You've done that in the past.

Chairman Lopez – Yes, but it should be remembered that we're not rezoning anything at this time. What we're doing is we're changing the community's plan for this. We have to just stick with what we're actually doing here. I think we're muddying the waters too much.

Secretary Kentner – Now, what's important is that this use, if you change it to commercial/residential, it still meets what it's current land use is, which is two or more family. In essence, it's already halfway there and you're just giving it flexibility of being able to go commercial, too. It already has the flexibility to do two family or more apartments, or two family. It already has that flexibility on part of it.

Member Germann – And we already amended that one section.

Chairman Lopez – Yes, we did.

Member Schneider – We've seen these projects in other communities. Manhattan has their Wildcat Park, Lawrence just did Rock Chalk Sports Park, Hays has one, I believe Salina did one in the last five-ten years, all with residential surrounding wall. But I think the biggest picture is, is this a good project for our community? Is it going to help the community grow and meet our goals for our community? That's what we're voting on today, right?

Secretary Kentner – Well, the other thing with this Comprehensive Plan amendment is if this project never happens, if the STAR Bond never happens, is this still a good land use overall for owners of this property? Should they have the option to come in and rezone that to residential or commercial depending on what they feel they can build there?

Member Stewart – And then they would still have to come before the Planning Commission, they would still have to be approved by the City Commission. All we're doing is making it flexible. We're not deciding what can or cannot – that's

Member Schneider – Sometimes I think we have a tendency to make things a little harder than it needs to be.

Member Hitz – The only thing we're voting on is whether we're going to change the Comprehensive Plan...

Secretary Kentner – To commercial or residential from the two or more family that it currently is.

Member Hitz – Which would give them the flexibility, if somebody comes in and wants to build this, to go commercial. They have to ask for the zoning, they have to do all that.

Secretary Kentner – Yes, they'll have to come through the rezoning process.

Member Hitz – But if we change the Comprehensive Plan to allow that, they can do that.

Secretary Kentner – Correct.

Member Hitz – And if we don't, then they'll bring it back and it will have to be redone or else forget it.

Secretary Kentner – Yes. Particularly on this side of the property. Anyone who wanted to develop this side to commercial would have to come back and ask for an amendment to the Comprehensive Plan again because it doesn't allow for that currently in the Comprehensive Plan. This just gives the flexibility of the owners to go either way based on its location and potential.

Chairman Lopez – Are there any other questions? If not, I would entertain a motion.

MEMBER GERMANN MAKES MOTION TO AMEND THE COMPREHENSIVE PLAN TO COMMERCIAL/RESIDENTIAL. MEMBER STEWART SECONDS THE MOTION.

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

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

Motion passed.

Secretary Kentner – The second issue before you is, as stated in the State statutes, that the Planning Commission makes a finding that the STAR Bond Project Plan would be consistent with the intent of the Comprehensive Plan of the development of the City. So, you've just made the amendment to the Comprehensive Plan to allow commercial and/or residential potential in this area. Now the question before you is does the plan that's been presented before you meet those guidelines and you give a recommendation on it. Their staff is still here, if you have questions in regards to the STAR Bond Project that's been presented.

Chairman Lopez – Does anybody have any questions about this? If not, I would entertain a motion.

MEMBER GERMANN MAKES MOTION TO APPROVE THE STAR BOND CONCEPT PROJECT AS OUTLINED IN THE STAFF REPORT. MEMBER STEWART SECONDS THE MOTION.


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

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

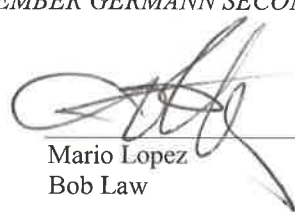
Motion passed.

MEMBER SCHNEIDER MAKES MOTION TO ADJOURN. MEMBER GERMANN SECONDS.

Meeting adjourned at 10:28 am.


Kaleb Kentner
Josh Larsen

Secretary


Mario Lopez
Bob Law

Chairman
Vice-Chairman