



**AGENDA  
CITY COMMISSION MEETING  
Tuesday, August 15, 2017  
1:00 PM**

**City Administrative Center, 301 N. 8th Street**

**I. Note:**

**Pre-meeting at 11:00 a.m. - 12:00 p.m. located in the large meeting room at the City Administrative Center for the Commission to hear an update on the General Improvement Handbook program by Public Works staff. 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. August 1, 2017 City Commission minutes.

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

**VI. CONSIDERATION OF PETITIONS, MEMORIALS AND REMONSTRANCES**

A. Mayor Dale and City Manager Allen would like to take this opportunity to recognize Bob Arellano, Electric Department as the 2017 2nd Quarter City of Garden City Safety Award recipient.

B. The Governing Body is asked to consider and approve a request from Angelica Castillo Chappel on behalf of the Community Mexican Fiesta Association to allow the Mayor to proclaim the month of September 2017 as Hispanic Heritage Month in Garden City, Kansas.

C. The Governing Body is asked to consider and approve a request from Anna Voss on behalf of the Garden City Recreation Commission, under Code Section 6-35 and 6-133 to allow possession, consumption and sale of cereal malt beverages of alcoholic liquors during the The Siege 5K Obstacle Course on Saturday, September 16, 2017 at 3502 N. Campus Drive (in front of the Crazy House).

## **VII. REPORT OF THE CITY MANAGER**

- A. Presentation of the July 2017 Building Report from Neighborhood & Development Services.
- B. Presentation of the July 2017 City Link Ridership Report from Public Works.
- C. Presentation of the July 2017 Code Compliance Report from Neighborhood & Development Services.
- D. Presentation of the Monthly Financial Report from Service and Finance.

## **VIII. MEETINGS OF NOTE**

- August 12, 2017 - Garden City Area Chamber of Commerce 12th Annual Wine Tasting Event at the Clarion Inn at 7:00 p.m.
- August 19, 2017 - Downtown Banner Art Walk on Main Street from 4:00 p.m. - 7:00 p.m.
- August 25-27, 2017 - Tumbleweed Festival on the west green of Lee Richardson Zoo starting at 5:30 p.m.
- September 1, 2017 - First Fridays Downtown - participating stores open until 7:00 p.m.
- September 4-10, 2017 - Garden City Charity Classic / Symetra Tour
- September 9, 2017 - FOLRZ's A Wild Affair starts at 6:00 p.m. at Lee Richardson Zoo
- September 16, 2017 - Fall Fest 2017 - Downtown Garden City
- September 16-18, 2017 - 2017 League of Kansas Municipalities Annual Conference in Wichita
- October 21, 2017 - FOLRZ's Boo! at the Zoo starts at 4:00 p.m. at Lee Richardson Zoo
- November 4, 2017 - 10th Anniversary Banner Art Auction at the Clarion Inn
- November 25, 2017 - Stevens Park Tree Lighting Ceremony at 6:00 p.m.

## **IX. CONSIDERATION OF APPROPRIATION ORDINANCE**

- A. Appropriation Ordinance No. 2441-2017A

## **X. CONSIDERATION OF ORDINANCES AND RESOLUTIONS**

- A. The Governing Body is asked to consider and approve the Standard Traffic Ordinance (STO) for 2017.
  - 1. Ordinance No. \_\_\_\_-2017, an ordinance regulating traffic within the Corporate limits of the City of Garden City, Kansas; incorporating by reference the Standard Traffic Ordinance for Kansas Cities, Edition of 2017, with certain omissions, additions, or changes; prescribing additional regulations; providing certain penalties; amending Code Section 86-2; repealing existing Code Section 86-2; all to the Code of Ordinances of the City of Garden City, Kansas.
- B. The Governing Body is asked to consider and approve the Uniform Public

## Offense Code (UPOC) for 2017.

1. Ordinance No. \_\_\_\_-2017, an ordinance regulating public offenses within the corporate limits of the City of Garden City, Kansas; incorporating by reference the Uniform Public Offense Code for Kansas Cities, Edition of 2017, with certain omissions, additions or changes; amending Code Section 62-2; repealing existing Code Section 62-2; all to the Code of Ordinances of the City of Garden City, Kansas.
- C. The Governing Body is asked to consider an ordinance to repeal Ordinance No. 2765-2017, passed by the Governing Body on August 1, 2017, due to an error in the legal description, and annexing property at 2810 E. Highway 50 per the request fro WindRiver Grain, LLC.
1. Ordinance No. \_\_\_\_\_ - 2017, an ordinance repealing Ordinance No. 2765-2017 and annexing land to the City of Garden City, Finney County, Kansas, pursuant to K.S.A. 12-520(a)(7).

## **XI. OLD BUSINESS**

- A. The Governing Body is asked to consider and approve a bid that will sell the property at 306 N. 6th Street.
- B. The Governing Body is asked to consider and approve an Interlocal Agreement between the City and Finney County for administration of the Sales Tax being considered on the November 7, 2017 ballot.

## **XII. NEW BUSINESS**

- A. The Governing Body is asked to consider and approve a request from WindRiver Grain, L.L.C. for a pre-annexation of Tract A in the WindRiver II plat and connect to City water.
- B. The Governing Body is asked to consider and approve two re-appointments to the Traffic Advisory Board.
- C. The Governing Body is asked to consider and approve the Traffic Advisory Board recommendation from their August 7, 2017 meeting to change the configuration of the pavement markings at the intersection of Schulman Avenue and Lareu Road for southbound traffic.
- D. The Governing Body is asked to consider and approve the Traffic Advisory Board recommendation from their August 7, 2017 meeting for the installation of flashing school lights for Horace Good Middle School on Main Street and Third Street.
- E. Garden City Downtown Vision, Inc. Director Myca Bunch and Arleen Taniwaki of ArLand Land Use Economics will present the 2017 Downtown Market Study.
- F. **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 a Golf Professional Agreement between the City of Garden City and Jason Hase.
2. The Governing Body is asked to consider and approve a Purchase Agreement with Vivian Fankhauser for the property at 306 N. 6th Street.
3. The Governing Body is asked to consider and approve the contractor licenses for August 15, 2017.
4. The Governing Body is asked to consider and approve a temporary Cereal Malt Beverage license.

### **XIII. CITY COMMISSION REPORTS**

A. Commissioner Law

B. Commissioner Fankhauser

C. Commissioner Cessna

D. Mayor Dale

E. Commissioner Doll

### **XIV. OTHER ENTITIES**

Presentation of the June 2017 GCBZA approved minutes from the Neighborhood and Development Services Department.

Presentation of the December 5, 2016 Traffic Advisory Board minutes.

### **XV. ADJOURN**





## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Celyn N. Hurtado, City Clerk  
**DATE:** August 15, 2017  
**RE:** 08-1-2017 City Comm minutes

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**ISSUE:**

August 1, 2017 City Commission minutes.

**BACKGROUND:**

None.

**ALTERNATIVES:**

None.

**RECOMMENDATION:**

None.

**FISCAL NOTE:**

None.

**ATTACHMENTS:**

Description	Upload Date	Type
08-01-17 CC Minutes	8/11/2017	Backup Material

# **THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS**

City of Garden City

August 1, 2017

Note:

## **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, August 1, 2017.

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

## **Approval of Minutes**

July 18, 2017, City Commission minutes were approved as presented.

## **Public Comment**

Assistant City Manager Cunningham noted that she was notified that Eric Solze, who was scheduled to speak during public comment would not be in attendance.

The American Legion Riders explained the plans for the American Legion Legacy Scholarship Ride on August 12, 2017 and invited the Governing Body and citizens to participate by lining the streets on both Fulton Street and Campus Street as riders travel through Garden City at approximately 9:00 a.m.

## **Consideration of Petitions, Memorials and Remonstrances**

The Governing Body recognized the Garden City High School Live Well Committee on the occasion of receiving the 2017 Ambassador Award from the University of Kansas Cancer Center.

Hannah Schultz

Grace Schmidt

Garret Kipp

Cambry Hitchcock

Caroline Robinson

Grace Reagle

Paola Rodriguez

Agustin Rodriguez

The Governing Body considered and approved a request by the Garden City Fire Department to waive Code Section 62-15, Unlawful Solicitation. The request is to allow for department personnel to collect donations for the Muscular Dystrophy Association Boot Block on Sunday August 27, 2017 from 9:30 a.m. to 3:00 p.m.

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

The Governing Body considered and authorized a request from R.E. "Tuck" Duncan on behalf of

the Kansas Public Transit Association, under Code Section 6-35 and 6-133 to allow possession and consumption of cereal malt beverages or alcoholic liquors at Lee Richardson Zoo in the Finnup Center on Tuesday, August 15, 2017 for an annual meeting and expo.

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

Ayes: Cessna, Dale, Doll, Fankhauser, Law

The Governing Body considered a request from Rosa Coto for a waiver of the noise ordinance on Saturday, August 5, 2017 from 8:00 p.m. - 2:00 a.m. for a quinceanera at 1909 Chesterfield Street. The Governing Body approved a waiver of the noise ordinance from 8:00 p.m. - 12:00 a.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

The Governing Body considered and approved a request from Scott Rosen on behalf of Bible Christian Church for an approval of an aircraft flying in the corporate limits and dropping beach balls on the empty field east of the church located at 1501 E. Mary Street on August 12, 2017 between 7:00 and 7:30 p.m., pursuant to Code section 14-71. The Governing Body considered and approved an additional request to have a tent at the event and to waive the permit fees.

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

## **Report of the City Manager**

Assistant to the City Manager Cottrell gave an update on the status of the STAR Bond project.

Presentation of June 2017 activity report from the Garden City Fire Department.

Presentation of the June 2017 Master Activity Report from the Garden City Police Department.

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

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

## **Meetings of Note**

- July 26-29, 2017 - Finney County Fair
- August 1, 2017 - National Night Out
- August 3-5, 2017 - Southwest Kansas Pro-Am

- August 4, 2017 - First Fridays Downtown - participating stores open until 7:00 p.m.
- August 5, 2017 - Downtown Summer Sidewalk Sales on Main Street
- August 12, 2017 - Garden City Area Chamber of Commerce 12th Annual Wine Tasting Event at the Clarion Inn at 7:00 p.m.
- August 19, 2017 - Downtown Banner Art Walk on Main Street from 4:00 p.m. - 7:00 p.m.
- August 25-27, 2017 - Tumbleweed Festival on the west green of Lee Richardson Zoo starting at 5:30 p.m.
- September 1, 2017 - First Fridays Downtown - participating stores open until 7:00 p.m.
- September 4-10, 2017 - Garden City Charity Classic / Symetra Tour
- September 9, 2017 - FOLRZ's A Wild Affair starts at 6:00 p.m. at Lee Richardson Zoo
- September 16, 2017 - Fall Fest 2017 - Downtown Garden City
- September 16-18, 2017 - 2017 League of Kansas Municipalities Annual Conference in Wichita
- October 21, 2017 - FOLRZ's Boo! at the Zoo starts at 4:00 p.m. at Lee Richardson Zoo
- November 4, 2017 - 10th Anniversary Banner Art Auction at the Clarion Inn
- November 25, 2017 - Stevens Park Tree Lighting Ceremony at 6:00 p.m.

### **Consideration of Appropriation Ordinance**

Appropriation Ordinance No. 2440-2017A

Commissioner Doll 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

### **Consideration of Ordinances and Resolutions**

The Governing Body considered and approved an ordinance changing drainage fees in the Code of Ordinances, Section 90-379.

1. Ordinance No. 2764-2017, an ordinance establishing drainage fees in the City of Garden City, Kansas; amending current code section 90-379; repealing current code section 90-379; all to the code of ordinances of the City of Garden City, Kansas.

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

The Governing Body considered and approved a resolution discharging the Economic Development Revenue Bonds, Series 2005, which were issued for the Mosaic Project.

1. Resolution No. 2706-2017, a resolution of the City of Garden City, Kansas approving the sale of a project financed with the proceeds of revenue bonds of the City; authorizing the execution and delivery of (1) special warranty deed, (2) a bill of sale, (3) termination and release of: lease, assignment of lease and security agreement and collateral assignment of lease, (4) a satisfaction, discharge and release bond agreement and (5) a termination and

release of guaranty.

Commissioner Doll 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

Commissioner Doll stepped away from the bench during the the discussion and voting for the following issue.

The Governing Body considered an annexation request from WindRiver Grain, LLC for property at 2810 E. Highway 50.

1. Ordinance No. 2765-2017, 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. Mayor Dale seconded the motion. The vote was taken by yeas and nays and recorded as follows:

Ayes: Cessna, Dale, Fankhauser, Law

Abstain: Doll

### **Old Business**

Staff requested direction from the Governing Body relating to a project to use available funds from the KDOT Federal Fund Exchange program.

The Governing Body considered and approved using available funds from the KDOT Federal Fund Exchange program for the reconstruction of Eighth Street from Walnut Street to Pine Street.

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

Ayes: Cessna, Dale, Doll, Fankhauser, Law

### **New Business**

The Governing Body considered and approved a request from the Garden City Recreation Commission to approve their entering into a lease agreement with Everett Miller for the use of property at 1609 N. VFW Road. The City is not party to the agreement, however, K.S.A. 12-1928(h) requires the lease to be subject to City approval.

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

Ayes: Cessna, Dale, Doll, Fankhauser, Law

The Governing Body considered and approved the semi-annual report for the Community Development Block Grant Revolving Loan Fund on behalf of Great Plains Development, Inc.

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

Commissioner Law stepped down from the bench during the discussion and voting on the following issue.

The Governing Body considered and approved the switch of Vicki Germann to the County representative and Bob Law to the City representative on the Planning Commission. Vicki's will complete the County's unexpired term on December 31, 2018 and Bob will complete the City's unexpired term that will expire December 31, 2017.

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

Abstain: Law

The Governing Body considered and appointed Debra Bolton to fill an unexpired term to end December 31, 2018, Rachel Chapman and Verna Weber to fill unexpired terms to end December 31, 2017 on the Cultural Relations Board.

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

### ***Consent Agenda***

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

Ayes: Cessna, Dale, Doll, Fankhauser, Law

The Governing Body considered and approved the Grant Agreement for the terminal apron rehabilitation, construction of Runway 17-35 repairs and replacement of airfield holding position signs at the Garden City Regional Airport (Airport Improvement Program (AIP) 3-20-00-24-39).

The Governing Body considered and approved the Small Space Lease between the United States of America Department of Transportation Federal Aviation Administration and the City of Garden City.

The Governing Body considered and approved a bid from Nowak Construction Compant for the construction of water distribution improvements within the City of Garden City, Kansas.

Bidder	Bid Security	Addendum No. 1	Substantial Completion	Final Completion	Bid Form Attachment A Part 1 – Total Bid Price	Bid Form Attachment A Part 2 – Total Bid Price
Nowak Construction	X	X	180	210	\$584,567.00	\$502,700.00
Smoky Hill Construction	X	X	180	210	\$886,605.45	\$716,706.00
Engineer's Estimate					\$714,890.00	\$689,625.00

The Governing Body considered and approved Task Order #2 with Mid America Consultants, Inc. for \$450,000 to implement improvements to the Wastewater Department Supervisory Control and Data Acquisition System (SCADA).

The Governing Body considered and approved the Final Plat of East Cambridge Square, Phase Three.

Permission for Alfredo Chavez and/or Gloria Garcia to reserve Space 4 & 5, Lot 44, Zone J of Valley View Cemetery for the consideration of \$100 for the period of one year.

Permission for Daniel Reyes to reserve Space 3 Lot 88, Zone J of Valley View Cemetery for the consideration of \$50 for the period of one year.

Permission for Vanessa Reyes to reserve Space 4, Lot 88, Zone J of Valley View Cemetery for the consideration of \$50 for the period of one year.

The Governing Body considered and approved the contractor licenses for August 1, 2017.

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

### **Other Entities**

Presentation of the June 8, 2017 minutes from the Garden City Regional Airport Advisory Board.

Presentation of the June 26, 2017 minutes from the Cultural Relations Board.

Presentation of the June 26, 2017 minutes and the July 10, 2017 minutes from the Garden City Recreation Commission.

Presentation of the June 15, 2017 minutes from the Planning Commission.

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

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Melvin L. Dale, Mayor

ATTEST:

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Celyn N. Hurtado, City Clerk

### **City Commission Reports**

A. Commissioner Doll commented that she enjoyed the pre-meeting and stated it was nice to see the progress at the Central Fire Station and to see how the facility will better accommodate the firefighters. Commissioner Doll enjoyed seeing the graduates of the Law Enforcement Explorer Program graduates and stated it's a great program that will encourage our youth to explore a career in law enforcement. Commissioner Doll stated that it was pretty cool that the American Legion riders will be making a stop in Finney County on during their Legacy Scholarship ride. Commissioner Doll congratulated the Garden City High School Live Well Committee on the occasion of receiving the 2017 Ambassador Award from the University of Kansas Cancer Center.

B. Commissioner Law commented that the remodel and addition at the Fire Station is nice and it will be a good use of space and will allow the fire department to grow with the growing community. Commissioner Law stated city staff was presented with an idea for a Law Enforcement Explorer program and staff ran with it and it will soon be the program that everyone else in the state will want to follow. Commissioner Law mentioned he will attend the American Legion Legacy Scholarship Run and hopes to see a good turnout of both riders and spectators as they ride through Garden City.

C. Commissioner Fankhauser echoed the thoughts of the other Commissioners on the fire department remodel and addition and the Law Enforcement Explorer graduation. Commissioner Fankhauser reminded everyone that the Southwest Kansas Pro Am will be August 4-6, 2017 and encouraged everyone to welcome the golf pros and others to Garden City.

D. Commissioner Cessna commented that the pre-meeting was a good meeting and thanked the Officers that stepped up to teach the students during the Law Enforcement Explorer program. Commissioner Cessna stated the remodel and addition at the Central Fire Station looks great. Commissioner Cessna thanked Assistant City Manager Cunningham for running the meeting. Commissioner Cessna mentioned National Night Out was that evening and that he would be attending the block parties with Garden City Police Officers. Commissioner Cessna stated the water tower at Mary Street and Campus Street is looking good with the new paint job. Commissioner Cessna congratulated and thanked the students from Garden City High School Live Well Committee for their work on the Tobacco 21 project and for receiving the 2017 Ambassador award.

E. Mayor Dale echoed the thoughts on the Law Enforcement Explorer program and elaborated that it's a great opportunity for officers to mentor and make connections with the students in the program. Mayor Dale stated he was happy to see the Governing Body approve the use of available



funds from the KDOT Federal Fund Exchange program to make improvements on Eighth Street and hopes that the landscaping design for the downtown area be used on Eighth Street.



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Allie Medina, Human Resources Director  
**DATE:** August 15, 2017  
**RE:** City of Garden City Safety Award - 2nd Quarter 2017

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### **ISSUE:**

Mayor Dale and City Manager Allen would like to take this opportunity to recognize Bob Arellano, Electric Department as the 2017 2nd Quarter City of Garden City Safety Award recipient.

### **BACKGROUND:**

Each quarter all employees may submit nominations to recognize those who go above and beyond the normal duties to help improve the safety of their department, organization or to motivate employees to take that extra step with safety. The Safety Committee selects one recipient per quarter that receives a personal day that can be used over the next year. At the end of the year, one of the quarterly winners will be selected as the Annual Individual Safety Recognition Recipient and will receive \$175.

The Safety Committee selected Bob Arellano as the recipient of the second quarter's award. Bob was nominated by Jose Chan-Perez. Jose provided the committee with the following information regarding Bob's work practices:

Bob increased employee/department safety knowledge, contributed to safety in the work area and demonstrated safety leadership with his actions. Jose stated that since becoming the safety committee representative for the Electric Department Bob has brought numerous safety issues to his attention that needed to be addressed. An example of a few of the issues are:

- The need for a protective bottom when using the chainsaw on the ground.
- The need for fire extinguishers in the garage building in the Jameson Energy Center.
- Remedying a 5 inch hole in the ground in the I.T. Room.

The Safety Committee would like to commend Bob on his actions by enhancing the safety of others and utilizing safety training appropriately. The Safety Committee would also like to thank Jose for his nomination.

### **ALTERNATIVES:**

None.

### **RECOMMENDATION:**

#### **Second Quarter Award Recipients**

Bob Arellano

The Safety Committee wishes to thank you for your support of all City of Garden City Safety programs.

**FISCAL NOTE:**

None.



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Celyn N. Hurtado, City Clerk  
**DATE:** August 15, 2017  
**RE:** 2017 Hispanic Heritage Month proclamation

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### **ISSUE:**

The Governing Body is asked to consider and approve a request from Angelica Castillo Chappel on behalf of the Community Mexican Fiesta Association to allow the Mayor to proclaim the month of September 2017 as Hispanic Heritage Month in Garden City, Kansas.

### **BACKGROUND:**

None.

### **ALTERNATIVES:**

1. Approve the proclamation as presented.
2. Deny the proclamation.

### **RECOMMENDATION:**

Staff recommends approval of the proclamation.

### **FISCAL NOTE:**

None.

### **ATTACHMENTS:**

Description	Upload Date	Type
2017 Hispanic Heritage Month proclamation	8/9/2017	Backup Material

# PROCLAMATION

**WHEREAS,** On the night of September 15, 1810, Father Miguel Hidalgo y Costilla of Dolores in Guanajuato, Mexico, gave the signal for his people to rise up in arms and free themselves from Spain; and

**WHEREAS,** After a long and weary revolutionary struggle, Mexico was established as a free and independent nation in 1821; and

**WHEREAS,** United Mexican States has since grown in stature and importance to be one of the leading independent nations of the Western Hemisphere, adding the richness of its culture and heritage to Kansas through the state's many citizens of Mexican ancestry; and

**WHEREAS,** The celebration of freedom and independence is a tribute to the achievements which have made possible a way of life for the people as individuals in a free society; and

**WHEREAS,** We are proud to celebrate 91 years of the Community Mexican Fiesta celebration in Garden City which is a tradition that has provided cultural richness to our community; and

**WHEREAS,** Garden City residents who are of Hispanic heritage have had an opportunity to rejoice in celebrating and utilizing Hispanic American cultural traditions; and

**WHEREAS,** Hispanics have contributed their interests, dedication, and accomplishments in promoting the economic and social growth to Garden City.

**NOW, THEREFORE, BE IT RESOLVED,** that I, Melvin L. Dale, Mayor of the City of Garden City, Kansas, do hereby proclaim the month of September 2017 as:

## HISPANIC HERITAGE MONTH

In Garden City, and urge all residents of the city to join in this observance.

**SIGNED AND SEALED** this 15th day of August, 2017.

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Melvin L. Dale, Mayor

ATTEST:

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Celyn N. Hurtado, City Clerk



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Celyn N. Hurtado, City Clerk  
**DATE:** August 15, 2017  
**RE:** GCRC - The Siege 5K Obstacle Course event - CMB request

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### **ISSUE:**

The Governing Body is asked to consider and approve a request from Anna Voss on behalf of the Garden City Recreation Commission, under Code Section 6-35 and 6-133 to allow possession, consumption and sale of cereal malt beverages of alcoholic liquors during the The Siege 5K Obstacle Course on Saturday, September 16, 2017 at 3502 N. Campus Drive (in front of the Crazy House).

### **BACKGROUND:**

None.

### **ALTERNATIVES:**

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

### **RECOMMENDATION:**

Staff has no recommendation.

### **FISCAL NOTE:**

A temporary Cereal Malt Beverage license is \$50.00 per day.



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Kaleb Kentner, Neighborhood & Development Services Director  
**DATE:** August 15, 2017  
**RE:** July 2017 Building Report

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**ISSUE:**

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

**BACKGROUND:**

Attached is the July 2017 Building Report from Neighborhood & Development Services.

**ALTERNATIVES:**

None.

**RECOMMENDATION:**

None.

**FISCAL NOTE:**

None.

**ATTACHMENTS:**

Description	Upload Date	Type
Building Report for July 2017	8/9/2017	Backup Material

# Neighborhood & Development Services

## Building Report

### July 2017





# FINNEY COUNTY

## 2017 MONTHLY BUILDING REPORT

2017 Monthly Report		Single Family Includes Modular Permits	Single Family Manufactured Permits	Multi-Family Permits (two or more attached dwellings)	Residential Remodel Permits	Commercial Permits	Industrial Permits	Commercial & Industrial Remodel Permits	Misc. Permits (Utility, Religious, Public or Non-Profit)	Total Fee, Permits & Valuation	Total Number of Inspections
JAN	FEE		413.00		1,085.00	3,377.00		2,122.00		6,997.00	61
	PERMITS		1	-	17	9	-	1	-	28	
	VALUATION		66,560		111,265	419,350		365,000		962,175	
FEB	FEE	1,159.00	413.00	-	809.00	-	-	5,801.00	-	8,182.00	69
	PERMITS	1	1	-	13	-	-	4	-	19	
	VALUATION	184,846	66,560	-	37,550	-	-	1,298,875	-	1,587,831	
MAR	FEE	1,416.00		-	1,946.00		1,724.00	4,163.00	-	9,249.00	93
	PERMITS	1		-	26		2	5	-	34	
	VALUATION	329,900		-	149,487		368,000	911,204	-	1,758,591	
APR	FEE		226.00	-	3,801.00	-	-	289.00	0.00	4,316.00	64
	PERMITS		1	-	28	-	-	8	1	38	
	VALUATION		45,000	-	382,562			16,100	10,000	453,662	
MAY	FEE			-	1,704.00	21,829.00	-	438.00	-	23,971.00	81
	PERMITS			-	23	1	-	6	-	30	
	VALUATION			-	126,927	9,750,000	-	57,529	-	9,934,456	
JUN	FEE	1,238.00	623.00	-	2,465.00	975.00	4,604.00	1,053.00	-	10,958.00	95
	PERMITS	1	2.00	-	28	1.00	2.00	14	-	48	
	VALUATION	225,000	117,560.00	-	236,437	200,000.00	985,818.00	66,579	-	1,831,394	
JUL	FEE	2,897.00	959.00	-	2,650.00	-	-	15,030.00	-	21,536.00	87
	PERMITS	2	2	-	29	-	-	12	-	45	
	VALUATION	679,000	161,920	-	590,199	-	-	4,551,138	-	5,982,257	
AUG	FEE			-		-	-		-	0.00	
	PERMITS			-		-	-		-	0	
	VALUATION			-		-	-		-	0	
SEP	FEE									0.00	
	PERMITS									0	
	VALUATION									0	
OCT	FEE									0.00	
	PERMITS									0	
	VALUATION									0	
NOV	FEE									0.00	
	PERMITS									0	
	VALUATION									0	
DEC	FEE									0.00	
	PERMITS									0	
	VALUATION									0	
2017 TOTAL PERMITS		5	7	0	164	11	4	50	1	85,209.00	550
										242	
										22,510,366	

Council District	Permit Type	Address	Amount	Value	Purpose	Structure	Project Description
Finney County	BUILDING PERMIT	5963 OLD POST Road	\$ 381.00	\$ 60,000.00	Building	SF Manufactured (HUD Standards)	INSTALLING A MOBILE HOME AND A CONCRETE SLAB
Finney County	BUILDING PERMIT	6080 JENNIE BARKER Road	\$ 105.00	\$ 7,265.00	Building	Residential Remodel	3 FOOT WOOD FENCE
Finney County	BUILDING PERMIT	1600 HWY 50 BYPASS	\$ 260.00	\$ 6,500.00	Building	Commercial/Industrial Remodel	(2) 8' X 40' METAL CONTAINER - CONTAINERS NEED TO BE AT LEAST 4' FROM PROPERTY LINE. WHEN CONTAINERS ARE MOVED TO PERMANENT STORAGE LOCATION IT NEEDS TO BE FENCED IN AND THEY MUST BE PUT ON CONCRETE SLAB OR THEY NEED TO BE MOVED AND STORED OFF SITE.
Finney County	BUILDING PERMIT	810 DONNA Avenue	\$ 29.00	\$ 1,000.00	Building	Residential Remodel	6 FOOT WOOD FENCE (ALSO ON 780 S DONNA) THEY OWN BOTH PROPERTIES - FENCE CAN'T EXTEND FURTHER INTO THE FRONT YARD FROM THE FRONT OF THE HOUSE.
Finney County	MECHANICAL	1805 West ANNIE SHEER Road	\$ 75.00	\$ 3,940.00	Mechanical	Commercial/Industrial Remodel	REPLACE AIR CONDITIONER AT SHOP #436830
Finney County	MECHANICAL	2065 ANDOVER Drive	\$ 42.00	\$ 1,766.00	Mechanical	Residential Remodel	REPLACE EVAPORATOR #436877
Finney County	BUILDING PERMIT	2302 GRANDVIEW EAST Drive	\$ 131.00	\$ 7,800.00	Building	Residential Remodel	REMOVE AND REPLACE ROOF
Finney County	BUILDING PERMIT	2750 HWY 50	\$8,717.00	\$ 3,259,000.00	Building	Commercial/Industrial Remodel	INSTALL CONCRETE FOR 135X67 STEEL TANK
Finney County	BUILDING PERMIT	3985 NANCY Avenue	\$ 265.00	\$ 26,880.00	Building	Residential Remodel	DOUBLE GARAGE
Finney County	BUILDING PERMIT	5930 DOLITTLE Drive	\$1,344.60	\$ 309,000.00	Building	SF Residential Includes Modular	NEW SINGLE FAMILY HOME
Finney County	BUILDING PERMIT	4420 West JONES Avenue	\$ 55.00	\$ 1,200.00	Building	Residential Remodel	PICKET FENCE ADDING ON
Finney County	PLUMBING	3540 FARMLAND Road	\$ 45.00	\$ 400.00	Plumbing	Commercial/Industrial Remodel	INSTALL 50 GALLON PROPANE WATER HEATER
Finney County	MECHANICAL	708 South HWY 83 FRONTAGE	\$ 118.00	\$ 9,700.00	Mechanical	Residential Remodel	INSTALL A/C, COIL AND FURNACE
Finney County	DEMO PERMIT	2601 MARY Street	\$ 43.00	\$ -	Demo	Residential Remodel	DEMOLISHING A SWIMMING POOL
Finney County	BUILDING PERMIT	650 SAGEHILL Trail	\$ 68.00	\$ 2,000.00	Building	Residential Remodel	BUILDING A SHED
Finney County	BUILDING PERMIT	1650 SHERLOCK Road	\$4,690.00	\$ 1,200,000.00	Building	Commercial/Industrial Remodel	WOOD AND CONCRETE STRUCTURE TO BE BUILT FOR LIVESTOCK FEED STORAGE
Finney County	BUILDING PERMIT	4580 West JONES Avenue	\$ 131.00	\$ 6,900.00	Building	Residential Remodel	TEAR OFF AND REPLACE ROOF
Finney County	BUILDING PERMIT	5460 ALLEN Drive	\$ 55.00	\$ 3,000.00	Building	Residential Remodel	NEW FENCE
Finney County	BUILDING PERMIT	111 DIAMOND HILL Drive	\$ 144.00	\$ 20,000.00	Building	Residential Remodel	BATHROOM REMODEL
Finney County	BUILDING PERMIT	3555 JENNIE BARKER Road	\$ 156.00	\$ 12,000.00	Building	Commercial/Industrial Remodel	INSTALLATION OF PRE-BUILT SHED & PARKING FOR HANDICAP ACCESS
Finney County	BUILDING PERMIT	530 GINGER	\$ 55.00	\$ 2,000.00	Building	Residential Remodel	FENCE REPLACEMENT
Finney County	BUILDING PERMIT	2985 JENNIE BARKER Road	\$ 131.00	\$ 8,000.00	Building	Residential Remodel	FENCE REPLACEMENT
Finney County	ELECTRICAL	895 MIDSTATES	\$ 42.00	\$ 1,000.00	Electrical	Commercial/Industrial Remodel	GOING FROM SINGLE PHASE TO THREE PHASE
Finney County	DEMO PERMIT	902 East MAPLE	\$ 43.00	\$ 500.00	Demo	Residential Remodel	DEMOLITION OF BARN
Finney County	PLUMBING	201 BULLARD Drive	\$ 29.00	\$ 800.00	Plumbing	Residential Remodel	INSTALL 40 GALLON NATURAL GAS WATER HEATER
Finney County	BUILDING PERMIT	3830 BIG LOWE Road	\$ 55.00	\$ 1,800.00	Building	Residential Remodel	REROOF
Finney County	BUILDING PERMIT	4020 SCHULMAN Avenue	\$ 75.00	\$ 6,000.00	Building	Residential Remodel	STUCCO SIDING
Finney County	BUILDING PERMIT	2509 West JONES Avenue	\$ 220.00	\$ 12,000.00	Building	Commercial/Industrial Remodel	ADDITION , RESTROOM AND OFFICE AND ELECTRICAL
Finney County	BUILDING PERMIT	5780 DOLITTLE Drive	\$ 82.00	\$ 5,698.00	Building	Residential Remodel	FENCE - FENCE CANNOT BE HIGHER THAN 8' : CALL FOR STAKEOUT AND FINAL INSPECTION
Finney County	MECHANICAL	2701 JONES Avenue	\$ 105.00	\$ 6,300.00	Mechanical	Residential Remodel	REPLACE FURNACE AND COIL
Finney County	BUILDING PERMIT	2865 MAPLE	\$ 131.00	\$ 6,800.00	Building	Residential Remodel	REROOF
Finney County	BUILDING PERMIT	1992 CHMELKA Road	\$ 55.00	\$ 1,000.00	Building	Residential Remodel	DECK
Finney County	BUILDING PERMIT	3835 TENDERLOIN Drive	\$ 55.00	\$ 400.00	Building	Residential Remodel	POUR CEMENT TO EXTEND CEMENT AREA
Finney County	BUILDING PERMIT	2010 CHMELKA Road	\$ 200.00	\$ 435,500.00	Building	Residential Remodel	CLEARLY BUILDING POLE BARN GARAGE - GARAGE NEEDS TO BE 10' FORM MAIN STRUCTURE AND IT NEEDS TO BE SET BACK 4' FROM PROPERTY LINE.
Finney County	BUILDING PERMIT	2101 MAPLE	\$ 577.80	\$ 101,920.00	Building	SF Manufactured (HUD Standards)	SETTING NEW MOBILE HOME ( ACOSTA HOMES WILL BE MOVING THE MOBILE HOME IN ) - WILL HAVE TO MEET ROMH STANDARDS. NEEDS 1 CONCRETE OR ASPHALT PAVED PARKING PAD. SETBACKS F - 75', S - 20', R - 50' OR 20% OF DEPTH OF LOT. WILL NEED TO PAVE TO PRIVATE ROAD EASEMENT WITH CONCRETE, ASPHALT OR MILLINGS.
Finney County	BUILDING PERMIT	1996 CHMELKA Road	\$ 131.00	\$ 11,337.12	Building	Residential Remodel	RE ROOF - TEAR OFF AND REPLACE - CALL FOR TEAR OFF AND FINAL INSPECTIONS
Finney County	BUILDING PERMIT	540 South WILDERNESS Road	\$1,552.00	\$ 370,000.00	Building	SF Residential Includes Modular	NEW SINGLE FAMILY HOME
Finney County	SIGN PERMIT	3830 JONES Avenue	\$ 75.00	\$ 3,000.00	Pole Sign	Commercial/Industrial Remodel	SIGN PERMIT (BERRY TRACTOR)
Finney County	MECHANICAL	4508 West RAILROAD Avenue	\$ 69.00	\$ 3,717.00	Mechanical	Residential Remodel	REPLACE AIR CONDITIONER #437646
Finney County	BUILDING PERMIT	4584 West JONES Avenue	\$ 131.00	\$ 7,032.00	Building	Residential Remodel	RE ROOF ON HOUSE & GARAGE
Finney County	BUILDING PERMIT	1905 FULTON	\$ 419.50	\$ 50,298.00	Building	Commercial/Industrial Remodel	NEW ENGINEERED METAL BUILDING - WILL NEED TO ADDRESS. FIRE EXTINGUISHER SYSTEM IN BUILDING WITH PLANS. BUILDING MUST BE 4' FROM PROPERTY LINE.

							OFFICE AND TRUCK TERMINAL FACILITY:PERMIT CONTINGENT UPON RECEIVING PLAN REVIEW COMMENTS FROM ARCHITECT. SPR-CONDITIONS 1)DRAINAGE CLACS TO BE RIVISED, REVIEWED, AND APPROVED PRIOR TO ISSUANCE OF CERT OF OCCUPANCY. 2) SIGNAGE-TO OBTAIN ITS OWN BUILDING PERMIT FOR SIGNS. (NO SIGNS WITH THIS PERMIT)
Finney County	BUILDING PERMIT	3850 MANSFIELD	\$ 300.00	\$ 3,000.00	Building	Commercial/Industrial Remodel	
Finney County	MECHANICAL	1805 West ANNIE SHEER Road	\$ 75.00	\$ 4,889.00	Mechanical	Residential Remodel	REPLACE AIR CONDITIONER AT FEED MILL #437910
Finney County	DEMO PERMIT	1905 FULTON	\$ 30.00	\$ -	Demo	Commercial/Industrial Remodel	DEMO RED BRICK WALLS
Finney County	PLUMBING	206 GRANDVIEW Drive	\$ 42.00	\$ 915.00	Plumbing	Residential Remodel	REPLACE 50 GALLON NAT GAS WATER HEATER

# GARDEN CITY

## 2017 MONTHLY BUILDING REPORT

2017 Monthly Report		Single Family Includes Modular Permits	Single Family Manufactured Permits	Multi-Family Permits (two or more attached dwellings)	Residential Remodel Permits	Commercial Permits	Industrial Permits	Commercial & Industrial Remodel Permits	Misc. Permits (Utility, Religious, Public or Non-Profit)	Total Fee, Permits & Valuation	Total Number of Inspections
JAN	FEE	1,416.00		-	2,378.00		1,050.00	2,541.00	162.00	7,547.00	324
	PERMITS	1		-	51		1	24	2	79	
	VALUATION	208,000		-	175,036		220,000	370,967	8,100	982,103	
FEB	FEE	2,324.00		-	2,966.00	-	-	4,460.00	534.00	10,284.00	243
	PERMITS	3			64			22	2	91	
	VALUATION	363,500		-	186,371	-	-	647,109	73,740	1,270,720	
MAR	FEE	2,824.00	1,894.00	-	4,159.00		1,311.00	6,734.00	772.00	17,694.00	329
	PERMITS	2	5	-	83		1	40	3	134	
	VALUATION	751,200	293,696	-	423,894		298,500	1,270,334	120,000	3,157,624	
APR	FEE		505.00	1,370.00	4,388.00	-	-	2,216.00	62.00	8,541.00	330
	PERMITS		3	2	91	-	-	26	1	123	
	VALUATION		78,300	290,000	407,560	-	-	355,465	5,500	1,136,825	
MAY	FEE	535.00	105.00	2,305.00	6,663.00	-	-	2,611.00	442.00	12,661.00	281
	PERMITS	1	1	4	147	-	-	37	5	195	
	VALUATION	100,000	25,000	460,000	609,021	-	-	274,536	57,400	1,525,957	
JUN	FEE	2,086.00	200.00	-	5,620.00	-	-	11,263.00	357.00	19,526.00	375
	PERMITS	3	1.00	-	114	-	-	36	4.00	158	
	VALUATION	442,900	29,500.00	-	450,314	-	-	2,414,719	18,400.00	3,355,833	
JUL	FEE	1,632.00		-	3,849.00	-	-	7,696.00	286.00	13,463.00	231
	PERMITS	2		-	91	-	-	26	4	123	
	VALUATION	367,000		-	250,621	-	-	1,521,931	20,541	2,160,093	
AUG	FEE			-		-	-		-	0.00	
	PERMITS			-		-	-		-	0	
	VALUATION			-		-	-		-	0	
SEP	FEE	-		-			-		-	0.00	
	PERMITS	-		-			-		-	0	
	VALUATION	-		-			-		-	0	
OCT	FEE			-		-	-		-	0.00	
	PERMITS			-		-	-		-	0	
	VALUATION			-		-	-		-	0	
NOV	FEE			-		-	-		-	0.00	
	PERMITS			-		-	-		-	0	
	VALUATION			-		-	-		-	0	
DEC	FEE									0.00	
	PERMITS									0	
	VALUATION									0	
2017 TOTAL PERMITS		12	10	6	641	0	2	211	21	89,716.00	2113
										903	
										13,589,155	

Council District	Permit Type	Address	Amount	Value	Purpose	Structure	Project Description
Garden City	PLUMBING	1204 HATTIE	\$ 29.00	\$ 899.00	Plumbing	Residential Remodel	REPLACED 40 GALLON NAT GAS WATER HEATER
Garden City	MECHANICAL	2106 North NINTH Street	\$ 29.00	\$ 1,630.00	Mechanical	Residential Remodel	REPLACE EVAPORATOR COIL #437979
Garden City	BUILDING PERMIT	1804 West JULIE Street	\$ 29.00	\$ 1,800.00	Building	Residential Remodel	REMOVE & REPLACE ROOF
							REPLACING 1" TAP WITH A 2' TAP TO RUN A WATER LINE FOR A NEW PESTICIDE TANK FILL STATION. WATER DEPT WILL DO THE TAP. WESTERN IRRIGATION WILL INSTALL THE LINE. PARKS DEPT WILL INSTALL DOUBLE CHECK AND FILLING STATION.
Garden City	PLUMBING	106 South ELEVENTH	\$ -	\$ 5,000.00	Plumbing	Commercial/Industrial Remodel	
Garden City	BUILDING PERMIT	2105 COMMANCHE Drive	\$ 29.00	\$ 858.54	Building	Residential Remodel	INSTALL WINDOWS IN PORCH/PATIO
							BUILD A GARAGE AND A CONCRETE SLAB UNDERNEATH - SETBACKS S=4', R=20'. IT HAS TO BE 0' FROM THE MAIN STRUCTURE. IT HAS TO HAVE A 20' DRIVEWAY.
Garden City	BUILDING PERMIT	1201 North Tenth Street	\$ 105.00	\$ 105.00	Building	Residential Remodel	
Garden City	BUILDING PERMIT	1102 KINGSBURY Road	\$ 29.00	\$ 300.00	Building	Residential Remodel	FENCE REPLACEMENT
Garden City	BUILDING PERMIT	802 FAIR	\$ 29.00	\$ 800.00	Building	Residential Remodel	REMOVE AND REPLACE ROOF
Garden City	BUILDING PERMIT	615 MAIN	\$ 130.00	\$ 24,860.00	Building	Commercial/Industrial Remodel	TEAR OFF/ HOT ASPHALT/GRAVEL
Garden City	MECHANICAL	712 ST JOHN Street	\$ 62.00	\$ 3,315.00	Mechanical	Commercial/Industrial Remodel	REPLACE AIR CONDITIONER #437533
							REPLACE FURNACE & AIR CONDITIONER #437829
Garden City	MECHANICAL	1005 West OLIVE Street	\$ 105.00	\$ 6,920.00	Mechanical	Residential Remodel	
Garden City	BUILDING PERMIT	307 THIRD Street	\$ 29.00	\$ 1,500.00	Building	Residential Remodel	FENCE REPLACEMENT
Garden City	BUILDING PERMIT	2008 MOHAWK Drive	\$ 56.00	\$ 5,800.00	Building	Residential Remodel	TEAR OFF AND REPLACE ROOF
Garden City	SIGN PERMIT	305 KANSAS Avenue	\$ -	\$ 1,000.00	Pole Sign	Commercial/Industrial Remodel	POLE SIGN - LA ESTRELLA RESTAURANT
Garden City	SIGN PERMIT	607 1/2 East KANSAS Avenue	\$ 75.00	\$ 3,000.00	Wall Sign	Commercial/Industrial Remodel	SIGN PERMIT (WESTERN UNION)
							REPLACE SERVICE METER AND INSTALL DISCONNECT, 100 AMP, 2" HUB
Garden City	ELECTRICAL	902 East MAPLE	\$ 29.00	\$ 750.00	Electrical	Residential Remodel	
							REPLACE EXISTING SERVICE WITH NEW 100 AMP
Garden City	PLUMBING	2927 PATTY Place	\$ 29.00	\$ 380.00	Plumbing	Residential Remodel	INSTALL CUSTOMER PROVIDED 50 GALLON NG WATER HEATER
Garden City	PLUMBING	328 GARDEN Street	\$ 29.00	\$ 1,200.00	Plumbing	Residential Remodel	SPRINKLER SYSTEM 2 ZONES
Garden City	PLUMBING	1224 RIDGEWOOD Drive	\$ 29.00	\$ 850.00	Plumbing	Residential Remodel	INSTALL 40 GALLON WATER HEATER
							CHANGE OUT A/C AND COIL IN R-22 SYSTEM
Garden City	MECHANICAL	1810 HARDING #3	\$ 29.00	\$ 2,500.00	Mechanical	Residential Remodel	
							REPLACE AIR CONDITIONER FOR RESTAURANT #437469
Garden City	MECHANICAL	301 North MAIN Street	\$ 130.00	\$ 6,389.00	Mechanical	Commercial/Industrial Remodel	
							OFFICE UPGRADE-WALL AND DOOR (WELLS FARGO)
Garden City	BUILDING PERMIT	805 North MAIN SUITE 3	\$ 130.00	\$ 7,000.00	Building	Commercial/Industrial Remodel	
Garden City	SIGN PERMIT	1014 West MARY Street	\$ 75.00	\$ 1,000.00	Wall Sign	Commercial/Industrial Remodel	ALUMINUM SIGN - LA MICHOCANA
Garden City	SIGN PERMIT	1601 East MARY	\$ 75.00	\$ 1,000.00	Wall Sign	Commercial/Industrial Remodel	ACRYLIC FACE SIGN - EDWARD JONES
							INSTALL NEW 2 1/2 TON A/C. CHANGE OUT 75K 80% FURNACE
Garden City	MECHANICAL	622 ELEVENTH	\$ 85.00	\$ 5,000.00	Mechanical	Residential Remodel	
Garden City	BUILDING PERMIT	626 MARY	\$ 29.00	\$ 500.00	Building	Residential Remodel	6 FOOT CEDAR FENCE REPAIR
Garden City	BUILDING PERMIT	2407 BUFFALO JONES	\$ 29.00	\$ 500.00	Building	Residential Remodel	REPAIR CHAIN LINK FENCE
Garden City	BUILDING PERMIT	2720 BUFFALO WAY Boulevard	\$ 130.00	\$ 7,600.00	Building	Commercial/Industrial Remodel	INSTALL SIDEWALK AND SPEED BUMPS
							CEMENT LAYOUT - NEW CEMENT SLAB MUST BE ANGLED OR SLOPED SO IT DOES NOT DRAIN ON NEIGHBORS PROPERTY
Garden City	BUILDING PERMIT	411 FAIR	\$ 29.00	\$ 400.00	Building	Residential Remodel	
Garden City	MECHANICAL	1610 BENTON	\$ 29.00	\$ 2,500.00	Mechanical	Residential Remodel	CHANGE OUT 2 TON A/C
Garden City	BUILDING PERMIT	2520 MAIN	\$ 29.00	\$ 2,500.00	Building	Residential Remodel	6 FOOT WOOD FENCE
Garden City	BUILDING PERMIT	515 TWELFTH	\$ 29.00	\$ 1,200.00	Building	Residential Remodel	TEAR OFF AND REPLACE SHINGLES
							REPLACE WATER SERVICE LINE FROM METER TO HOME
Garden City	PLUMBING	1805 PATS Drive	\$ 29.00	\$ 2,000.00	Plumbing	Residential Remodel	
							WAGNER APARTMENTS - SWITCH FROM INDIVIDUAL APARTMENT GAS METERS TO ONE METER FOR THE BUILDING AND TEST
Garden City	GAS	1713 East LAUREL	\$ 29.00	\$ 1,200.00	Gas Permit	Residential Remodel	
							WAGNER APARTMENTS - SWITCH FROM INDIVIDUAL APARTMENT GAS METERS TO ONE METER FOR THE BUILDING AND TEST
Garden City	GAS	1709 LAUREL	\$ 29.00	\$ 1,200.00	Gas Permit	Residential Remodel	
							WAGNER APARTMENTS - SWITCH FROM INDIVIDUAL APARTMENT GAS METERS TO ONE METER FOR THE BUILDING AND TEST
Garden City	GAS	1707 LAUREL	\$ 29.00	\$ 1,200.00	Gas Permit	Residential Remodel	
							WAGNER APARTMENTS - SWITCH FROM INDIVIDUAL APARTMENT GAS METERS TO ONE METER FOR THE BUILDING AND TEST
Garden City	GAS	1703 LAUREL	\$ 29.00	\$ 1,200.00	Gas Permit	Residential Remodel	
							WAGNER APARTMENTS - SWITCH FROM INDIVIDUAL APARTMENT GAS METERS TO ONE METER FOR THE BUILDING AND TEST
Garden City	MECHANICAL	1502 East HARDING #11 Avenue	\$ 62.00	\$ 4,500.00	Mechanical	Commercial/Industrial Remodel	CHANGE OUT 100K 80% FURNACE AND 4 TON A/C
							PUT TOGETHER 6' X 5' VINYL SHED - SHED NEEDS TO BE 10 FEET FROM STRUCTURE
Garden City	BUILDING PERMIT	950 North JENNIE BARKER, LOT #139	\$ 29.00	\$ 450.00	Building	Residential Remodel	
Garden City	MECHANICAL	2101 MAIN	\$ 29.00	\$ 1,800.00	Mechanical	Residential Remodel	REPLACE 30+ YEAR OLD FURNACE
							6 FOOT CEDAR FENCE - CALL FOR STAKEOUT AND FINAL INSPECTIONS
Garden City	BUILDING PERMIT	514 THOMPSON	\$ 56.00	\$ 4,885.00	Building	Residential Remodel	
Garden City	ELECTRICAL	1609 SEVENTH	\$ 29.00	\$ 750.00	Electrical	Residential Remodel	EXTEND RISOR
							UNITED RENTALS - REPLACE LIGHT FIXTURES IN SHOW ROOM & SHOP TO LED, ADD EXHAUST FAN
Garden City	ELECTRICAL	2208 West MARY	\$ 105.00	\$ 17,000.00	Electrical	Commercial/Industrial Remodel	
							REPLACE 200 AMP DISCONNECT WITH ANOTHER 200 AMP DISCONNECT WITH MORE CAPACITY
Garden City	ELECTRICAL	508 North SIXTH	\$ 29.00	\$ 500.00	Electrical	Residential Remodel	



Garden City	PLUMBING	507 EUGENE Place	\$ 29.00	\$ 2,400.00	Plumbing	Residential Remodel	PARTIAL SEWER LINE REPLACEMENT FORM HOUSE TO CURB
Garden City	BUILDING PERMIT	2135 TARA DR	\$ 105.00	\$ 11,684.00	Building	Residential Remodel	INSTALL SIDING
Garden City	ELECTRICAL	1602 HARDING	\$ -	\$ 1,000.00	Electrical	Commercial/Industrial Remodel	MOUNT RISER ON POLE OF RECEPTS FOR CITY
Garden City	ELECTRICAL	2501 FLEMING	\$ 32.00	\$ 1,000.00	Electrical	Commercial/Industrial Remodel	REPAIR OF MISC ELECTRIC WORK THROUGHOUT BUILDING
Garden City	GAS	3360 North EIGHTH #2 Street	\$ 29.00	\$ 350.00	Gas Permit	Residential Remodel	GAS PRESSURE TEST TRAILER # 2
Garden City	GAS	412 North SECOND	\$ 29.00	\$ 300.00	Gas Permit	Residential Remodel	GAS PRESSURE TEST GAS LINE AND FIX LEAK
Garden City	BUILDING PERMIT	1625 TAYLOR	\$ 220.00	\$ 26,500.00	Building	Commercial/Industrial Remodel	REROOF
Garden City	SIGN PERMIT	2310 East KANSAS	\$ 75.00	\$ 1,000.00	Temporary Sign	Commercial/Industrial Remodel	SEARS - STORE CLOSING BANNER
Garden City	SIGN PERMIT	2208 West MARY	\$ 150.00	\$ 1,000.00	Pole Sign	Commercial/Industrial Remodel	UNITED RENTALS - POLE AND WALL SIGN - SIGN CANNOT BE IN ROW. CAN'T BE TALLER THEN 20'. MUST HAVE 8' CLEARANCE TO GRADE, BUT MUST BE 16' IF PROJECTING OVER ROAD WAY.
Garden City	ELECTRICAL	3105 PRAIRIE	\$ 29.00	\$ 500.00	Electrical	Residential Remodel	CHANGE OUT METER SOCKET
Garden City	ELECTRICAL	1800 PALACE Drive	\$ 32.00	\$ 500.00	Electrical	Commercial/Industrial Remodel	REPLACE METER CAN ON BUILDINGS
Garden City	SIGN PERMIT	3104 East KANSAS Avenue	\$ 300.00	\$ 3,500.00	Wall Sign	Commercial/Industrial Remodel	SIGN REPAIR (AT&T)
Garden City	PLUMBING	207 East LAUREL	\$ 29.00	\$ 800.00	Plumbing	Residential Remodel	INSTALL 40 GALLON NG WATER HEATER
Garden City	BUILDING PERMIT	802 West HAMLINE Street	\$ 56.00	\$ 4,000.00	Building		NEW FENCE
Garden City	BUILDING PERMIT	202 THOMPSON	\$ 29.00	\$ 800.00	Building	Residential Remodel	WOOD PORCH - STRUCTURE IS ONLY SUPPOSED TO BE 1' HIGHER SO IT DOES NOT HAVE ANY SET BACK REQUIREMENTS - CALL FOR STAKEOUT AND FINAL INSPECTIONS
Garden City	BUILDING PERMIT	1509 TWELFTH	\$ 29.00	\$ 500.00	Building	Residential Remodel	NEW FENCE
Garden City	BUILDING PERMIT	410 FLORENCE Avenue	\$ 105.00	\$ 7,000.00	Building	Residential Remodel	BUILD A BACK PORCH
Garden City	BUILDING PERMIT	521 COLONY Street	\$ 29.00	\$ 3,000.00	Building	Residential Remodel	SHED AND COVER PATIO AND A CONCRETE SLAB FOR THE SHED
Garden City	BUILDING PERMIT	3221 PARKVIEW Drive	\$ 29.00	\$ 2,500.00	Building	Residential Remodel	NEW FENCE
Garden City	PLUMBING	3004 THIRD	\$ 130.00	\$ 10,000.00	Plumbing	Misc	UNDERGROUND PLUMBING
Garden City	MECHANICAL	4101 HWY 50 LOT 53	\$ 56.00	\$ 5,500.00	Mechanical	Residential Remodel	CHANGE OUT 70K 80% FURNACE AND INSTALL NEW 3 TON A/C
Garden City	BUILDING PERMIT	702 GARDEN CITY Avenue	\$ 29.00	\$ 2,300.00	Building	Residential Remodel	NEW FENCE
Garden City	BUILDING PERMIT	1604 LONGHORN Drive	\$ 56.00	\$ 6,000.00	Building	Residential Remodel	FENCE REPLACEMENT
Garden City	BUILDING PERMIT	2110 CHEROKEE Road	\$ 56.00	\$ 3,500.00	Building	Residential Remodel	FENCE REPLACEMENT
Garden City	BUILDING PERMIT	2706 BELMONT Place	\$ 105.00	\$ 8,000.00	Building	Residential Remodel	DEMOLITION AND REPLACEMENT OF EXISTING CONCRETE AS MARKED
Garden City	SIGN PERMIT	2412 East KANSAS Avenue	\$ 450.00	\$ 300.00	Wall Sign	Commercial/Industrial Remodel	SIGN REPLACEMENTS (BEST WESTERN)
Garden City	PLUMBING	1504 B	\$ 29.00	\$ 899.00	Plumbing	Residential Remodel	REPLACE 40 GALLON NAT GAS WATER HEATER
Garden City	GAS	2512 SIXTH	\$ 29.00	\$ 150.00	Gas Permit	Residential Remodel	PRESSURE TEST GAS LINE
Garden City	MECHANICAL	1412 MAIN Street	\$ 62.00	\$ 4,759.00	Mechanical	Misc	REPLACE AIR CONDITIONER FOR SERVER ROOM #435988
Garden City	MECHANICAL	302 MAIN	\$ 130.00	\$ 9,000.00	Mechanical	Commercial/Industrial Remodel	NEW FURNACE COIL & A/C & DUCT
Garden City	UTILITY	2351 IDLEWILD Way	\$ 466.30	\$ 3,500.00	Electrical	Residential Remodel	NEW SINGLE FAMILY HOUSE: ELECTRIC FEES
Garden City	UTILITY	2351 IDLEWILD Way	\$ 50.00	\$ 3,500.00	Plumbing	Residential Remodel	NEW SINGLE FAMILY HOME:WATER FEES
Garden City	BUILDING PERMIT	2918 NANCY Place	\$ 29.00	\$ 1,100.00	Building	Residential Remodel	PLACE A SHED ON A CONCRETE SLAB
Garden City	BUILDING PERMIT	3510 KANSAS Avenue	\$ 62.00	\$ 5,000.00	Building	Commercial/Industrial Remodel	INSTALL CONCRETE SUPPORT FOR LIGHT POLE DEMOLISHED (CAR) BY OTHERS
Garden City	BUILDING PERMIT	907 CAMPBELL	\$ 29.00	\$ 632.69	Building	Residential Remodel	VINYL SIDING
Garden City	BUILDING PERMIT	610 PRICE	\$ 56.00	\$ 3,000.00	Building	Residential Remodel	6 FOOT CEDAR FENCE AND 10X15 SHED- REPLACE A/C UNIT 35 SEAR
Garden City	PLUMBING	606 North EIGHTH Street	\$ 62.00	\$ 5,000.00	Plumbing	Commercial/Industrial Remodel	REPLACE PART OF SEWER SERVICE LINE.
Garden City	PLUMBING	1211 MULBERRY	\$ 29.00	\$ 300.00	Plumbing	Residential Remodel	REPLACE SEWER LIN AT TAP.
Garden City	PLUMBING	3221 PARKVIEW Drive	\$ 56.00	\$ 3,500.00	Plumbing	Residential Remodel	REPLACING WATERLINE
Garden City	PLUMBING	3201 CAMPUS C	\$ 29.00	\$ 2,000.00	Plumbing	Residential Remodel	INSTALL A SPRINKLER SYSTEM
Garden City	PLUMBING	3201 CAMPUS C	\$ 29.00	\$ 2,000.00	Plumbing	Residential Remodel	INSTALL SPRINKLER SYSTEM BY DRAINAGE POND AND ROAD
Garden City	GAS	4101 East HWY 50, #150	\$ 42.00	\$ 150.00	Gas Permit	Residential Remodel	GAS PRESSURE TEST
Garden City	BUILDING PERMIT	2351 IDLEWILD Way	\$ 804.00	\$ 180,000.00	Building	SF Residential Includes Modular	NEW SINGLE FAMILY HOME
Garden City	BUILDING PERMIT	605 LABRADOR Boulevard	\$ -	\$ 3,500.00	Building	Residential Remodel	TEAR OUT AND REPLACE APPROACH
Garden City	BUILDING PERMIT	1007 JOHNSON	\$ 29.00	\$ 350.00	Building	Residential Remodel	CONCRETE SLAB FOR A DRIVEWAY
Garden City	PLUMBING	1702 A Street	\$ 56.00	\$ 3,500.00	Plumbing	Residential Remodel	SPRINKLER INSTALLATION
Garden City	MECHANICAL	2005 OLD MANOR Road	\$ 56.00	\$ 3,275.00	Mechanical	Residential Remodel	REPLACE AIR CONDITIONER #437012
Garden City	MECHANICAL	1205 A Street	\$ 32.00	\$ 2,282.00	Mechanical	Misc	REPLACE AIR CONDITIONER FOR ROOM 1058 #435942
Garden City	BUILDING PERMIT	2823 ELDORADO Place	\$ 29.00	\$ 2,000.00	Building	Residential Remodel	BUILD A NEW FENCE
Garden City	BUILDING PERMIT	809 SEVENTH Street	\$ 29.00	\$ 1,500.00	Building	Residential Remodel	BUILD A NEW FENCE
Garden City	BUILDING PERMIT	502 STOECKLY Place	\$ 29.00	\$ 500.00	Building	Residential Remodel	NEW WINDOWS
Garden City	BUILDING PERMIT	124 FLEMING	\$ -	\$ 490.00	Building	Commercial/Industrial Remodel	10' x 10' PERGOLA - NO PERMIT FEE - BOY SCOUT PROJECT - MUST BE 10 FOOT FROM MAIN STRUCTURE. IF STRUCTURE IS UNDER 180 SQ FT IT CAN GO UP TO THE PROPERTY LINE.
Garden City	BUILDING PERMIT	1505 SPRUCE APT 10	\$ 29.00	\$ 600.00	Building	Residential Remodel	INSTALL SIDEWALK
Garden City	BUILDING PERMIT	2928 LORAIN Place	\$ 29.00	\$ 3,000.00	Building	Residential Remodel	REPLACE NEW WINDOWS
Garden City	BUILDING PERMIT	2341 IDLEWILD Way	\$ 827.80	\$ 187,000.00	Building	SF Residential Includes Modular	NEW SINGLE FAMILY HOUSE
Garden City	BUILDING PERMIT	1121 PERSHING Avenue	\$ 210.00	\$ 20,000.00	Building	Residential Remodel	REEROOF
Garden City	BUILDING PERMIT	1006 SECOND Street	\$ 29.00	\$ 2,000.00	Building	Residential Remodel	NEW FENCE
Garden City	BUILDING PERMIT	701 SUMMIT	\$ 52.50	\$ 10,000.00	Building	Residential Remodel	PERMIT RENEWAL: RENOVATE EXISTING BLD TO NEW STD.
Garden City	BUILDING PERMIT	2302 ESTES Place	\$ 105.00	\$ 22,400.00	Building	Residential Remodel	BUILD A NEW GARAGE
Garden City	PLUMBING	1609 LAUREL	\$ 29.00	\$ 800.00	Plumbing	Residential Remodel	INSTALL 40 GALLON NG WATER HEATER
Garden City	PLUMBING	2261 GLENWOOD Drive	\$ 29.00	\$ 950.00	Plumbing	Residential Remodel	INSTALLATION OF A WATER SOFTENER IN EQUIPMENT ROOM IN BASEMENT

Garden City	GAS	3360 North EIGHTH #1 Street	\$ 29.00	\$ 350.00	Gas Permit	Residential Remodel	GAS PRESSURE TEST
Garden City	UTILITY	2341 IDLEWILD Way	\$ 466.30	\$ 3,500.00	Electrical	Residential Remodel	NEW SINGLE FAMILY HOME ELECTRIC CONNECT FEE
Garden City	UTILITY	2341 IDLEWILD Way	\$ 50.00	\$ 3,500.00	Plumbing	Residential Remodel	NEW SINGLE FAMILY HOME WATER CONNECT FEE
Garden City	PLUMBING	1412 MAIN	\$ 62.00	\$ 3,500.00	Plumbing	Misc	WATER SERVICE REPAIR (HORACE GOOD MIDDLE SCHOOL)
Garden City	BUILDING PERMIT	1909 CHESTERFIELD	\$ 29.00	\$ 750.00	Building	Residential Remodel	CONCRETE SLAB
Garden City	BUILDING PERMIT	518 ALYSSA Court	\$ 29.00	\$ 300.00	Building	Residential Remodel	REPLACE A WOODEN FENCE
Garden City	BUILDING PERMIT	2705 North TENTH	\$ 29.00	\$ 1,250.00	Building	Residential Remodel	BUILD A SHED
Garden City	BUILDING PERMIT	1005 MAIN	\$ 220.00	\$ 28,000.00	Building	Commercial/Industrial Remodel	INTERIOR REMODEL (EDWARD JONES)
Garden City	BUILDING PERMIT	2309 SEVENTH	\$ 105.00	\$ 20,000.00	Building	Residential Remodel	DECK AND PATIO
Garden City	MECHANICAL	1801 HARDING Avenue	\$ 62.00	\$ 5,800.00	Mechanical	Residential Remodel	REPLACE A/C, COIL AND FURNACE (R-22 SYSTEM)
Garden City	BUILDING PERMIT	530 JENNA Lane	\$ 29.00	\$ -	Building	Residential Remodel	6 FOOT WOOD FENCE - CALL FOR STAKEOUT AND FINAL INSPECTIONS
Garden City	BUILDING PERMIT	2007 OLD MANOR Road	\$ 29.00	\$ 100.00	Building	Residential Remodel	CONCRETE PAD AND 3 FOOT ROD IRON FENCE
Garden City	ELECTRICAL	505 HUDSON	\$ 29.00	\$ 700.00	Electrical	Residential Remodel	ELECTRICAL SERVICE RE-WORK (REPLACE PANEL) NEEDING A 1"-1/4 HUB
Garden City	ELECTRICAL	2311 West KANSAS Avenue	\$ 29.00	\$ 500.00	Electrical	Residential Remodel	METER UPGRADE - 100 AMP TO 200 AMP
Garden City	PLUMBING	1110 BANCROFT	\$ 29.00	\$ 1,200.00	Plumbing	Residential Remodel	RUN NEW WATER LINE FROM HOUSE TO CITY METER
Garden City	BUILDING PERMIT	1820 North CHEROKEE Road	\$ 56.00	\$ 3,998.00	Building	Residential Remodel	REMOVE 3 - TAB AND INSTALL 30 YEAR SHINGLES
Garden City	BUILDING PERMIT	407 LAURA Lane	\$ 56.00	\$ 4,300.00	Building	Residential Remodel	REMOVE AND REPLACE SHINGLES
Garden City	PLUMBING	2120 B	\$ 29.00	\$ 850.00	Plumbing	Residential Remodel	INSTALL 30 GALLON WATER HEATER
Garden City	BUILDING PERMIT	2103 B	\$ 56.00	\$ 3,500.00	Building	Residential Remodel	REMODEL - WIDOW, VANITY AND SHEETROCK
Garden City	BUILDING PERMIT	2829 BELMONT Place	\$ 29.00	\$ 1,800.00	Building	Residential Remodel	6 FOOT WOOD FENCE - CALL FOR STAKEOUT AND FINAL INSPECTIONS

# HOLCOMB

## 2017 MONTHLY BUILDING REPORT

2017 Monthly Report		Single Family Includes Modular Permits	Single Family Manufactured Permits	Multi-Family Permits (two or more attached dwellings)	Residential Remodel Permits	Commercial Permits	Industrial Permits	Commercial & Industrial Remodel Permits	Misc. Permits (Utility, Religious, Public or Non-Profit)	Total Fee, Permits & Valuation	Total Number of Inspections
JAN	FEE			-	241.00	-	-		-	241.00	15
	PERMITS			-	3	-	-		-	3	
	VALUATION			-	18,800	-	-		-	18,800	
FEB	FEE			1,157.00	392.00	-	-		-	1,549.00	39
	PERMITS			1,3	6	-	-		-	6	
	VALUATION			234,000	30,300	-	-		-	264,300	
MAR	FEE	-		-	343.00		-	32.00	-	375.00	22
	PERMITS	-		-	6		-	1	-	7	
	VALUATION	-		-	11,160		-	2,000	-	13,160	
APR	FEE	1,191.00	582.00	-	173.00	-	-		-	1,946.00	20
	PERMITS	1	1	-	2	-	-		-	4	
	VALUATION	243,740	106,704	-	8,200	-	-		-	358,644	
MAY	FEE	817.00		-	1,227.00	-	-	143.00	-	2,187.00	52
	PERMITS	1		-	13	-	-	1	-	15	
	VALUATION	133,140		-	109,851	-	-	19,000	-	261,991	
JUN	FEE		-	2,465.00	1,364.00	-	-		-	3,829.00	27
	PERMITS		-	2,6	19	-	-		-	19	
	VALUATION		-	552,000.00	105,877	-	-		-	657,877	
JUL	FEE		-	-	680.00	-	-	75.00	-	755.00	26
	PERMITS		-	-	11	-	-	1	-	12	
	VALUATION		-	-	35,984	-	-	4,300	-	40,284	
AUG	FEE			-		-	-		-	0.00	
	PERMITS			-		-	-		-	0	
	VALUATION			-		-	-		-	0	
SEP	FEE									0.00	
	PERMITS									0	
	VALUATION									0	
OCT	FEE									0.00	
	PERMITS									0	
	VALUATION									0	
NOV	FEE									0.00	
	PERMITS									0	
	VALUATION									0	
DEC	FEE									0.00	
	PERMITS									0	
	VALUATION									0	
2017 TOTAL PERMITS		2	1	3,9	60	0	0	3	0	10,882.00	201
										66	
										1,615,056	



Council District	Permit Type	Address	Amount	Value	Purpose	Structure	Project Description
Holcomb	BUILDING PERMIT	105 JEREMY Lane	\$ 55.00	\$ 850.00	Building	Residential Remodel	6 FOOT WOOD PRIVACY FENCE
Holcomb	MECHANICAL	601 WILEY	\$ 75.00	\$ 4,300.00	Mechanical	Commercial/Industrial Remodel	CHANGE OUT 5 TONE AC
Holcomb	BUILDING PERMIT	406 LAURA Lane	\$ 29.00	\$ 1,700.00	Building	Residential Remodel	6 FOOT CEDAR FENCE
Holcomb	BUILDING PERMIT	401 RUSSEL Road	\$ 55.00	\$ 800.00	Building	Residential Remodel	NEW FENCE
Holcomb	BUILDING PERMIT	7485 LINDSAY Drive	\$ 82.00	\$ 8,998.36	Building	Residential Remodel	RE ROOF - TEAR OFF AND REPLACE
Holcomb	BUILDING PERMIT	203 SANTA FE Avenue	\$ 131.00	\$ 7,377.65	Building	Residential Remodel	RE ROOF - TEAR OFF AND REPLACE
Holcomb	PLUMBING	506 DAVID Avenue	\$ 42.00	\$ 899.00	Plumbing	Residential Remodel	REPLACE 40 GAL NAT GAS WATER HEATER
Holcomb	BUILDING PERMIT	701 LAURA Lane	\$ 55.00	\$ 1,600.00	Building	Residential Remodel	REROOF
Holcomb	ELECTRICAL	406 LAURA Lane	\$ 29.00	\$ 1,100.00	Electrical	Residential Remodel	REPLACE PANEL AND REWORK SERVICE
Holcomb	BUILDING PERMIT	6835 LYLE Road	\$ 131.00	\$ 10,184.60	Building	Residential Remodel	RE ROOF - TEAR OFF AND REPLACE - CALL FOR TEAR OFF AND FINAL INSPECTIONS
Holcomb	PLUMBING	105 LARSON Lane	\$ 29.00	\$ 899.00	Plumbing	Residential Remodel	REPLACED 40 GALLON NAT GAS WATER HEATER
Holcomb	MECHANICAL	115 JENNY Avenue	\$ 42.00	\$ 1,575.00	Mechanical	Residential Remodel	REPLACE EVAPORATOR COIL #438003



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Sam Curran, Public Works Director  
**DATE:** August 15, 2017  
**RE:** City Link Ridership Monthly Comparison Report - July 2017

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**ISSUE:**

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

**BACKGROUND:**

Attached is the Public Works Ridership Report for July 2017.

**ALTERNATIVES:**

None

**RECOMMENDATION:**

None

**FISCAL NOTE:**

None

**ATTACHMENTS:**

Description	Upload Date	Type
Ridership - July 2017	8/2/2017	Backup Material

## CITY RIDERSHIP YEARLY COMPARISON

Month	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Jan	901	2,984	3,375	3,945	5,583	5,044	6,344	5,237	4,999	4,492
Feb	1,028	3,356	4,076	3,923	5,726	4,159	4,870	4,535	5,296	4,602
Mar	1,393	3,321	4,382	5,165	6,125	5,541	6,479	5,554	5,846	5,585
Apr	1,662	3,504	4,603	5,184	4,804	5,120	6,584	5,708	5,608	5,116
May	2,026	3,321	4,424	5,072	5,795	6,368	6,801	5,280	5,476	5,698
Jun	2,320	4,361	5,246	6,435	6,576	7,274	6,887	7,310	6,019	6,584
Jul	3,598	4,814	4,528	6,363	7,031	7,501	7,356	6,935	5,474	2,435
Aug	3,256	4,635	4,922	6,454	7,993	6,673	7,217	6,492	6,356	
Sep	2,962	3,988	4,287	5,290	5,063	5,644	7,229	6,915	6,212	
Oct	3,712	4,227	4,745	5,258	5,842	7,175	6,905	5,716	5,983	
Nov	2,561	3,410	4,126	4,627	4,482	5,420	4,514	4,462	5,144	
Dec	3,036	3,564	4,783	4,789	4,214	5,369	5,225	5,203	4,837	
<b>TOTAL</b>	<b>28,455</b>	<b>45,485</b>	<b>53,497</b>	<b>62,505</b>	<b>69,234</b>	<b>71,288</b>	<b>76,411</b>	<b>69,347</b>	<b>67,250</b>	<b>34,512</b>



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Kaleb Kentner, Neighborhood & Development Services Director  
**DATE:** August 15, 2017  
**RE:** July 2017 Code Compliance Report from Neighborhood & Development Services.

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**ISSUE:**

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

**BACKGROUND:**

Attached is the July 2017 Code Compliance Report from Neighborhood & Development Services.

**ALTERNATIVES:**

None.

**RECOMMENDATION:**

None.

**FISCAL NOTE:**

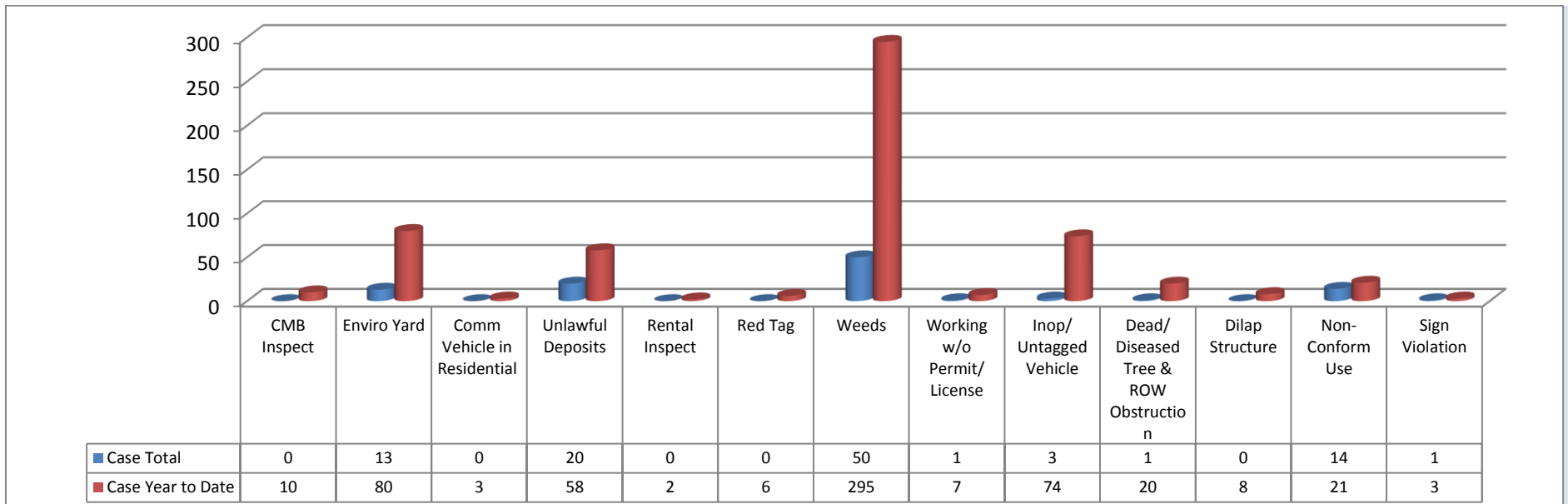
None.

**ATTACHMENTS:**

Description	Upload Date	Type
July 2017 Code Compliance Report	8/9/2017	Backup Material



## JULY 2017 CODE COMPLIANCE REPORT



Jurisdiction	File#	Address	Category	Description	Open Date	Close Date
Garden City	17-001889	1107 Third	Weeds	weeds	7/3/2017	8/4/2017
Garden City	17-001890	2409 Taylor	Weeds	weeds	7/3/2017	
Garden City	17-001897	318 Tenth	Weeds	weeds	7/5/2017	7/5/2017
Garden City	17-001898	118 Kansas	Unlawful Deposits	tree limbs in alley	7/5/2017	7/24/2017

Jurisdiction	File#	Address	Category	Description	Open Date	Close Date
Garden City	17-001899	623 Garden City	Weeds	weeds	7/5/2017	7/31/2017
Garden City	17-001900	618 Thirteenth	Environmental Yard	junk on property	7/5/2017	
Garden City	17-001917	907 Maple	Environmental Yard	trash	7/6/2017	
Garden City	17-001919	2506 Carriage	Environmental Yard	tree limbs hanging over property	7/6/2017	
Garden City	17-001920	2007 Cherokee	Vehicles	inoperable vehicle	7/6/2017	7/6/2017
Garden City	17-001921	1711 B	Unlawful Deposits	junk by dumpster	7/6/2017	7/17/2017
Garden City	17-001922	911 Harold	Weeds	weeds	7/6/2017	7/17/2017
Garden City	17-001923	1509 Wallace	Weeds	weeds	7/6/2017	7/31/2017
Garden City	17-001925	212 Fourth	Vehicles	Vehicle on unimproved surface	7/6/2017	8/1/2017
Garden City	17-001937	502 Stoeckly Place	Work w/out Permit	WORK WITH OUT PERMIT - REPORTED BY LEAH AT THE COUNTY	7/6/2017	
Garden City	17-001938	915 Ninth	Vehicles	parking in lot next to property	7/7/2017	7/19/2017
Garden City	17-001939	2312 Sixth	Weeds	weeds	7/7/2017	7/19/2017
Garden City	17-001947	512 Ninth	Weeds	Weeds	7/7/2017	7/19/2017
Garden City	17-001949	222 Main	Weeds	Weeds	7/7/2017	7/19/2017
Garden City	17-001951	214 Fleming	Weeds	Weeds	7/7/2017	8/9/2017
Garden City	17-001952	2306 Kansas Avenue	Weeds	Weeds	7/7/2017	7/31/2017
Garden City	17-001954	206 Wesley	Unlawful Deposits	Junk by dumpster	7/7/2017	7/19/2017

Jurisdiction	File#	Address	Category	Description	Open Date	Close Date
Garden City	17-001964	905 Ninth	Weeds	weeds	7/10/2017	7/21/2017
Garden City	17-001965	909 Ninth	Weeds	weeds	7/10/2017	7/21/2017
Garden City	17-001966	1917 Buffalo Jones	Weeds	weeds	7/10/2017	7/31/2017
Garden City	17-001967	909 Eighth	Weeds	weeds	7/10/2017	7/19/2017
Garden City	17-001968	506 Eighth	Weeds	weeds	7/10/2017	8/6/2017
Garden City	17-001976	104 Kansas	Sign	signs w/out permit	7/10/2017	7/13/2017
Garden City	17-001977	1602 Eleventh	Weeds	weeds	7/10/2017	7/11/2017
Garden City	17-001986	2213 Kansas	Weeds	weeds	7/11/2017	
Garden City	17-001988	3203 Primrose	Weeds	weeds	7/11/2017	7/31/2017
Garden City	17-001989	3201 Primrose	Weeds	weeds	7/11/2017	7/31/2017
Garden City	17-001990	2105 Inland	Weeds	weeds	7/11/2017	7/31/2017
Garden City	17-001992	2107 Inland	Weeds	weeds	7/11/2017	7/31/2017
Garden City	17-001993	2109 Inland	Weeds	weeds	7/11/2017	7/31/2017
Garden City	17-001994	2111 Inland	Weeds	weeds	7/11/2017	7/31/2017
Garden City	17-001995	3202 Primrose	Weeds	weeds	7/11/2017	7/31/2017
Garden City	17-001996	3201 Winter	Weeds	weeds	7/11/2017	7/31/2017
Garden City	17-001997	2106 Inland	Weeds	weeds	7/11/2017	7/31/2017
Garden City	17-001998	2108 Inland	Weeds	weeds	7/11/2017	7/31/2017

Jurisdiction	File#	Address	Category	Description	Open Date	Close Date
Garden City	17-001999	2110 Inland	Weeds	weeds	7/11/2017	7/31/2017
Garden City	17-002000	2112 Inland	Weeds	weeds	7/11/2017	7/31/2017
Garden City	17-002012	232 Nelson	Environmental Yard	tree limbs in backyard	7/12/2017	8/9/2017
Garden City	17-002013	2613 Belmont	Vehicles	possible inoperable vehicle	7/12/2017	7/12/2017
Garden City	17-002014	124 Kansas	Unlawful Deposits	tree limbs in alley	7/12/2017	7/20/2017
Garden City	17-002015	121 Hazel	Unlawful Deposits	tree limbs in alley	7/12/2017	7/24/2017
Garden City	17-002016	11545 Yucca	Environmental Yard	goat violation	7/12/2017	7/12/2017
Garden City	17-002027	1104 Spruce	Vehicles	vehicle on property	7/13/2017	7/13/2017
Garden City	17-002079	2321 Glenwood Drive	Weeds	weeds	7/20/2017	7/31/2017
Garden City	17-002080	2109 Arapahoe	Unlawful Deposits	junk in alley	7/20/2017	7/31/2017
Garden City	17-002085	2020 Roman Road	Weeds	Weeds (ditch)	7/20/2017	7/28/2017
Garden City	17-002088	2900 Campus Dr	Weeds	weeds	7/20/2017	
Garden City	17-002089	708 Main	Weeds	weeds	7/20/2017	7/31/2017
Garden City	17-002090	1109 Kingsbury	Vehicles	inoperable vehicle	7/20/2017	7/31/2017
Garden City	17-002091	1004 Mary	Vehicles	vehicle on unimproved surface	7/20/2017	7/31/2017
Garden City	17-002095	2614 C Street	Vehicles	inoperable vehicle	7/24/2017	8/9/2017
Garden City	17-002096	412 Magnolia	Weeds	WEEDS IN ALLEY	7/24/2017	8/4/2017
Garden City	17-002097	420 Magnolia	Weeds	WEEDS	7/24/2017	8/9/2017



Jurisdiction	File#	Address	Category	Description	Open Date	Close Date
Garden City	17-002099	1503 Jan	Weeds	WEEDS	7/24/2017	7/24/2017
Garden City	17-002100	420 Magnolia	ROW Obstruction	ROW (TREES)	7/24/2017	8/8/2017
Garden City	17-002101	2616 Main	Unlawful Deposits	TREE LIMBS	7/24/2017	8/9/2017
Garden City	17-002102	1501 Chestnut	Weeds	WEEDS	7/24/2017	7/24/2017
Garden City	17-002103	1408 Chestnut	Environmental Yard	WOOD	7/24/2017	8/4/2017
Garden City	17-002104	1407 Chestnut	Vehicles	VEHICLE PARKED ON LAWN	7/24/2017	7/24/2017
Garden City	17-002105	310 Center	Vehicles	VEHICLE PARKED ON LAWN	7/24/2017	8/4/2017
Garden City	17-002106	1714 Old Manor	Unlawful Deposits	MATTRESS IN ALLEY	7/24/2017	8/4/2017
Garden City	17-002107	1512 Twelfth	Weeds	WEEDS	7/24/2017	8/4/2017
Garden City	17-002108	1614 Taylor	Unlawful Deposits	COUCH ON PROPERTY	7/24/2017	8/4/2017
Garden City	17-002109	1006 Third	Unlawful Deposits	LIMBS BY DUMPSTER	7/24/2017	8/9/2017
Garden City	17-002110	709 Third	Unlawful Deposits	JUNK IN ALLEY	7/24/2017	8/4/2017
Garden City	17-002111	702 Main	Unlawful Deposits	JUNK IN ALLEY	7/24/2017	7/24/2017
Garden City	17-002116	1621 Fulton	Vehicles	Vehicle on unimproved surface	7/24/2017	
Garden City	17-002117	309 Nelson	Unlawful Deposits	Junk by dumpster	7/24/2017	8/4/2017
Garden City	17-002118	2324 Eighth	Weeds	Weeds	7/24/2017	8/8/2017
Garden City	17-002123	2214 Kansas Avenue	Weeds	Weeds	7/24/2017	7/31/2017
Garden City	17-002124	1820 Kansas Avenue	Unlawful Deposits	tree limbs	7/24/2017	

Jurisdiction	File#	Address	Category	Description	Open Date	Close Date
Garden City	17-002147	1619 Jan	Vehicles	vehicle on unimproved surface	7/26/2017	8/4/2017
Garden City	17-002148	309 Davis	Weeds	weeds	7/26/2017	
Garden City	17-002149	408 Center	Vehicles	inoperable vehicle	7/26/2017	8/7/2017
Garden City	17-002150	1202 Spruce	Environmental Yard	tree limbs/weeds	7/26/2017	
Garden City	17-002151	141 Honey Bee	Environmental Yard	tree limbs	7/26/2017	7/26/2017
Garden City	17-002152	912 Campus	Environmental Yard	trash on property	7/26/2017	
Garden City	17-002153	123 Hazel	Vehicles	inoperable vehicles	7/26/2017	
Garden City	17-002154	4680 HWY 50	Environmental Yard	junk on property	7/26/2017	
Garden City	17-002155	1630 Johnson	Environmental Yard	weeds in alley	7/26/2017	
Garden City	17-002162	412 Fourth	Environmental Yard	tree limbs	7/27/2017	8/7/2017
Garden City	17-002169	900 Farmland Road	Weeds	weeds	7/27/2017	8/9/2017
Garden City	17-002172	411 First	Weeds	weeds, junk on property	7/28/2017	
Garden City	17-002173	1501 Chestnut	Unlawful Deposits	junk on property	7/28/2017	8/4/2017
Garden City	17-002174	1008 Center	Unlawful Deposits	couch on property	7/28/2017	8/8/2017
Garden City	17-002181	2406 Casey Drive	Weeds	weeds	7/31/2017	
Garden City	17-002182	801 Walnut	Weeds	weeds	7/31/2017	8/1/2017
Garden City	17-002183	1311 Chestnut	Environmental Yard	appliances on property	7/31/2017	8/1/2017
Garden City	17-002184	1101 Chestnut	Weeds	weeds	7/31/2017	

Jurisdiction	File#	Address	Category	Description	Open Date	Close Date
Garden City	17-002185	405 Second	Weeds	weeds	7/31/2017	
Garden City	17-002186	309 Center	Weeds	weeds	7/31/2017	
Garden City	17-002187	2608 C	Unlawful Deposits	junk by dumpster	7/31/2017	8/8/2017
Garden City	17-002188	2607 C	Unlawful Deposits	tree limbs	7/31/2017	
Garden City	17-002189	2606 C	Unlawful Deposits	junk by dumpster	7/31/2017	8/8/017
Garden City	17-002190	3510 Kansas	Weeds	weeds	7/31/2017	
Garden City	17-002191	605 Maple	Unlawful Deposits	junk on property	7/31/2017	



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Service and Finance  
**DATE:** August 15, 2017  
**RE:** Monthly Financial Report - July 2017

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**ISSUE:**

Presentation of the Monthly Financial Report from Service and Finance.

**BACKGROUND:**

Attached is the Service and Finance Monthly Financial Report for July, 2017.

**ALTERNATIVES:**

None.

**RECOMMENDATION:**

None.

**FISCAL NOTE:**

None.

**ATTACHMENTS:**

Description	Upload Date	Type
Monthly Financial Report - July 2017	8/9/2017	Backup Material



**City of Garden City**  
**Monthly Financial Report FY 2017**  
**For the Seven Months Ended July 31, 2017**  
**Unaudited**--Intended for Management Purposes Only

The following is a summary of the City's financial results for the General Funds and Utility Funds. The subsequent pages provide some narrative, comparison cash balances, line item analysis, and graphic display of revenue trends for the City's General and Utility Funds. This report is intended to assist the City Commission and the City's Administrative team in managing the operational budget. This information is summarized from unaudited financial statements for the monthly period that ended July 31, 2017.

**GENERAL FUND AT A GLANCE**

Category		Revised 2017 Budget	2017 YTD Actual	2016 YTD Actual
Revenues		23,307,682	14,789,057	14,776,028
Expenditures		24,468,183	14,193,722	13,792,716
<b>Revenues Over(Under)</b>		<b>(1,160,501)</b>	<b>595,334</b>	<b>983,312</b>

**UTILITY FUND REVENUES AT A GLANCE**

Category		Revised 2017 Budget	2017 YTD Actual	2016 YTD Actual
Electric		31,607,219	17,018,227	17,022,517
Solid Waste		3,733,757	2,298,389	2,214,708
Drainage Utility		382,042	138,421	123,686
Water and Sewage		9,051,988	4,463,262	3,970,567
<b>TOTAL</b>		<b>44,775,006</b>	<b>23,918,299</b>	<b>23,331,477</b>

**SELECTED GENERAL FUND REVENUES AT A GLANCE**

Category		Revised 2017 Budget	2017 YTD Actual	2016 YTD Actual
City Sales Tax		6,300,000	3,761,274	3,835,581
County Sales Tax		3,800,000	2,225,777	2,224,399
Franchise Tax				
Gas Utility		410,000	375,674	341,605
Telephone		50,000	27,329	34,319
CATV		227,000	110,910	116,418
Building Permits		247,000	178,590	308,226
Municipal Court Fines		950,000	560,139	510,896



**City of Garden City**  
**Monthly Financial Report FY 2017**  
**For the Seven Months Ended**  
**July 31, 2017**

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**General Fund**

General Fund Revenues collected through July were \$14,789,057. The July revenues represent 63.45% of the total revenues expected in the General Fund. Property tax distribution was 97.33% for the third of five payments in 2017.

General Fund Expenses are at 58.01% of the total expenditures expected in the General Fund.

**Selected Revenues**

■City Sales Tax—Behind by \$74,307 compared to July 2016 year to date collections, 1.94% behind 2016 for the seven months ended.

■County Sales Tax— Collections for the seven months ended are ahead of 2016 by \$1,378 or .06%.

■Franchise Tax—Budget estimates for 2017 remain approximately the same as 2016. Gas utility is higher than 2016 with Telephone and CATV lower.

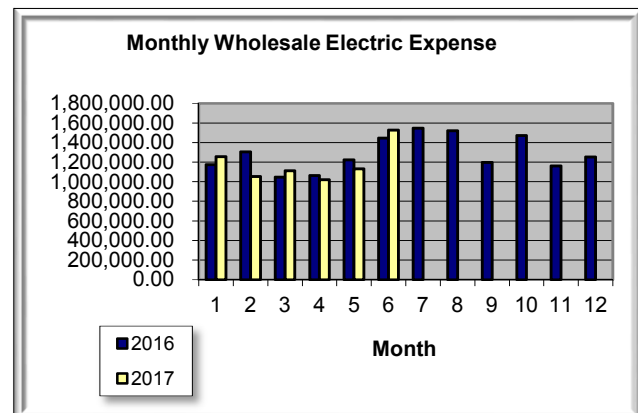
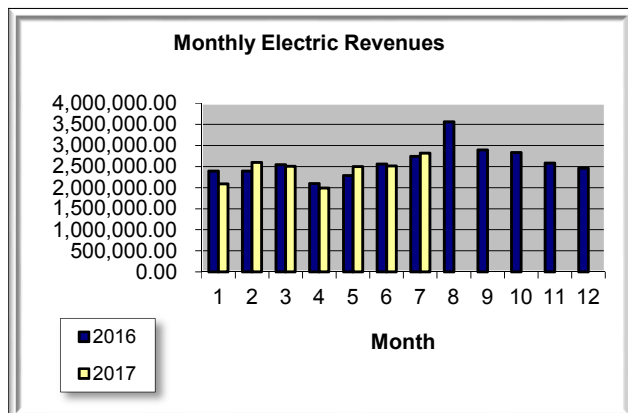
■Building Permits—Budget estimates for 2017 are based on 2016 revenues. Receipts are lower than this period in 2016.

■Municipal Court Fines—Budget estimates were based on 2016 actual and collections through July are ahead of 2016.

**Utility Funds**

A summary of Utility Fund revenue performance is outlined below:

■Electric revenues – revised budget at \$31,607,219 for 2017 were \$17,018,227 through seven months or 53.84% of budget.



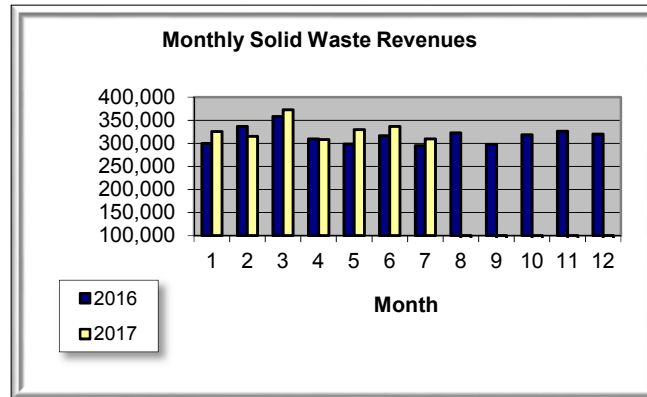
A main expense is Wholesale Electric in the Utility Fund. The 2017 revised budget for wholesale electric is \$15,900,000. The wholesale electric expense for July was not available at this printing.



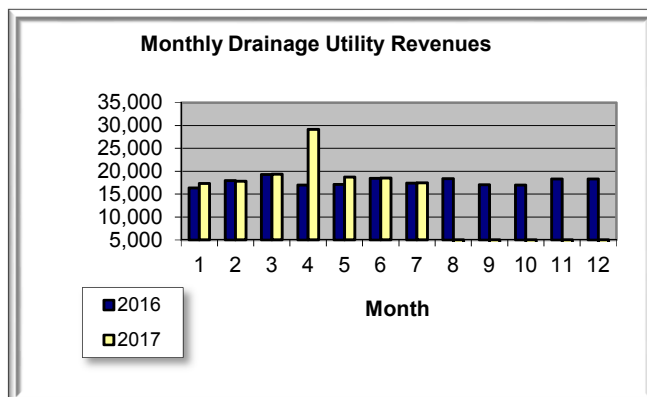
**City of Garden City**  
**Monthly Financial Report FY 2017**  
**For the Seven Months Ended**  
**July 31, 2017**

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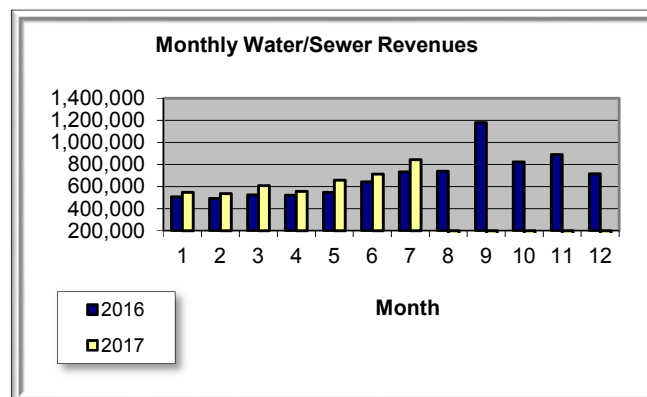
■Solid Waste revenues – revised budget at \$3,733,757 for 2017 were \$2,298,389 through seven months or 61.56% of budget.



■Drainage Utility revenues – revised budget at \$382,042 for 2017 were \$138,421 through seven months or 36.23%.



■Water and Sewage revenues - revised budget at \$9,051,988 for 2017 were \$4,463,262 through seven months or 49.31% of budget.



CITY OF GARDEN CITY, KANSAS  
Comparison of Cash Balances with Encumbrances and Composition of Cash  
For the Month Ended July 31, 2017

Fund		Unencumbered Cash Balance 1/1/2017	Receipts and Transfers	Expenditures and Transfers	Unencumbered Cash Balance 7/31/2017	Add Payables and Encumbrances	Treasurer's Cash 7/31/2017
<u>Operating</u>							
1	General	5,771,305.02	14,789,056.65	14,133,950.98	6,426,410.69	59,300.00	6,485,710.69
<u>Debt Service Fund</u>							
40	Bond and Interest	338,263.77	2,126,214.59	120,622.08	2,343,856.28	0.00	2,343,856.28
<u>Special Revenue Funds</u>							
4	TIF	402,438.78	1,852,924.32	970,878.71	1,284,484.39	0.00	1,284,484.39
5	Capital Improvement	1,297,511.01	75,820.90	317,514.22	1,055,817.69	58,576.60	1,114,394.29
6	Community Development Loan	18,618.95	1,424.55	1,500.00	18,543.50	0.00	18,543.50
7	Cemetery Endowment	28,943.55	2,661.64	0.00	31,605.19	0.00	31,605.19
8	Community Trust	1,580,013.98	839,163.60	1,228,851.31	1,190,326.27	0.00	1,190,326.27
10	DEA Forfeiture	36,516.18	3,541.33	17,263.10	22,794.41	0.00	22,794.41
11	Drug Enforcement	56,387.74	39,605.11	58,498.84	37,494.01	0.00	37,494.01
15	Enhanced Wireless 911	496,402.28	117,896.99	161,491.29	452,807.98	0.00	452,807.98
18	Finnup Trust	141,227.02	65,000.00	107,195.45	99,031.57	0.00	99,031.57
25	Recreation	535.91	960,233.32	960,769.23	0.00	0.00	0.00
26	Revolving	86,121.60	78.00	177.50	86,022.10	0.00	86,022.10
27	Special Liability	89,924.37	0.00	27,239.58	62,684.79	0.00	62,684.79
29	Special Alcohol Programs	97,777.26	61,646.59	37,519.60	121,904.25	0.00	121,904.25
30	Special Recreation and Parks	110,771.54	67,154.57	75,111.64	102,814.47	0.00	102,814.47
32	Special Trafficway	1,297,505.08	1,154,444.15	546,792.40	1,905,156.83	0.00	1,905,156.83
50	Community Development	0.00	0.00	0.00	0.00	0.00	0.00
52	Economic Development	350,113.05	26,553.55	580.10	376,086.50	0.00	376,086.50
53	Project Development	585,576.14	1,163.82	147,395.81	439,344.15	0.00	439,344.15
Total Special Revenue		6,676,384.44	5,269,312.44	4,658,778.78	7,286,918.10	58,576.60	7,345,494.70
<u>Capital Projects Funds</u>							
41	2013-GO Bond Projects	0.00	1,750,000.00	1,001,268.00	748,732.00	275,614.50	1,024,346.50
42	2014-GO Bond Projects	560,254.61	0.00	656,384.00	-96,129.39	0.00	-96,129.39
43	2015-GO Bond Projects	486,894.60	0.00	61,266.45	425,628.15	0.00	425,628.15
44	2015-Temp Notes	-3,618.39	2,795,600.00	542,844.94	2,249,136.67	0.00	2,249,136.67
45	2016-GO Bond Projects	559,587.27	0.00	4,837.02	554,750.25	0.00	554,750.25
48	Tiger Grant	175,938.25	0.00	255,362.26	-79,424.01	0.00	-79,424.01
49	2013-Temp Notes Schulman Cross	157,160.27	0.00	0.00	157,160.27	0.00	157,160.27
Total Capital Projects		1,936,216.61	4,545,600.00	2,521,962.67	3,959,853.94	275,614.50	4,235,468.44
<u>Enterprise Funds</u>							
Electric Utility:							
67	Capital Reserve	2,250,000.00	437,500.00	100,000.00	2,587,500.00	0.00	2,587,500.00
68	General	7,466,472.73	17,018,227.31	15,690,932.48	8,793,767.56	189,118.98	8,982,886.54
69	Security Deposits	526,174.27	166,225.32	46,068.87	646,330.72	0.00	646,330.72
Total Electric Utility		10,242,647.00	17,621,952.63	15,837,001.35	12,027,598.28	189,118.98	12,216,717.26
Water and Sewer Utility:							
80	General	2,097,511.72	4,463,261.75	5,389,282.34	1,171,491.13	25,626.00	1,197,117.13
81	Wastewater Repair and Replacem	181,414.13	77,678.24	0.00	259,092.37	0.00	259,092.37
82	Water and Sewage Maintenance f	445,272.61	140,145.82	0.00	585,418.43	0.00	585,418.43
Total Water and Sewer Utility		2,724,198.46	4,681,085.81	5,389,282.34	2,016,001.93	25,626.00	2,041,627.93
Airport:							
60	General	1,639,783.70	867,726.75	634,192.38	1,873,318.07	0.00	1,873,318.07
61	Airport Improvement	165,031.35	778,427.76	824,533.06	118,926.05	0.00	118,926.05
Total Airport		1,804,815.05	1,646,154.51	1,458,725.44	1,992,244.12	0.00	1,992,244.12
Solid Waste Utility:							
75	General	2,241,743.23	2,298,388.81	1,640,832.28	2,899,299.76	547,116.00	3,446,415.76
Recreation Area:							
70	General Golf Course	71,261.42	784,850.28	692,516.89	163,594.81	0.00	163,594.81
71	Golf Course Building	18,576.23	2,011.00	0.00	20,587.23	0.00	20,587.23
Total Recreation Area		89,837.65	786,861.28	692,516.89	184,182.04	0.00	184,182.04
Drainage Utility:							
79	General	445,958.05	138,421.17	283,662.17	300,717.05	0.00	300,717.05
<u>Internal Service Funds</u>							
55	Health Insurance	308,731.68	2,306,228.24	2,446,793.86	168,166.06	0.00	168,166.06
56	Health Insurance Reserve	1,725,488.91	0.00	200,000.00	1,525,488.91	0.00	1,525,488.91
35	Workers Compensation	317,285.68	340,992.00	306,524.18	351,753.50	0.00	351,753.50
36	Workers Compensation Reserve	687,948.47	216.84	17,826.28	670,339.03	0.00	670,339.03
Total Internal Service		3,039,454.74	2,647,437.08	2,971,144.32	2,715,747.50	0.00	2,715,747.50
Total All Funds		35,310,824.02	56,550,484.97	49,708,479.30	42,152,829.69	1,155,352.08	43,308,181.77





City of Garden City  
Statement of Revenues and Expenditures-General Fund Revenues  
From 7/1/2017 Through 7/31/2017

**001 - GENERAL FUND**

		Curr Month Collections	YTD Collections	Revised Budget	Uncollected Balance
Income					
3022	CONNECTING LINKS	18,629.82	55,838.00	75,000.00	(19,162.00)
3023	CONSUMER USE TAX	71,822.01	508,970.17	1,000,000.00	(491,029.83)
3028	LIQUOR CONSUMPTION TAX	0.00	61,646.60	100,000.00	(38,353.40)
3040	AD VALOREM TAX	0.00	3,236,339.17	3,250,000.00	(13,660.83)
3041	AD VALOREM BACK TAX	0.00	63,187.76	140,000.00	(76,812.24)
3044	CITY SALES TAX	527,817.62	3,761,273.76	6,300,000.00	(2,538,726.24)
3046	COUNTY SALES TAX	314,986.05	2,225,776.94	3,800,000.00	(1,574,223.06)
3055	MOTOR VEHICLE TAX	0.00	206,957.83	450,000.00	(243,042.17)
3056	RECREATIONAL VEHICLE TAX	0.00	3,146.16	9,000.00	(5,853.84)
3057	HEAVY DUTY VEHICLE TAX	0.00	1,846.64	1,750.00	96.64
3058	COMMERCIAL VEHICLE TAX	0.00	19,610.93	25,000.00	(5,389.07)
3065	CATV FRANCHISE	0.00	110,910.20	227,000.00	(116,089.80)
3066	GAS UTILITY FRANCHISE	94,753.25	375,674.30	410,000.00	(34,325.70)
3067	TELEPHONE FRANCHISE	3,172.27	26,286.37	48,000.00	(21,713.63)
3068	TELECOM FRANCHISE	0.00	1,042.20	2,000.00	(957.80)
3115	CEMETERY SPACES	3,800.00	24,899.48	50,000.00	(25,100.52)
3150	IDENTIFIED LONG/SHORT	(374.00)	(5,003.77)	0.00	(5,003.77)
3151	UNIDENTIFIED LONG/SHORT	0.00	5.00	0.00	5.00
3301.01	ANIMAL BOARDING	0.00	604.10	604.00	0.10
3301.02	CAR STORAGE & TOWING	2,168.94	8,681.94	15,000.00	(6,318.06)
3301.05	FEES-FALSE ALARM	0.00	3,000.00	2,000.00	1,000.00
3301.06	FEES-ENGINEERING SERVICES	0.00	0.00	70,000.00	(70,000.00)
3301.07	FEES-GATE RECEIPTS	3,280.00	12,837.00	22,000.00	(9,163.00)
3301.08	FEES-GRAVE OPENINGS	3,025.00	32,050.00	66,000.00	(33,950.00)
3301.09	FEES-MONUMENT SETTING	0.00	1,225.00	2,500.00	(1,275.00)
3301.10	FEES-PLAT FILING	(613.00)	264.93	1,750.00	(1,485.07)
3301.11	FEES-REZONING	0.00	1,760.00	3,000.00	(1,240.00)
3301.12	FEES-RURAL FIRE CONTRACTS	0.00	(1,350.00)	180,000.00	(181,350.00)
3301.13	FEES-WAIVER FILING	500.00	3,605.00	3,500.00	105.00
3301.16	FINES-MUNICIPAL COURT	59,410.04	560,041.07	950,000.00	(389,958.93)
3301.17	FEES-STATE JUDGE	196.53	1,723.21	2,500.00	(776.79)
3301.18	FEES-STATE LAW ENFORCEMENT	3,802.33	33,240.35	47,000.00	(13,759.65)
3301.19	FEES-REINSTATEMENT	243.00	3,343.00	4,000.00	(657.00)
3301.20	FEES-RESTITUTION	4,626.78	17,161.78	2,000.00	15,161.78
3301.21	LEGAL COPIES	112.25	1,878.25	3,000.00	(1,121.75)
3301.23	FEES-CRIME STOPPER INFRACTION	2,313.00	12,495.29	15,000.00	(2,504.71)
3301.24	FEES-CRIME STOPPER MAJOR	70.00	431.00	100.00	331.00
3301.25	FEES-FAMILY CRISIS	0.00	97.78	0.00	97.78
3301.27	BIG POOL-ADMISSION	20,220.00	48,553.00	63,000.00	(14,447.00)
3301.28	BIG POOL-CONCESSION	10,870.09	26,889.30	25,000.00	1,889.30
3350.02	LICENSE-ARBORIST	35.00	175.00	1,000.00	(825.00)
3350.03	LICENSE-CEREAL MALT BEVERAGE	100.00	600.00	3,750.00	(3,150.00)
3350.04	LICENSE-CONTRACTOR	1,200.00	11,300.00	32,000.00	(20,700.00)
3350.05	ZONING COMPLIANCE	75.00	1,200.00	1,250.00	(50.00)
3350.06	LICENSE-ELECTRICIAN	0.00	2,660.00	7,500.00	(4,840.00)
3350.08	LICENSE-ITINERANT MERCHANT	1,800.00	3,965.00	7,500.00	(3,535.00)
3350.09	LICENSE-LIQUOR	0.00	7,500.00	15,000.00	(7,500.00)
3350.10	LICENSE-MECHANICAL	260.00	2,840.00	6,000.00	(3,160.00)



City of Garden City  
Statement of Revenues and Expenditures-General Fund Revenues  
From 7/1/2017 Through 7/31/2017

3350.12	LICENSE-PAWN SHOP	0.00	0.00	250.00	(250.00)
3350.13	LICENSE-PLUMBER	220.00	3,040.00	5,000.00	(1,960.00)
3350.15	LICENSE-TAXI	0.00	45.00	100.00	(55.00)
3350.16	TAGS-DOG & CAT	234.69	1,874.79	1,500.00	374.79
3400.01	PERMITS-BUILDING	29,586.20	143,932.95	200,000.00	(56,067.05)
3400.02	PERMITS-CURB CUT	0.00	0.00	500.00	(500.00)
3400.03	PERMITS-ELECTRIC	572.00	6,506.00	6,000.00	506.00
3400.04	PERMITS-EXCAVATION	0.00	300.00	2,000.00	(1,700.00)
3400.05	PERMITS-GAS	161.00	1,357.00	3,500.00	(2,143.00)
3400.08	PERMITS-MECHANICAL	1,944.00	11,162.00	17,000.00	(5,838.00)
3400.09	PERMITS-PLUMBING	1,521.00	10,397.42	14,000.00	(3,602.58)
3400.11	PERMITS-TV & SIGN	1,160.00	4,935.00	4,000.00	935.00
3435	INTEREST INCOME	3,540.16	22,258.92	40,094.00	(17,835.08)
3437	FINANCE CHARGE INCOME	525.10	(3,977.28)	4,000.00	(7,977.28)
3440.02	RENTAL-CITY FACILITIES	1,535.47	11,918.13	40,000.00	(28,081.87)
3440.03	RENTAL-DEPOT	100.00	700.00	1,200.00	(500.00)
3447	ROYALTIES-GAS WELLS	1,110.75	8,425.70	8,000.00	425.70
3450	SALE OF PROPERTY-AUCTION	0.00	0.00	3,000.00	(3,000.00)
3456	SALE OF PROPERTY-POLICE CARS	0.00	0.00	5,000.00	(5,000.00)
3464	REPAYMENT-TEKVET TECHNOLOGIES	0.00	2,574.27	0.00	2,574.27
3470.01	REIMBURSE-ADMINISTRATIVE COSTS	0.00	0.00	48,000.00	(48,000.00)
3470.04	REIMBURSE-POLICE SERVICES	1,196.25	136,870.15	270,000.00	(133,129.85)
3470.07	UTILITY FUNDS REIMBURSEMENT	373,250.00	2,612,750.00	4,623,290.00	(2,010,540.00)
3470.08	REIMBURSE-COUNTY	0.00	194,250.00	194,250.00	0.00
3470.09	REIMBURSE-HOLCOMB	0.00	42,000.00	42,000.00	0.00
3470.11	REIMBURSE-ANIMAL SHELTER	0.00	64,794.00	64,794.00	0.00
3470.13	REIMBURSE-DEVELOPER ENGINEERING FEES	0.00	5,000.00	0.00	5,000.00
3515	FUEL TAX REFUND	0.00	0.00	1,000.00	(1,000.00)
3600.01	MISCELLANEOUS-ADMINISTRATION	24,387.31	27,556.82	500.00	27,056.82
3600.02	MISCELLANEOUS-CEMETERY	415.00	850.00	500.00	350.00
3600.04	MISCELLANEOUS-INSPECTION	0.00	75.00	0.00	75.00
3600.05	MISCELLANEOUS-PARK & ZOO	787.00	3,961.09	3,500.00	461.09
3600.07	MISCELLANEOUS-POLICE	50.00	(1,680.05)	0.00	(1,680.05)
4010.01	TRANSFER-HEALTH INSURANCE RESV	0.00	0.00	265,000.00	(265,000.00)
Total Income		<u>1,590,597.91</u>	<u>14,789,056.65</u>	<u>23,307,682.00</u>	<u>(8,518,625.35)</u>



City of Garden City  
Statement of Revenues and Expenditures-General Fund Expenses  
From 7/1/2017 Through 7/31/2017

**001 - GENERAL FUND**

		Curr Month Expenses	YTD Expenses	Revised Budget	Budget Remaining
	Expenses				
111	CITY COMMISSION	4,298.80	43,316.92	118,200.00	74,883.08
112	CITY MANAGER	47,458.34	403,504.32	673,970.00	270,465.68
113	SERVICE AND FINANCE	63,071.17	486,019.06	848,750.00	362,730.94
114	LEGAL SERVICES	16,027.79	86,733.67	191,000.00	104,266.33
115	MUNICIPAL COURT	39,532.06	298,479.89	674,250.00	375,770.11
116	HUMAN RESOURCES	10,375.76	93,787.96	184,800.00	91,012.04
117	INFORMATION TECH	66,968.84	485,159.43	812,493.00	327,333.57
118	CITY PROSECUTION	<u>16,161.42</u>	<u>111,054.57</u>	<u>205,700.00</u>	<u>94,645.43</u>
		263,894.18	2,008,055.82	3,709,163.00	1,701,107.18
121	POLICE-ADMINISTRATIVE	142,174.99	1,280,217.99	1,970,514.00	690,296.01
122	POLICE-INVESTIGATIONS	89,132.56	686,477.37	1,419,000.00	732,522.63
123	POLICE-PATROL	301,222.75	2,281,007.38	3,595,961.00	1,314,953.62
124	POLICE-SUPPORT SERVICES	85,527.77	636,653.00	1,266,250.00	629,597.00
125	POLICE-ANIMAL CONTROL	<u>7,337.01</u>	<u>280,479.16</u>	<u>329,764.00</u>	<u>49,284.84</u>
		625,395.08	5,164,834.90	8,581,489.00	3,416,654.10
131	PUBLIC WORKS-PLANNING,COMM	85,650.15	757,841.76	1,562,550.00	804,708.24
133	PUBLIC WORKS-STREET MAINT	73,623.09	1,018,166.52	1,494,600.00	476,433.48
134	PUBLIC WORKS-CEMETERY	0.00	(10.00)	0.00	10.00
135	PUBLIC WORKS-PARKS	65,771.33	559,826.94	1,003,400.00	443,573.06
136	PUBLIC WORKS-BIG POOL	<u>54,431.89</u>	<u>457,615.66</u>	<u>533,250.00</u>	<u>75,634.34</u>
		279,476.46	2,793,440.88	4,593,800.00	1,800,359.12
141	ZOO-ADMINISTRATIVE	34,298.01	246,430.36	456,676.00	210,245.64
142	ZOO-MAINTENANCE DIVISION	35,728.91	187,222.67	359,650.00	172,427.33
144	ZOO-ANIMAL DIVISION	<u>95,327.65</u>	<u>606,018.54</u>	<u>1,182,508.00</u>	<u>576,489.46</u>
		165,354.57	1,039,671.57	1,998,834.00	959,162.43
151	FIRE-ADMINISTRATIVE	23,287.78	157,629.74	277,825.00	120,195.26
152	FIRE-OPERATIONS	270,644.71	1,710,220.02	2,899,690.00	1,189,469.98
153	FIRE-VOLUNTEERS	241.28	2,497.10	11,730.00	9,232.90
154	FIRE-ARFF STATION	<u>10,208.48</u>	<u>13,683.84</u>	<u>95,097.00</u>	<u>81,413.16</u>
		304,382.25	1,884,030.70	3,284,342.00	1,400,311.30
161	CEMETERY-OPERATIONS	31,594.79	285,047.40	571,725.00	286,677.60
171	CAPITAL IMPROVEMENT	23,603.64	753,641.14	1,463,830.00	710,188.86
181	EMPLOYEE BENEFITS	0.00	265,000.00	265,000.00	0.00
	Total Expenses	<u>1,693,700.97</u>	<u>14,193,722.41</u>	<u>24,468,183.00</u>	<u>10,274,460.59</u>



City of Garden City  
Statement of Revenues and Expenditures-Utility Fund Revenues  
From 7/1/2017 Through 7/31/2017

		Curr Month Collections	YTD Collections	Revised Budget	Uncollected Balance
Income					
068	ELECTRIC				
3101	COLLECTIONS-ELECTRIC	2,681,011.25	16,154,878.07	30,200,000.00	(14,045,121.93)
3110.01	COLLECTIONS-COIN BOX	0.00	0.00	250.00	(250.00)
3118	CONNECT FEES	7,770.00	52,353.33	98,000.00	(45,646.67)
3150	IDENTIFIED LONG/SHORT	396.00	(407.87)	0.00	(407.87)
3151	UNIDENTIFIED LONG/SHORT	(35.08)	(81.98)	0.00	(81.98)
3154	INSUFFICIENT FUNDS CHECKS	(999.28)	(6,395.78)	0.00	(6,395.78)
3155	RETURNED CHECK CHARGE	375.00	2,600.00	5,000.00	(2,400.00)
3185	PENALTIES	18,261.70	55,653.23	85,129.00	(29,475.77)
3201	REIMBURSE-DEVELOPER	50.00	6,350.00	75,000.00	(68,650.00)
3435	INTEREST INCOME	21.23	103.43	0.00	103.43
3492	SALES TAX	107,063.40	630,338.46	1,138,840.00	(508,501.54)
3600	MISCELLANEOUS	<u>1,830.82</u>	<u>122,836.42</u>	<u>5,000.00</u>	<u>117,836.42</u>
	Total Electric	2,815,745.04	17,018,227.31	31,607,219.00	(14,588,991.69)
075	SOLID WASTE-GENERAL				
3111	COLLECTIONS-SOLID WASTE	302,309.74	2,160,734.15	3,600,000.00	(1,439,265.85)
3185	PENALTIES	0.00	78,193.60	80,000.00	(1,806.40)
3195	RECYCLING SALES	6,821.34	52,455.99	50,000.00	2,455.99
3435	INTEREST INCOME	202.14	986.32	1,100.00	(113.68)
3470.12	REIMBURSE-RENT A TRUCK	360.00	6,018.75	1,500.00	4,518.75
3515	FUEL TAX REFUND	<u>0.00</u>	<u>0.00</u>	<u>1,157.00</u>	<u>(1,157.00)</u>
	Total Solid Waste	309,693.22	2,298,388.81	3,733,757.00	(1,435,368.19)
079	DRAINAGE UTILITY				
3104.01	DRAINAGE FEE	17,250.03	124,243.86	380,542.00	(256,298.14)
3435	INTEREST INCOME	250.31	250.31	250.00	0.31
3600	MISCELLANEOUS	<u>0.00</u>	<u>13,927.00</u>	<u>1,250.00</u>	<u>12,677.00</u>
	Total Drainage Utility	17,500.34	138,421.17	382,042.00	(243,620.83)
080	WATER AND SEWAGE				
3102.01	COLLECTIONS-SEWER	209,042.72	1,483,299.34	2,526,238.00	(1,042,938.66)
3103	COLLECTIONS-WATER	584,861.67	2,678,024.64	5,500,000.00	(2,821,975.36)
3118	CONNECT FEES	1,455.00	8,850.00	18,000.00	(9,150.00)
3120	COUNTY SEWER FEES	14,912.00	61,735.68	112,000.00	(50,264.32)
3130	FIRE LEG FEES	0.00	14,305.00	16,000.00	(1,695.00)
3145.01	LAND LEASE	0.00	30,000.00	0.00	30,000.00
3165	LOAN REPAYMENTS	62.50	62.50	0.00	62.50
3185	PENALTIES	0.00	0.00	105,000.00	(105,000.00)
3201	REIMBURSE-DEVELOPER	0.00	6,352.42	10,000.00	(3,647.58)
3225	SALE OF MATERIAL	863.50	1,247.68	8,000.00	(6,752.32)
3228	SEWER MAINTENANCE FEES	920.00	24,503.93	4,500.00	20,003.93
3229	SEWER TANK FEES	5,773.24	72,864.22	150,000.00	(77,135.78)
3230	SEWER TAP FEES	0.00	500.00	0.00	500.00
3257	WATER TANK SALES	16,718.68	27,816.14	40,000.00	(12,183.86)
3260	WATER TAP FEES	1,568.25	19,039.67	40,000.00	(20,960.33)
3494	TAX-WATER CONSUMPTION	6,635.69	26,886.90	57,000.00	(30,113.10)
3515	FUEL TAX REFUND	0.00	0.00	250.00	(250.00)
3600	MISCELLANEOUS	0.00	7,773.63	15,000.00	(7,226.37)
4010.20	TRANSFER-WTR SYS MAINT RESV	0.00	0.00	250,000.00	(250,000.00)
4010.21	TRANSFER-WASTEWTR R&R RESV	<u>0.00</u>	<u>0.00</u>	<u>200,000.00</u>	<u>(200,000.00)</u>
	Total Water and Wastewater	842,813.25	4,463,261.75	9,051,988.00	(4,588,726.25)
Total Income		<u>3,985,751.85</u>	<u>23,918,299.04</u>	<u>44,775,006.00</u>	<u>(20,856,706.96)</u>



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** James Dummermuth, City Prosecutor  
**DATE:** August 15, 2017  
**RE:** STO (2017)

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### **ISSUE:**

The Governing Body is asked to consider and approve the Standard Traffic Ordinance (STO) for 2017.

1. Ordinance No. \_\_\_\_-2017, an ordinance regulating traffic within the Corporate limits of the City of Garden City, Kansas; incorporating by reference the Standard Traffic Ordinance for Kansas Cities, Edition of 2017, with certain omissions, additions, or changes; prescribing additional regulations; providing certain penalties; amending Code Section 86-2; repealing existing Code Section 86-2; all to the Code of Ordinances of the City of Garden City, Kansas.

### **BACKGROUND:**

The League of Kansas Municipalities publishes annually a model Standard Traffic Ordinance and Uniform Public Offense Code. The 2017 versions of those two ordinances are presented for review and adoption. The City adopts by reference these two uniform ordinances each year for two purposes. The first purpose is to manage the size of our Code. The second purpose is to standardize basic traffic and safety laws around the State. Most changes from the 2016 versions are not material, rather a change in language.

The material changes to the Code are:

- **STO - Section 133. Lamps and Other Equipment on Bicycles.** The proposed ordinance has been modified to reflect statutory changes. Specifically, the term "at nighttime" has been removed and replaced with the term "between sunset and sunrise". The proposed ordinance also allows a cyclist to comply with the ordinance by wearing specific equipment rather than relying on equipment physically attached to the bicycle itself.
- **STO - Section 182.1. Seat Belts.** The proposed ordinance has been modified to reflect statutory changes. Specifically, the fine for seat belt violations has been increased from \$10 to \$30.
- **UPOC - Section 1.1. Definitions. Animal Shelter.** The proposed ordinance includes a definition of "animal shelter" in order to define new language used in the Cruelty to Animals ordinance following statutory changes.
- **UPOC - Section 3.1.1. Domestic Battery.** The proposed ordinance has been modified to reflect statutory changes. Specifically, these changes expand the scope of the ordinance to cover offenders who are in a dating relationship with a victim. Currently, the ordinance covers

only those victims who are a family or household member of the offender and who are 18 years of age or older. The expanded definition places no age requirement on a victim who is in a dating relationship with an offender.

- **UPOC - Section 3.8.1. Violation of a Protective Order.** The proposed ordinance has been modified to reflect statutory changes. Specifically, the scope of the ordinance has been expanded to include a violation of a Protection from Sexual Assault Order.
- **UPOC - Section 4.5. Buying Sexual Relations.** The proposed ordinance has been modified to reflect statutory changes. Specifically, the ordinance requires a minimum fine of \$1,200 and requires that half of that fine be remitted to the Human Trafficking Victim Assistance Fund.
- **UPOC - Section 4.5.1. Unlawful Use of a Communication Facility.** The proposed ordinance is a new offense that mirrors a new crime created by statute. This new offense criminalizes the use of a communication device, including a computer, that is used to violate Section 4.5 (Buying Sexual Relations).
- **UPOC - Section 10.2. Drawing a Weapon Upon Another.** This ordinance has been deleted from this year's Uniform Public Offense Code and this section has been reserved for future use.
- **UPOC - Section 10.27. Illegal Operation of an Amusement Ride.** The proposed ordinance is a new offense that mirrors a new crime created by statute. This new offense criminalizes the operation of an amusement park ride without a valid permit.
- **UPOC - Section 11.11. Cruelty to Animals.** The proposed ordinance has been modified to reflect statutory changes. Specifically, the terms "duly incorporated humane society", "pound", and "society" have been removed and replaced with the term "animal shelter". Other language has been removed that previously required the Municipal Court to make specific findings before it could bar an animal from being returned to an owner found guilty of animal cruelty.

#### **ALTERNATIVES:**

1. Approve the 2017 STO ordinance.
2. Do not approve the 2017 STO ordinance.

#### **RECOMMENDATION:**

Staff recommends alternative #1.

#### **FISCAL NOTE:**

Most of the changes have no fiscal impact. The increased fine for seat belt violations will have a positive fiscal impact. The increased fine for buying sexual relations could have a positive fiscal impact, but staff advises this violation is rare in Municipal Court.

#### **ATTACHMENTS:**

Description	Upload Date	Type
UPOC 2017	8/10/2017	Backup Material
STO 2017	8/10/2017	Backup Material

## ORDINANCE NO. 2767-2017

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF GARDEN CITY, KANSAS; INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 2017, WITH CERTAIN OMISSIONS, ADDITIONS OR CHANGES; AMENDING CODE SECTION 62-2; REPEALING EXISTING CODE SECTION 62-2; 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. That Section 62-2 of the Code of Ordinances of the City of Garden City is hereby amended and shall read as follows:

### Section 62-2. Uniform Public Offense Code.

(a) Incorporating Uniform Public Offense Code. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Garden City, Kansas, that certain code known as the "Uniform Public Offense Code for Kansas Cities," Edition of 2017, hereinafter referred to as Uniform Public Offense Code, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, added or amended. No fewer than three copies of the Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2767-2017," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of the ordinance codified in this section, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. All references to the Uniform Public Offense Code as adopted and incorporated into this Code shall be in a form designating section 62-2 followed in parenthesis by the section number of the Uniform Public Offense Code, as incorporated. [For example, section 10.5 of the Uniform Public Offense Code as incorporated shall be referenced as section 62-2(10.5).]

(b) Omissions. The following sections contained in Articles 1 through 11 of the Uniform Public Offense Code are hereby omitted and deleted:

Section 3.7	Mistreatment of a confined person.
Section 3.11	Unlawful administration of a substance.
Section 3.12	Breach of privacy.
Section 5.5	Watercraft; lifesaving devices required.
Section 6.11	Unlawful manufacture or disposal of false tokens.
Section 6.12	Serial numbers.
Section 6.14	Unlawful deposits in sewers.
Section 6.15	Damaging sewers.
Section 6.16	Giving a worthless check.
Section 6.17	Criminal use of a financial card.
Section 6.18	Motor vehicle dealers; selling motor vehicles without a license.
Section 6.19	Equity skimming.
Section 6.20	Computer trespass/computer password disclosure.
Section 6.21	Taking wildlife without permission.
Section 6.22	Criminal hunting.
Section 6.23	Unlawful use of a recording device.
Section 7.1	Compounding an offense.
Section 7.3	Escape from custody.
Section 7.6	Performance of unauthorized official act.
Section 7.7	Simulating legal process.

Section 7.8	Tampering with public record.
Section 7.9	Tampering with public notice.
Section 7.10	False signing of petition.
Section 7.11	False impersonation.
Section 7.14	Electioneering.
Section 8.1	Denial of civil rights.
Section 9.9	Abusing toxic vapors.
Section 9.13	Unlawful posting of political pictures and political advertisements.
Section 10.3	Criminal disposal of firearms.
Section 10.9	Carrying concealed explosives.
Section 10.12	Unlawful failure to report a wound.
Section 10.14	Operation of a motorboat or sailboat.
Section 10.15	Operating a vessel under the influence of intoxicating liquor or drugs; penalties.
Section 10.19	Sale of medicines and drugs through vending machines.
Section 10.20	Obtaining a prescription-only drug.
Section 10.23	Trafficking in counterfeit drugs.
Section 11.3	Commercialization of wildlife.

(c) Amendment. Section 1.1 of the Uniform Public Offense Code, also referred to as 62.2(1.1) of the Code is hereby amended to read as follows:

Section 1.1 Smoking; Definitions

(a) Access Point means the area within a 50 foot radius outside of any doorway, open window or air intake leading into a building or facility that is not exempted pursuant to subsection (c) of section 10.24.

(d) Amendment. Section 3.1 of the Uniform Public Offense Code, also referred to as 62.2(3.1) of the Code is hereby amended to read as follows:

Section 3.1. Battery.

(a) Battery is:

- (1) Knowingly or recklessly causing bodily harm to another person; or
- (2) Knowingly causing physical contact with another person when done in a rude, insulting, or angry manner.

Battery is a Class B violation.

- (b) If a person is convicted of a violation of battery a second time, such person shall be guilty of a Class B violation and sentenced to not less than ninety (90) days nor more than one-hundred eighty (180) days imprisonment and fined not less than \$400 nor more than \$1,000. The ten (10) days' imprisonment mandated by this subsection may be served in a work release program only after such person has served forty-eight (48) consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least ten (10) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (c) If a person is convicted of a violation of battery a third time, such person shall be guilty of a Class B violation and sentenced to not less than ninety (90) days nor more than one-hundred eighty (180) days imprisonment and fined not less than \$500 nor more than \$1,000. The fifteen (15) days' imprisonment mandated by this subsection may be served in a work release program only after such person has served forty-eight (48) consecutive hours' imprisonment, provided such work release program requires such



person to return to confinement at the end of each day in the work release program. The person convicted must serve at least fifteen (15) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.

- (d) If a person is convicted of a violation of battery a fourth time, such person shall be guilty of a Class B violation and sentenced to not less than ninety (90) days nor more than one-hundred eighty (180) days imprisonment and fined not less than \$600 nor more than \$1,000. The twenty (20) days' imprisonment mandated by this subsection may be served in a work release program only after such person has served forty-eight (48) consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least twenty (20) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (e) If a person is convicted of a violation of battery a fifth or subsequent time, such person shall be guilty of a Class B violation and sentenced to not less than ninety (90) days nor more than one-hundred eighty (180) days imprisonment and fined not less than \$750 nor more than \$1,000. The thirty (30) days' imprisonment mandated by this subsection may be served in a work release program only after such person has served forty-eight (48) consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least thirty (30) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (f) For the purpose of determining whether a conviction is a second, third, fourth, fifth or subsequent conviction in sentencing under subsection (b), conviction includes being convicted of a violation of this section, Section 3.1.1, Domestic Battery, or Section 3.2, Battery Against a Law Enforcement Officer, or convicted of a violation of a law of any municipality, state, federal government or foreign government, which prohibits battery, domestic battery, or battery against a law enforcement officer, or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such laws, ordinances, resolutions, or this section. It is irrelevant whether an offense occurred before or after conviction for a previous offense.

(e) Amendment. Section 3.1.1 of the Uniform Public Offense Code, also referred to as 62.2(3.1.1) of the Code is hereby amended to read as follows:

Section 3.1.1. Domestic Battery.

- (a) Domestic Battery is:
  - (1) Knowingly or recklessly causing bodily harm to a person with whom the offender is involved or has been involved in a dating relationship or a family or household member; or
  - (2) Knowingly causing physical contact with a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting, or angry manner.
- (b) (1) Upon a first conviction of a violation of domestic battery, a person shall be guilty of a Class B violation and sentenced to not less than forty-eight (48) consecutive hours' nor more than six (6) months' imprisonment, or in the court's discretion one hundred (100) hours of public service, and fined \$500. The person convicted must serve at least forty-eight (48) consecutive hours' imprisonment, or one hundred (100) hours of public service, before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for domestic violence prevention.

- (2) If a person is convicted of a violation of domestic battery a second time, such person shall be guilty of a Class A violation and sentenced to not less than ninety (90) days nor more than one (1) year imprisonment and fined \$750. The ten (10) days' imprisonment mandated by this subsection may be served in a work release program only after such person has served forty-eight (48) consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least ten (10) consecutive days' imprisonment before the person is granted probation, suspension of sentence or parole or of any other release, for a conviction of domestic battery, the person shall be required to enter into and complete a treatment program for domestic violence prevention.

(c) As used in this section:

- (1) **Dating relationship** means a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since the termination of the relationship, if applicable;
- (2) **Family or household member** means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. **Family or household member** also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
- (3) For the purpose of determining whether a conviction is a first or second conviction in sentencing under this section:
  - (A) Conviction includes being convicted of a violation of this section or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section.
  - (B) Conviction includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution.
  - (C) It is irrelevant whether an offense occurred before or after conviction for a previous offense.
  - (D) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section or an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits only twice during any five (5) year period.

(f) Amendment. Section 3.2 of the Uniform Public Offense Code, also referred to as 62.2(3.2) of the Code, is hereby amended to read as follows:

### Section 3.2. Battery Against a Law Enforcement Officer.

- (a) Battery against a law enforcement officer is a battery as defined in section 62.2(3.1.1(a)(1) or (2)) of the Code, committed against a:
  - (1) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;
  - (2) Uniformed or properly identified state, county, or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, or a juvenile correctional facility officer, or employee, while such officer is engaged in the performance of such officer's duty;
  - (4) Judge, while such judge is engaged in the performance of such judge's duty;
  - (5) Attorney, while such attorney is engaged in the performance of such attorney's duty; or
  - (6) Community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty.
- (b) As used in this section:
  - (1) Judge means a duly elected or appointed justice of the supreme court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge;
  - (2) Attorney means a (A) County attorney, assistant county attorney, special assistant county attorney, district attorney, assistant district attorney, special assistant district attorney, attorney general, assistant attorney general, special assistant attorney general, city attorney, assistant city attorney, city prosecutor, or assistant city prosecutor; and (B) public defender, assistant public defender, contract counsel for the state board of indigents' defense services or any attorney who is appointed by the court to perform services for an indigent person as provided by Article 45 of Chapter 22 of the Kansas Statutes Annotated and amendments thereto;
  - (3) Community Corrections Officer means an employee of a community correctional services program responsible for supervision of adults or juveniles as assigned by the court to community corrections supervision and any other employee of a community correctional services program that provides enhanced supervision of offenders such as house arrest and surveillance programs; and
  - (4) Court Services Officer means an employee of the Kansas judicial branch or local judicial district responsible for supervising, monitoring or writing reports relating to adults or juveniles as assigned by the court, or performing related duties as assigned by the court.

Battery against a law enforcement officer is a Class A violation.

- (c) Upon a first conviction of a violation of battery against a law enforcement officer, a person shall be sentenced to not less than ten (10) days nor more than one (1) year imprisonment and fined not less than \$500 nor more than \$1,000. The person must serve at least ten (10) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.

- (d) Upon a second or subsequent conviction of battery against a law enforcement officer, a person shall be sentenced to not less than ninety (90) days nor more than one (1) year imprisonment and fined not less than \$750 nor more than \$1,000. The person convicted must serve at least thirty (30) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (e) For the purpose of determining whether a conviction is a second or subsequent conviction in sentencing under subsection (c), conviction includes being convicted of a violation of this section, or convicted of a violation of a law of any municipality, state, federal government or foreign government, which prohibits battery against a law enforcement officer, or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such laws, ordinances, resolutions, or this section. It is irrelevant whether an offense occurred before or after conviction for a previous offense.

(g) Amendment. Section 3.3 of the Uniform Public Offense Code, also referred to as 62.2(3.2) of the Code, is hereby amended to read as follows:

Section 3.3. Assault and Assault of a Law Enforcement Officer.

- (a) Assault is knowingly placing another person in reasonable apprehension of immediate bodily harm.
- (b) Assault of a law enforcement officer is assault, as defined in subsection (a), committed against:
  - (1) a uniformed or properly identified state, county or city law enforcement officer while such officer is engaged in the performance of such officer's duty; or
  - (2) a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty. (K.S.A. Supp. 21-5412)

Assault is a Class C violation.

Assault of a law enforcement officer is a Class A violation. Upon a conviction of a violation of assault of a law enforcement officer, a person shall be fined not less than \$300 nor more than \$1,000.

(h) Amendment. Section 5.8 of the Uniform Public Offense Code, also referred to as 62.2(6.1) of the Code, is hereby amended to read as follows:

Section 5.8. Purchase, Consumption or Possession of Alcoholic Liquor or Cereal Malt Beverage by a Minor:  
18-21.

- (a) Except with regard to serving of alcoholic liquor or cereal malt beverage as permitted by K.S.A. 41-308a, 41-308b, 41-727a, 41-2610, 41-2652, 41-2704, and 41-2727, and amendments thereto, and subject to any rules and regulations adopted pursuant to such statutes, no person under 21 years of age shall possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic liquor or cereal malt beverage except as authorized by law.
- (b) In addition to any other penalty provided for a violation of this section:
  - (1) The Court may order the offender to do either or both of the following:
    - (A) Perform 40 hours of public service; or
    - (B) Attend and satisfactorily complete a suitable educational or training program dealing with the effects of alcohol or other chemical substances when ingested by humans.

- (2) Upon a first conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for 30 days. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for 30 days whether or not that person has a driver's license.
  - (3) Upon a second conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for 90 days. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator and suspend the driving privileges of the violator for 90 days, whether or not that person has a driver's license.
  - (4) Upon a third or subsequent conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for one year. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for one year whether or not that person has a driver's license.
- (c) This section shall not apply to the possession and consumption of cereal malt beverage by a person under the legal age for consumption of cereal malt beverage when such possession and consumption is permitted and supervised, and such beverage is furnished, by the person's parent or legal guardian.
- (d) (1) A person and, if applicable, one or two other persons acting in concert with such person are immune from criminal prosecution for a violation of this section, if such person:
- (A) (i) Initiated contact with law enforcement or emergency medical services and requested medical assistance on such person's behalf because such person reasonably believed such person was in need of medical assistance; and
  - (ii) Cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance;
  - (B) (i) Initiated contact with law enforcement or emergency medical services, or was one of one or two other persons who acted in concert with such person, and requested medical assistance for another person who reasonably appeared to be in need of medical assistance;
  - (ii) Provided their full name, the name of one or two other persons acting in concert with such person, if applicable, and any other relevant information requested by law enforcement or emergency medical services;
  - (iii) Remained at the scene with the person who reasonably appeared to be in need of medical assistance until emergency medical services personnel and law enforcement officers arrived; and
  - (iv) Cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance; or
  - (C) (i) Was the person who reasonably appeared to be in need of medical assistance as described in subsection (d)(1)(B), but did not initiate contact with law enforcement or emergency medical services; and
  - (ii) Cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance.

- (2) A person shall not be allowed to initiate or maintain an action against a law enforcement officer, or such officer's employer, based on the officer's compliance or failure to comply with this subsection.
- (e) Violation of this section by a person 18 or more years of age but less than 21 years of age is a Class C violation. On a first conviction of a violation of this section, a person shall be fined not less than \$200. For a second conviction of a violation of this section, a person shall be fined not less than \$400. For a third and subsequent conviction of a violation of this section, a person shall be fined not less than \$600.
- (i) Amendment. Section 6.1 of the Uniform Public Offense Code, also referred to as 62.2(6.1) of the Code, is hereby amended to read as follows:

Section 6.1. Theft.

- (a) Theft is any of the following acts done with the intent to deprive the owner permanently of the possession, use, or benefit of the owner's property or services:
  - (1) Obtaining or exerting unauthorized control over property or services;
  - (2) Obtaining control over property or services by deception;
  - (3) Obtaining control over property or services by threat;
  - (4) Obtaining control over stolen property or services knowing the property or services to have been stolen by another; or
  - (5) Knowingly dispensing motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaving the premises of the establishment without making payment for the motor fuel.
- (b) Theft of property or services of the value of less than \$1,500 is a Class A violation, except as provided below:
  - (1) Property of the value of less than \$1,500 from three (3) separate mercantile establishments within a period of 72 hours as part of the same act or transaction or in two (2) or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony;
  - (2) Property of the value of at least \$50 but less than \$1,500 is a severity level 9, nonperson felony if committed by a person who has, within five (5) years immediately preceding commission of the crime, excluding any period of imprisonment, been convicted of theft two (2) or more times; and
  - (3) Property which is a firearm of the value of less than \$25,000 is a severity level 9, nonperson felony.
- (c) As used in this section:
  - (1) **Conviction** or **convicted** includes being convicted of a violation of K.S.A. 21-3701, prior to its repeal, being convicted of a violation of this section, or convicted of a violation of a law of any municipality, state, federal government or foreign government, which prohibits the acts that this section prohibits, or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance, resolution, or this section;

(2) **Regulated scrap metal** means the same as in K.S.A. 50-6, 109, and amendments thereto; and

(3) **Value** means the value of the property or, if the property is regulated scrap metal, the cost to restore the site of the theft of such regulated scrap metal to its condition at the time immediately prior to the theft of such regulated scrap metal, whichever is greater.

(d) Upon a first conviction of a violation of theft, a person shall be sentenced to not less than two (2) days nor more than one (1) year imprisonment and fined not less than \$300 nor more than \$500. The person must serve at least two (2) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.

(e) If a person is convicted of a violation of theft a second time, such person shall be sentenced to not less than ninety (90) days nor more than one (1) year imprisonment and fined not less than \$500 nor more than \$1,000. The person convicted must serve at least ten (10) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.

(f) For the purpose of determining whether a conviction is a second conviction in sentencing under subsection (c), conviction includes being convicted of a violation of this section, or convicted of a violation of a law of any municipality, state, federal government or foreign government, which prohibits the acts that this section prohibits, or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance, resolution, or this section. It is irrelevant whether an offense occurred before or after conviction for a previous offense.

(j) Amendment. Section 7.2 of the Uniform Public Offense Code, also referred to as 62.2(7.2) of the Code, is hereby amended to read as follows:

Section 7.2. Interference With a Law Enforcement Officer.

(a) Interference with a law enforcement officer is:

(1) Falsely reporting to a law enforcement officer, law enforcement agency, or state investigative agency:

(A) That a particular person has committed a crime, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information;

(B) That a law enforcement officer has committed a crime or committed misconduct in the performance of such officer's duties, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information; or

(C) Any information, knowing that such information is false and intending to influence, impede or obstruct such officer's or agency's duty; or

(2) Concealing, destroying or materially altering evidence with the intent to prevent or hinder the apprehension or prosecution of any person; or

(3) Knowingly obstructing, resisting or opposing any person authorized by law to serve process in the service or execution or in the attempt to serve or execute any writ, warrant, process or order of a court, or in the discharge of any official duty.

Interference with a law enforcement officer is a Class A violation.

- (b) If a person is convicted of a violation of interference with a law enforcement officer a second or subsequent time, such person shall be sentenced to not less than ninety (90) days nor more than one (1) year imprisonment and fined not less than \$750 nor more than \$1,000. The ten (10) days' imprisonment mandated by this subsection may be served in a work release program only after such person has served forty-eight (48) consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least ten (10) consecutive days' imprisonment before the person is granted probation, suspension of sentence or parole or of any other release.
- (c) For the purpose of determining whether a conviction is a second or subsequent conviction in sentencing under subsection (b), conviction includes being convicted of a violation of this section, or convicted of a violation of a law of any municipality, state, federal government or foreign government, which prohibits the acts that this section prohibits, or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance, resolution, or this section. It is irrelevant whether an offense occurred before or after conviction for a previous offense.

(k) Amendment. Section 10.5 of the Uniform Public Offense Code, also referred to as 62.2(10.5) of the Code, is hereby amended to read as follows:

Section 10.5. Unlawful Discharge of a Firearm.

- a) Unlawful discharge of a firearm is the discharge of a firearm within or into the corporate limits of any city.
- b) This section shall not apply to the discharge of any firearm within or into the corporate limits of any city if:
  - (1) The firearm is discharged in the lawful defense of one's person, another person or one's property;
  - (2) The firearm is discharged at a private or public shooting range;
  - (3) The firearm is discharged by authorized law enforcement or animal control officers;
  - (4) The firearm is discharged by special permit of the chief of police or by the sheriff when the city has no police department;
  - (5) The firearm is discharged using blanks; or
  - (6) The firearm is discharged in lawful self-defense or defense of another person against an animal attack.

Unlawful discharge of firearms is a Class B violation.

(l) Amendment. Section 10.24 of the Uniform Public Offense Code, also referred to as 62.2(10.24) of the Code, is hereby amended to read as follows:

Section 10.24 Smoking Prohibited.

- (a) It shall be unlawful, with no requirement of a culpable mental state, to smoke in an enclosed area or at a public meeting including, but not limited to:
  - (1) public places;



- (2) taxicabs and limousines;
  - (3) restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
  - (4) restrooms, lobbies and other common areas, and all sleeping rooms in hotels and motels;
  - (5) access points of all buildings and facilities not exempted pursuant to subsection (c), with the exception of access points leading into or out of outdoor patio areas where smoking is lawful;
  - (6) any place of employment;
  - (7) any public assembly seating, bleacher section, grandstand, or other seating, affixed and permanent in nature located in the city, on any property owned or leased by any municipality, whether city, county, state, school district or community college;
  - (8) any building, structure, or athletic field and seating area, owned, leased, or occupied by a unified school district or a community college;
  - (9) private clubs and fraternal organization facilities; and
  - (10) all public access areas within Lee Richardson Zoo, both enclosed and otherwise, with the exception that smoking shall be allowed in private motor vehicles occupied by visitors to Lee Richardson Zoo.
- (b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.
- (c) The provisions of this section shall not apply to:
- (1) the outdoor areas of any building or facility beyond the access points of such building or facility, except as noted in (a)(7), (8) and (10) above; and
  - (2) private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto.

SECTION 2. 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 the ordinance.

SECTION 3. That Section 62-2 of the Code of Ordinances of the City of Garden City, Kansas, as previously existing and amended, be and the same is hereby repealed, to be replaced as specified in this ordinance.

SECTION 4. That this ordinance shall be in full force and effect from and after September 1, 2017, and following 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, this 15th day of August, 2017.

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Melvin L. Dale, Mayor

ATTEST:

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Celyn N. Hurtado, City Clerk

APPROVED AS TO FORM:

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Randall D. Grisell, City Counselor

## ORDINANCE NO. 2766-2017

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF GARDEN CITY, KANSAS; INCORPORATING BY REFERENCE THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2017, WITH CERTAIN OMISSIONS, ADDITIONS, OR CHANGES; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES; AMENDING CODE SECTION 86-2; REPEALING EXISTING CODE SECTION 86-2; 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. That Section 86-2 of the Code of Ordinances of the City of Garden City, Kansas, is hereby amended as follows:

### Section 86-2. Standard Traffic Ordinance.

(a) Incorporating Standard Traffic Ordinance. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Garden City, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2017, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, hereinafter referred to as Standard Traffic Ordinance, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, added, or amended. No fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2766-2017," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, city attorney, city prosecutor, and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient. All references to the Standard Traffic Ordinance as adopted and incorporated into this Code shall be in a form designating section 86-2 followed in parenthesis followed by the section number of the Standard Traffic Ordinance, as incorporated. (For example, section 33 of the Standard Traffic Ordinance as incorporated shall be referred to as section 86-2(33).)

(b) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

### Section 30. Driving Under the Influence of Intoxicating Liquor or Drugs; Penalties.

(a) Driving under the influence is operating or attempting to operate any vehicle within this city while:

- (1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, is .08 or more;
- (2) The alcohol concentration in the person's blood or breath, as measured within three (3) hours of the time of operating or attempting to operate a vehicle, is .08 or more;
- (3) Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;
- (4) Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or
- (5) Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

- (b) No person shall operate or attempt to operate any vehicle within this city if the person is a habitual user of any narcotic, hypnotic, somnifacient, or stimulating drug.
- (c) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- (d) Upon a first conviction of a violation of this section, a person shall be sentenced to not less than forty-eight (48) consecutive hours nor more than six (6) months imprisonment, or in the court's discretion one hundred (100) hours of public service, and be fined \$1,000. The person convicted must serve at least forty-eight (48) consecutive hours imprisonment or one hundred (100) hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.
- (e) On a second conviction of a violation of this section, a person shall be sentenced to not less than ninety (90) days nor more than one (1) year imprisonment and be fined \$1,750. The person convicted must serve at least ten (10) consecutive days imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (f) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.
- (g) Any person convicted of violating this section who had one or more children under the age of fourteen (14) years in the vehicle at the time of the offense shall have such person's punishment enhanced by one (1) month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law.
- (h) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- (i) The court may establish the terms and time for payment of any fines, fees, assessments, and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than ninety (90) days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.
- (j) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one (1) year after the fine is imposed, or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero (0) the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.
- (k) (1) Except as provided in paragraph (5), in addition to any other penalty which may be imposed upon a person convicted of a violation of this section, the court may order that the convicted person's motor vehicle or vehicles be impounded or immobilized for a period not to exceed one (1) year and that the convicted person pay all towing, impoundment, and storage fees or other immobilization costs.

- (2) The court shall not order the impoundment or immobilization of a motor vehicle driven by a person convicted of a violation of this section if the motor vehicle had been stolen or converted at the time it was driven in violation of this section.
- (3) Prior to ordering the impoundment or immobilization of a motor vehicle or vehicles owned by a person convicted of a violation of this section, the court shall consider, but not be limited to, the following:
  - (A) Whether the impoundment or immobilization of the motor vehicle would result in the loss of employment by the convicted person or a member of such person's family; and
  - (B) Whether the ability of the convicted person or a member of such person's family to attend school or obtain medical care would be impaired.
- (4) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.
- (5) As used in this subsection, the convicted person's motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person's motor vehicle subject to impoundment or immobilization expires in less than one (1) year from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of the time remaining on the lease.
- (l) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings or a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any motor vehicle laws of this state.
- (m) For the purposes of determining whether a conviction is a first or second conviction in sentencing under this section:
  - (1) Conviction includes being convicted of a violation of this section or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;
  - (2) conviction includes being convicted of a violation of a law of any state or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance, or resolution;
  - (3) only convictions occurring on or after July 1, 2001, shall be taken into account when determining the sentence to be imposed for a first or second offender. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first or second offense;
  - (4) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:
    - (A) Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto, or Section 30.1;

- (B) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
  - (C) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. Supp. 21-5405, and amendments thereto;
  - (D) aggravated battery, as described in subsection (b)(3) of K.S.A. Supp. 21-5413, and amendments thereto; and
  - (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;
- (5) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection m(2) or m(4) if committed off a military reservation in this state;
  - (6) multiple convictions of any crime described in subsection m(2) or m(4) arising from the same arrest shall only be counted as one conviction;
  - (7) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and
  - (8) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, only once during the person's lifetime.
- (n) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.
  - (o) Upon conviction of a person of a violation of this section, the court may order the convicted person to pay restitution to any victim who suffered loss due to the violation for which the person was convicted.
  - (p) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section to avoid the mandatory penalties established by this section. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq., and amendments thereto, shall not constitute plea bargaining.
  - (q) The alternatives set out in subsections (a)(1), (a)(2), and (a)(3) of this section may be pleaded in the alternative, and the city may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.
  - (r) For the purpose of this section:
    - (1) Alcohol Concentration means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.
    - (2) Drug includes toxic vapors as such term is defined in K.S.A. Supp. 21-5712, and amendments thereto.

- (3) Imprisonment shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the governing body of the city.
- (s) Upon the filing of a complaint, citation, or notice to appear alleging a person has violated the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:
  - (1) Division a record of all prior of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
  - (2) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.
- (t) As used in this section:
  - (1) **Imprisonment** shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city.
  - (2) **Drug** includes toxic vapors as such term is defined in K.S.A. Supp. 21-5712, and amendments thereto. (K.S.A. Supp. 8-1567)
- (c) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:
 

Section 30.1. Driving Commercial Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs; Penalties.

  - (a) Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle within this city while:
    - (1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence is .04 or more;
    - (2) The alcohol concentration in the person's blood or breath, as measured within three (3) hours of the time of operating or attempting to operate a vehicle, is .04 or more;
    - (3) Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;
    - (4) Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle;
    - (5) Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle; or
    - (6) Committing a violation of subsection (a) of Section 30 of this ordinance.
  - (b) No person shall operate or attempt to operate any vehicle within this city if the person is a habitual user of any narcotic, hypnotic, somnifacient, or stimulating drug.

- (c) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- (d) Upon a first conviction of a violation of this section, a person shall be sentenced to not less than forty-eight (48) consecutive hours nor more than six (6) months imprisonment, or in the court's discretion one hundred (100) hours of public service, and fined not less than \$750 nor more than \$1,000. The person convicted must serve at least forty-eight (48) consecutive hours imprisonment or one hundred (100) hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.
- (e) On a second conviction of a violation of this section, a person shall be sentenced to not less than ninety (90) days nor more than one (1) year imprisonment and fined not less than \$1,250 or more than \$1,750. The person convicted must serve at least fourteen (14) consecutive days imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (f) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.
- (g) Any person convicted of violating this section who had one or more children under the age of fourteen (14) years in the vehicle at the time of the offense shall have such person's punishment enhanced by one (1) month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law.
- (h) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- (i) The court may establish the terms and time for payment of any fines, fees, assessments, and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than ninety (90) days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.
- (j) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one (1) year after the fine is imposed, or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero (0) the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.
- (k) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings or a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the:
  - (1) Division a record of all prior convictions obtained against such person for any violations of any motor vehicle laws of this state; and



- (2) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.
- (l) For the purposes of determining whether a conviction is a first or second conviction in sentencing under this section:
  - (1) Conviction includes being convicted of a violation of a law of any state or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations;
  - (2) only convictions or diversions on or after July 1, 2001, shall be taken into account when determining the sentence to be imposed for a first or second offender;
  - (3) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:
    - (A) This section or K.S.A. 8-2,144, and amendments thereto;
    - (B) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
    - (D) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. Supp. 21-5405, and amendments thereto;
    - (E) aggravated battery, as described in subsection (b)(3) of K.S.A. Supp. 21-5413, and amendments thereto; and
    - (F) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;
  - (4) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection l(1) or l(3) if committed off a military reservation in this state;
  - (5) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and
  - (6) multiple convictions of any crime described in subsection l(1) or l(3) arising from the same arrest shall only be counted as one conviction.
- (m) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.
- (n) Upon conviction of a person of a violation of this section, the court may order the convicted person to pay restitution to any victim who suffered loss due to the violation for which the person was convicted.
- (o) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section

to avoid the mandatory penalties established by this section. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq., and amendments thereto, shall not constitute plea bargaining.

- (p) The alternatives set out in subsections (a)(1), (a)(2), and (a)(3) of this section may be pleaded in the alternative, and the city may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.

- (q) For the purpose of this section:

- (1) Alcohol Concentration means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.
- (2) Drug includes toxic vapors as such term is defined in K.S.A. Supp. 21-5712, and amendments thereto.
- (3) Imprisonment shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the governing body of the city.

- (r) Upon the filing of a complaint, citation, or notice to appear alleging a person has violated the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:

- (1) Division a record of all prior of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
- (2) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.

- (s) For the purpose of this section:

- (1) **Imprisonment** shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city.
- (2) **Drug** includes toxic vapors as such term is defined in K.S.A. Supp. 21-5712, and amendments thereto.

- (d) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 30.3. Ignition Interlock Devices; Tampering.

- (a) No person shall:

- (1) Tamper with an ignition interlock device for the purpose of circumventing it or rendering it inaccurate or inoperative;
- (2) Request or solicit another to blow into an ignition interlock device, or start a motor vehicle equipped with such device, for the purpose of providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device;

- (3) Blow into or start a motor vehicle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device; or
- (4) Operate a vehicle not equipped with an ignition interlock device while such person's driving privileges have been restricted to driving a motor vehicle equipped with such device.
- (b) Violation of this section shall be punished by a fine of not more than \$2,500 or by imprisonment for not more than one (1) year or by both such fine and imprisonment.
- (c) A person convicted of a violation of this section shall serve at least thirty (30) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$500.
- (d) In addition to any other penalties provided by law:
  - (1) (A) On a first conviction of a violation of subsection (a)(1) or (a)(2), the division shall extend the ignition interlock restriction period on the person's driving privileges for an additional 90 days; and
  - (B) On a second or subsequent conviction of a violation of subsection (a)(1) or (a)(2), the division shall restart the original ignition interlock restriction period on the person's driving privileges; and
  - (2) on a conviction of a violation of subsection (a)(4), the division shall restart the original ignition interlock restriction period on the person's driving privileges.
- (e) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 33. Maximum Speed Limits.

- (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at speed in excess of such maximum limits:
  - (1) In any central business district or school zone unless otherwise posted, 20 mph.
  - (2) In any residence or urban district unless otherwise posted, 30 mph.
  - (3) In any park, 20 mph.

The maximum speed limit established by or pursuant to this section shall be of force and effect regardless of whether signs are posted giving notice thereof and notwithstanding any signs giving notice of maximum speed limit in excess thereof; and any sign giving notice of a maximum speed limit in excess of the limits established by or pursuant to this section shall not be of any force or effect.

- (b) Whenever any appropriate sign shall be placed by lawful authority along any street or parking or marked on any curb, or otherwise giving notice of any prohibited or special use of the street or highway adjacent thereto or limiting the speed of vehicles in such zones or controlling the use thereof, it shall be unlawful for any person to refuse or fail to comply with such signs or directions.
- (c) The maximum speed limits in this section or as may otherwise be established may be altered as authorized by K.S.A. 8-1560, and amendments thereto.

- (f) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 85. Stopping, Standing or Parking Prohibited in Specified Places.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

- (a) Stop, stand or park a vehicle:
  - (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - (2) On a sidewalk;
  - (3) Within an intersection;
  - (4) On a crosswalk;
  - (5) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
  - (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
  - (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
  - (8) On any railroad tracks;
  - (9) On any controlled-access highway;
  - (10) In the area between roadways of a divided highway, including crossovers;
  - (11) At any place where official signs prohibit stopping; or
  - (12) Within any no parking area designated by a curb marked yellow.
- (b) Stand or park a vehicle, whether occupied or not except momentarily to pick up or discharge a passenger or passengers:
  - (1) In front of a public or private driveway;
  - (2) Within 15 feet of a fire hydrant;
  - (3) Within 20 feet of a crosswalk at an intersection;
  - (4) Within 30 feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a roadway;
  - (5) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly sign-posted; or
  - (6) At any place when official signs prohibit standing.

- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers:
  - (1) Within 50 feet of the nearest rail of a railroad crossing; and
  - (2) At any place where official signs prohibit parking.
- (d) Move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.
- (e) Stand or park a vehicle in areas designated as fire lanes upon public or private property. (K.S.A. 8-1571)
- (g) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:  
 Section 106. Transportation of Alcoholic Beverage.
  - (a) No person shall transport in any vehicle upon a highway or street any alcoholic beverage unless such beverage is:
    - (1) In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed;
    - (2) (A) In the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or
      - (B) if a motor vehicle is not equipped with a trunk, behind the last upright seat or in an area not normally occupied by the driver or a passenger; or
    - (3) In the exclusive possession of a passenger in a vehicle which is a recreational vehicle or a bus, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.
  - (b) A first conviction of a violation of this section is punishable by a fine of not more than \$200 or by imprisonment for not more than six (6) months, or both.
  - (c) Upon a second conviction of a violation of this section, a person shall be fined not less than \$400. A person may also be sentenced to a term of imprisonment of not more than six (6) months.
  - (d) Upon a third or subsequent conviction of a violation of this section, a person shall be fined not less than \$600. A person may also be sentenced to a term of imprisonment of not more than six (6) months.
  - (e) Except as provided in subsection (g) upon conviction or adjudication of a second or subsequent violation of this section, the judge, in addition to any other penalty or disposition ordered pursuant to law, shall suspend the person's driver's license or privilege to operate a motor vehicle on the streets and highways of this state for one year.
  - (f) Upon suspension of a license pursuant to this section, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply

for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.

- (g) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person convicted of violating this section, as provided in subsection (e), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year for a second violation.

Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator, of such person's state of residence. Such judge shall furnish to a person whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this section.

Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this subsection, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

- (h) It shall be an affirmative defense to any prosecution under this section that an occupant of the vehicle other than the defendant was in exclusive possession of the alcoholic beverage.
- (i) The court shall report to the division every conviction of a violation of this section. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.
- (j) For the purpose of determining whether a conviction is a first, second or subsequent conviction in sentencing under this section:
  - (1) **Conviction** includes being convicted of a violation of an ordinance of any city, or resolution of any county, which prohibits the acts that K.S.A. 8-1599, as amended, prohibits;
  - (2) Only convictions occurring in the immediately preceding five years shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second or subsequent offender, whichever is applicable; and

- (3) It is irrelevant whether an offense occurred before or after conviction for a previous offense.  
(K.S.A. 8-1599)

(h) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 107. Unattended Motor Vehicle; Ignition; Key and Brakes.

- (a) No person driving or in charge of a motor vehicle shall permit it to stand unattended on any street or highway, or upon the premises of any childcare facility, as defined by K.S.A. 65-503, or any family day care home, as defined by K.S.A. 65-517, without first stopping the engine, locking the ignition, removing the key from the ignition and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.
- (b) For the purpose of this section, unattended shall not be construed to mean a motor vehicle with an engine that has been activated by a remote starter system, when the motor vehicle is locked and when the ignition keys are not in the motor vehicle.

(i) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Sec. 114.2 Unlawful Operation of a Micro Utility Truck or Recreational Off-Highway Vehicle.

- (a) It shall be unlawful for any person to operate a micro utility truck or recreational off-highway vehicle on any interstate highway, federal highway, or state highway.
- (b) Operation of a micro utility truck or recreational off-highway vehicle is authorized within the corporate limits of the city, subject to the requirements of this section.
- (c) No micro utility trucks or recreational off-highway vehicle shall be operated on any public highway or street within the city unless the person operating the micro utility truck or recreational off-highway vehicle complies with section 192 of the Standard Traffic Ordinance pertaining to a driver's license.
- (d) No person shall operate a micro utility truck or recreational off-highway vehicle without complying with the requirements of section 200 of the Standard Traffic Ordinance pertaining to motor vehicle liability insurance.
- (e) A person operating a micro utility truck or recreational off-highway vehicle shall comply with all sections of the Standard Traffic Ordinance which pertain to operation of a motor vehicle.
- (f) No micro utility truck or recreational off-highway vehicle shall be operated on any public highway or street, unless the micro utility truck or recreational off-highway vehicle complies with the equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated and amendments thereto.
- (g) No person shall operate a micro utility truck or recreational off-highway vehicle without first registering it with the Garden City Police Department (GCPD), and obtaining a registration plate from the GCPD. The registration plate shall be displayed on the micro utility truck or recreational off-highway vehicle at all times the micro utility truck or recreational off-highway

vehicle is operated on any public highway or street in the city. The micro utility truck or recreational off-highway vehicle registration and plate program shall be administered pursuant to policies and procedures, including assessment of any required fees, established by the GCPD.

- (h) The provisions of subsection (a), shall not prohibit a micro utility truck or recreational off-highway vehicle from crossing a federal or state highway. (K.S.A. Supp. 8-15,106)

- (j) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 118. Driving Through or On Private or Public Property to Avoid Traffic Control Devices.

No person shall drive through any public or private property adjacent to any street intersection to avoid any official traffic control device or short cut from one street to another.

- (k) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 147. Tail Lamps.

- (a) Every motor vehicle, trailer, semi-trailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two (2) tail lamps mounted on the rear, which, when lighted as required in Section 144, shall emit a red light plainly visible from a distance of 1,000 feet to the rear, except that passenger cars manufactured or assembled prior to July 1, 1959, shall have at least one (1) tail lamp. On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one (1) tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.
- (b) Every tail lamp upon every vehicle shall be located at a height of not more than 72 inches or less than 15 inches.
- (c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever head lamps or auxiliary driving lamps are lighted.

- (l) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 182. Child Passenger Safety Restraining System.

- (a) Every driver who transports a child under the age of fourteen (14) years in a passenger car or an autocycle on a highway shall provide for the protection of such child by properly using:
  - (1) For a child under the age of four (4) years a child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213;
  - (2) For a child four (4) years of age, but under the age of eight (8) years and who weighs less than 80 pounds or is less than 4 feet 9 inches in height, an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213; or



- (3) For a child eight (8) years of age but under the age of fourteen (14) years or who weighs more than 80 pounds or is more than 4 feet 9 inches in height, a safety belt manufactured in compliance with federal motor vehicle safety standard no. 208.
- (b) If the number of children subject to the requirements of subsection (a) exceeds the number of passenger security locations available for use by children affected by such requirements, and all of these security locations are in use by children, then there is not a violation of this section.
- (c) If a security location only has a lap safety belt available, the provisions of subsection (a)(2) shall not apply and the child shall be secured in accordance with the provisions of subsection (a)(3).
- (d) It shall be unlawful for any driver to violate the provisions of subsection (a) and upon conviction such driver shall be punished by a fine of \$60. The failure to provide a child safety restraining system or safety belt for more than one (1) child in the same passenger car at the same time shall be treated as a single violation. Any conviction under the provisions of this subsection shall not be construed as a moving traffic violation for the purposes of K.S.A. 8-255, and amendments thereto.
- (e) The \$60 fine provided for in subsection (d), and court costs, shall be waived if the driver convicted of violating subsection (a)(1) or (a)(2) provides proof to the court that such driver has purchased or acquired the appropriate and approved child passenger safety restraining system. At the time of issuing the citation for a violation of subsection (a)(1) or (a)(2), the law enforcement officer shall notify the driver of the waiver provisions of this subsection.
- (f) No driver charged with violating the provisions of this section shall be convicted if such driver produces in the office of the arresting officer or in court proof that the child was fourteen (14) years of age or older at the time the violation was alleged to have occurred.
- (g) Evidence of failure to secure a child in a child passenger safety restraining system or a safety belt under the provisions of this section shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.
- (h) As used in this section passenger car means a motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying ten (10) passengers or fewer, including vans, but does not include a motorcycle or a motor-driven cycle, a trailer or a vehicle constructed either on a truck chassis registered for a gross weight of more than 12,000 pounds or a farm truck registered for a gross weight of more than 16,000 pounds.
- (m) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:  
  
Section 192. Driver's License.
  - (a) No person, except those expressly exempted, shall drive or operate any motor vehicle or motorized bicycle upon any highway in this city unless such person has a valid driver's license. Violation of this section is punishable by a fine of \$300 or by imprisonment for not more than six (6) months or by both such fine and imprisonment.
  - (b) On a second conviction of a violation of this section, a person must serve at least two (2) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined \$600.
  - (c) On a third conviction of a violation of this section, a person must serve at least five (5) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$1,000.

- (d) On a fourth conviction of a violation of this section, a person must serve at least ten (10) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$1,000.
- (e) On a fifth conviction of a violation of this section, a person must serve at least fifteen (15) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined \$1000.
- (f) On a sixth or subsequent conviction of a violation of this section, a person must serve at least twenty-five (25) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined \$1,000.
- (g) For the purposes of determining whether a conviction is a first, second, third, fourth, fifth, sixth or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city, or resolution of any county, or a law of any state which is in substantial conformity with this section. It is irrelevant whether an offense occurred before or after conviction for a previous offense.
- (n) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 194. Driving While License Canceled Suspended, or Revoked; Penalty.

- (a) (1) Any person who drives a motor vehicle on any street or highway at a time when such person's privilege so to do is canceled, suspended, or revoked, or while such person's privilege to obtain a driver's license is suspended or revoked, shall upon a first conviction be punished by imprisonment for not more than six (6) months or fined not to exceed \$1,000, or both such fine and imprisonment. On a second or subsequent conviction of a violation of this section, such person shall be punished by imprisonment for not more than one (1) year or fined not to exceed \$2,500, or both such fine and imprisonment.
- (2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257 and amendments thereto, to the return of such person's driver's license.
- (3) Except as otherwise provided in this section, every person convicted under this section shall be sentenced to at least five (5) days' imprisonment and fined at least \$200.
- (4) Except as otherwise provided by subsection (g), if a person (A) is convicted of a violation of this section, committed while the person's privilege to drive was suspended or revoked for a violation of Section 30, K.S.A. 8-2,144, K.S.A. 8-1567 or K.S.A. 8-1025, and amendments thereto, or any ordinance of any city, or resolution of any county, or a law of another state, which ordinance or law prohibits the acts prohibited by Section 30, K.S.A. 8-2,144, K.S.A. 8-1567 or K.S.A. 8-1025, and amendments thereto; and (B) is or has been also convicted of a violation of Section 30, K.S.A. 8-2,144, K.S.A. 8-1567 or K.S.A. 8-1025, and amendments thereto, or any ordinance of any city, or resolution of any county, or a law of another state, which ordinance or law prohibits the acts prohibited by Section 30, K.S.A. 8-2,144, K.S.A. 8-1567 or K.S.A. 8-1025, and amendments thereto, committed while the person's privilege to drive was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least ninety (90) days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.

- (b) Upon a second conviction of a violation of this section, a person must serve at least five (5) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$300.
- (c) On the third conviction of a violation of this section, a person must serve at least thirty (30) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$500.
- (d) On the fourth conviction of a violation of this section, a person must serve at least sixty (60) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$700.
- (e) On the fifth conviction of a violation of this section, a person must serve at least ninety (90) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$1,000.
- (f) On the sixth or subsequent conviction of a violation of this section, a person must serve at least one hundred twenty (120) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$1,500.
- (g) On a third or subsequent conviction of a violation of this section, a person shall be sentenced to not less than ninety (90) days imprisonment and fined not less than \$1,500 if such person's privilege to drive a motor vehicle is canceled, suspended, or revoked because such person:
  - (1) Refused to submit and complete any test of blood, breath, or urine requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto;
  - (2) Was convicted of violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage;
  - (3) Was convicted of vehicular homicide, K.S.A. 21-3405 or K.S.A. 21-5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 2006 Supp. 21-3442 or K.S.A. 21-5405(a)(3), and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or
  - (4) Was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto.
- (h) Any person convicted of a violation of this section when such person's privilege to drive a motor vehicle is canceled, suspended, or revoked because such person, (a) refused to submit and complete any test of blood, breath, or urine requested by law enforcement, excluding, the preliminary screening test as set forth in K.S.A. 8-1012; (b) failed a test of blood, breath, or urine; or (c) as a result of an alcohol or drug related conviction as defined by K.S.A. 8-1013(b), must serve at least thirty (30) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$500.
- (i) For the purposes of determining whether a conviction is a first, second, third, fourth, fifth, sixth or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city, or resolution of any county, or a law of any state which is in substantial conformity with this section. It is irrelevant whether an offense occurred before or after conviction for a previous offense.

- (o) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 200. Motor Vehicle Liability Insurance.

- (a) Every owner of a motor vehicle shall provide motor vehicle liability insurance coverage in accordance with the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101 *et seq.*, for every motor vehicle owned by such person, unless such motor vehicle:
- (1) Is included under an approved self-insurance plan as provided in K.S.A. 40-3104(f);
  - (2) is used as a driver training motor vehicle, as defined in K.S.A. 72-5015, and amendments thereto, in an approved driver training course by a school district or an accredited nonpublic school under an agreement with a motor vehicle dealer, and such motor vehicle liability insurance coverage is provided by the school district or accredited nonpublic school;
  - (3) is included under a qualified plan of self-insurance approved by an agency of the state in which such motor vehicle is registered and the form prescribed in subsection (b) of K.S.A. 40-3106, and amendments thereto, has been filed; or
  - (4) is expressly exempted from the provisions of the Kansas Automobile Injury Reparations Act, K.S.A. 40-3104, *et seq.*
- (b) An owner of an uninsured motor vehicle shall not permit the operation thereof upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the provisions of the Kansas Automobile Injury Reparations Act.
- (c) No person shall knowingly drive an uninsured motor vehicle upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the provisions of the Kansas Automobile Injury Reparations Act.
- (d) Any person operating a motor vehicle upon a highway or upon property open to use by the public shall display, upon demand, evidence of financial security to a law enforcement officer. Such evidence of financial security which meets the requirements of subsection (e) may be displayed on a cellular phone or any other type of portable electronic device. The law enforcement officer to whom such evidence of financial security is displayed shall view only such evidence of financial responsibility. Such law enforcement officer shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. The law enforcement officer shall issue a citation to any person who fails to display evidence of financial security upon such demand. The law enforcement officer shall attach a copy of the insurance verification form prescribed by the secretary of revenue to the copy of the citation forwarded to the court.

No citation shall be issued to any person for failure to provide proof of financial security when evidence of financial security meeting the standards of subsection (e) is displayed upon demand of a law enforcement officer. Whenever the authenticity of such evidence is questionable, the law enforcement officer may initiate the preparation of the insurance verification form prescribed by the secretary of revenue by recording information from the evidence of financial security displayed. The officer shall immediately forward the form to the department of revenue, and the department shall proceed with verification in the manner prescribed in the following paragraph. Upon return of a form indicating that insurance was not in force on the date indicated on the form, the department shall immediately forward a copy of the form to the law enforcement officer initiating preparation of the form.

- (e) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with violating subsections (b), (c), or (d) shall be convicted if such person produces in court, within ten (10) days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. Such evidence of financial security may be produced by displaying such information on a cellular phone or any other type of portable electronic device. Any person to whom such evidence of financial security is displayed on a cellular phone or any other type of portable electronic device shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. For the purpose of this subsection, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance.
- (f) Any person violating any provision of this section shall be guilty of a violation of this ordinance and subject to a fine of not less than \$300 or more than \$1,000 or by imprisonment for a term of not more than six (6) months, or both such fine and imprisonment, except that any person convicted of violating any provision of this section within three (3) years of any such prior conviction shall be guilty of a violation of this ordinance and subject to a fine of not less than \$800 nor more than \$2,500 or by imprisonment for a term not to exceed one (1) year, or both such fine and imprisonment.
- (g) Upon a second conviction of a violation of this section, a person must serve at least five (5) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (h) Upon a third conviction of a violation of this section, a person must serve at least twenty (20) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (i) Upon a fourth or subsequent conviction of a violation of this section, a person must serve at least sixty (60) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (j) For the purposes of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section, conviction includes a conviction of a violation of any ordinance of any city, or resolution of any county, or a law of any state which is in substantial conformity with this section. It is irrelevant whether an offense occurred before or after conviction for a previous offense.

SECTION 2. 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 the ordinance.

SECTION 3. That Section 86-2 of the Code of Ordinances of the City of Garden City, as previously existing and amended, be and the same is hereby repealed, to be replaced as specified in this ordinance.

SECTION 4. That this ordinance shall be in full force and effect from and after September 1, 2017, and following 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, this 15th day of August, 2017.

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Melvin L. Dale, Mayor

ATTEST:

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Celyn N. Hurtado, City Clerk

APPROVED AS TO FORM:

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Randall D. Grisell, City Attorney



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** James Dummermuth, City Prosecutor  
**DATE:** August 15, 2017  
**RE:** UPOC (2017)

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### **ISSUE:**

The Governing Body is asked to consider and approve the Uniform Public Offense Code (UPOC) for 2017.

1. Ordinance No. \_\_\_\_-2017, an ordinance regulating public offenses within the corporate limits of the City of Garden City, Kansas; incorporating by reference the Uniform Public Offense Code for Kansas Cities, Edition of 2017, with certain omissions, additions or changes; amending Code Section 62-2; repealing existing Code Section 62-2; all to the Code of Ordinances of the City of Garden City, Kansas.

### **BACKGROUND:**

The League of Kansas Municipalities publishes annually a model Standard Traffic Ordinance and Uniform Public Offense Code. The 2017 versions of those two ordinances are presented for review and adoption. The City adopts by reference these two uniform ordinances each year for two purposes. The first purpose is to manage the size of our Code. The second purpose is to standardize basic traffic and safety laws around the State. Most changes from the 2016 versions are not material, rather a change in language.

The material changes to the Code are:

- **STO - Section 133. Lamps and Other Equipment on Bicycles.** The proposed ordinance has been modified to reflect statutory changes. Specifically, the term "at nighttime" has been removed and replaced with the term "between sunset and sunrise". The proposed ordinance also allows a cyclist to comply with the ordinance by wearing specific equipment rather than relying on equipment physically attached to the bicycle itself.
- **STO - Section 182.1. Seat Belts.** The proposed ordinance has been modified to reflect statutory changes. Specifically, the fine for seat belt violations has been increased from \$10 to \$30.
- **UPOC - Section 1.1. Definitions. Animal Shelter.** The proposed ordinance includes a definition of "animal shelter" in order to define new language used in the Cruelty to Animals ordinance following statutory changes.
- **UPOC - Section 3.1.1. Domestic Battery.** The proposed ordinance has been modified to reflect statutory changes. Specifically, these changes expand the scope of the ordinance to cover offenders who are in a dating relationship with a victim. Currently, the ordinance covers only those victims who are a family or household member of the offender and who are 18

years of age or older. The expanded definition places no age requirement on a victim who is in a dating relationship with an offender.

- **UPOC - Section 3.8.1. Violation of a Protective Order.** The proposed ordinance has been modified to reflect statutory changes. Specifically, the scope of the ordinance has been expanded to include a violation of a Protection from Sexual Assault Order.
- **UPOC - Section 4.5. Buying Sexual Relations.** The proposed ordinance has been modified to reflect statutory changes. Specifically, the ordinance requires a minimum fine of \$1,200 and requires that half of that fine be remitted to the Human Trafficking Victim Assistance Fund.
- **UPOC - Section 4.5.1. Unlawful Use of a Communication Facility.** The proposed ordinance is a new offense that mirrors a new crime created by statute. This new offense criminalizes the use of a communication device, including a computer, that is used to violate Section 4.5 (Buying Sexual Relations).
- **UPOC - Section 10.2. Drawing a Weapon Upon Another.** This ordinance has been deleted from this year's Uniform Public Offense Code and this section has been reserved for future use.
- **UPOC - Section 10.27. Illegal Operation of an Amusement Ride.** The proposed ordinance is a new offense that mirrors a new crime created by statute. This new offense criminalizes the operation of an amusement park ride without a valid permit.
- **UPOC - Section 11.11. Cruelty to Animals.** The proposed ordinance has been modified to reflect statutory changes. Specifically, the terms "duly incorporated humane society", "pound", and "society" have been removed and replaced with the term "animal shelter". Other language has been removed that previously required the Municipal Court to make specific findings before it could bar an animal from being returned to an owner found guilty of animal cruelty.

#### **ALTERNATIVES:**

1. Approve the 2017 UPOC ordinance.
2. Do not approve the 2017 UPOC ordinance.

#### **RECOMMENDATION:**

Staff recommends alternative #1.

#### **FISCAL NOTE:**

Most of the changes have no fiscal impact. The increased fine for seat belt violations will have a positive fiscal impact. The increased fine for buying sexual relations could have a positive fiscal impact, but staff advises this violation is rare in Municipal Court.

#### **ATTACHMENTS:**

Description	Upload Date	Type
UPOC 2017	8/10/2017	Backup Material
STO 2017	8/10/2017	Backup Material



## ORDINANCE NO. 2767-2017

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF GARDEN CITY, KANSAS; INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 2017, WITH CERTAIN OMISSIONS, ADDITIONS OR CHANGES; AMENDING CODE SECTION 62-2; REPEALING EXISTING CODE SECTION 62-2; 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. That Section 62-2 of the Code of Ordinances of the City of Garden City is hereby amended and shall read as follows:

### Section 62-2. Uniform Public Offense Code.

(a) Incorporating Uniform Public Offense Code. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Garden City, Kansas, that certain code known as the "Uniform Public Offense Code for Kansas Cities," Edition of 2017, hereinafter referred to as Uniform Public Offense Code, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, added or amended. No fewer than three copies of the Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2767-2017," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of the ordinance codified in this section, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. All references to the Uniform Public Offense Code as adopted and incorporated into this Code shall be in a form designating section 62-2 followed in parenthesis by the section number of the Uniform Public Offense Code, as incorporated. [For example, section 10.5 of the Uniform Public Offense Code as incorporated shall be referenced as section 62-2(10.5).]

(b) Omissions. The following sections contained in Articles 1 through 11 of the Uniform Public Offense Code are hereby omitted and deleted:

Section 3.7	Mistreatment of a confined person.
Section 3.11	Unlawful administration of a substance.
Section 3.12	Breach of privacy.
Section 5.5	Watercraft; lifesaving devices required.
Section 6.11	Unlawful manufacture or disposal of false tokens.
Section 6.12	Serial numbers.
Section 6.14	Unlawful deposits in sewers.
Section 6.15	Damaging sewers.
Section 6.16	Giving a worthless check.
Section 6.17	Criminal use of a financial card.
Section 6.18	Motor vehicle dealers; selling motor vehicles without a license.
Section 6.19	Equity skimming.
Section 6.20	Computer trespass/computer password disclosure.
Section 6.21	Taking wildlife without permission.
Section 6.22	Criminal hunting.
Section 6.23	Unlawful use of a recording device.
Section 7.1	Compounding an offense.
Section 7.3	Escape from custody.
Section 7.6	Performance of unauthorized official act.
Section 7.7	Simulating legal process.

Section 7.8	Tampering with public record.
Section 7.9	Tampering with public notice.
Section 7.10	False signing of petition.
Section 7.11	False impersonation.
Section 7.14	Electioneering.
Section 8.1	Denial of civil rights.
Section 9.9	Abusing toxic vapors.
Section 9.13	Unlawful posting of political pictures and political advertisements.
Section 10.3	Criminal disposal of firearms.
Section 10.9	Carrying concealed explosives.
Section 10.12	Unlawful failure to report a wound.
Section 10.14	Operation of a motorboat or sailboat.
Section 10.15	Operating a vessel under the influence of intoxicating liquor or drugs; penalties.
Section 10.19	Sale of medicines and drugs through vending machines.
Section 10.20	Obtaining a prescription-only drug.
Section 10.23	Trafficking in counterfeit drugs.
Section 11.3	Commercialization of wildlife.

(c) Amendment. Section 1.1 of the Uniform Public Offense Code, also referred to as 62.2(1.1) of the Code is hereby amended to read as follows:

Section 1.1 Smoking; Definitions

(a) Access Point means the area within a 50 foot radius outside of any doorway, open window or air intake leading into a building or facility that is not exempted pursuant to subsection (c) of section 10.24.

(d) Amendment. Section 3.1 of the Uniform Public Offense Code, also referred to as 62.2(3.1) of the Code is hereby amended to read as follows:

Section 3.1. Battery.

(a) Battery is:

- (1) Knowingly or recklessly causing bodily harm to another person; or
- (2) Knowingly causing physical contact with another person when done in a rude, insulting, or angry manner.

Battery is a Class B violation.

- (b) If a person is convicted of a violation of battery a second time, such person shall be guilty of a Class B violation and sentenced to not less than ninety (90) days nor more than one-hundred eighty (180) days imprisonment and fined not less than \$400 nor more than \$1,000. The ten (10) days' imprisonment mandated by this subsection may be served in a work release program only after such person has served forty-eight (48) consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least ten (10) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (c) If a person is convicted of a violation of battery a third time, such person shall be guilty of a Class B violation and sentenced to not less than ninety (90) days nor more than one-hundred eighty (180) days imprisonment and fined not less than \$500 nor more than \$1,000. The fifteen (15) days' imprisonment mandated by this subsection may be served in a work release program only after such person has served forty-eight (48) consecutive hours' imprisonment, provided such work release program requires such

person to return to confinement at the end of each day in the work release program. The person convicted must serve at least fifteen (15) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.

- (d) If a person is convicted of a violation of battery a fourth time, such person shall be guilty of a Class B violation and sentenced to not less than ninety (90) days nor more than one-hundred eighty (180) days imprisonment and fined not less than \$600 nor more than \$1,000. The twenty (20) days' imprisonment mandated by this subsection may be served in a work release program only after such person has served forty-eight (48) consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least twenty (20) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (e) If a person is convicted of a violation of battery a fifth or subsequent time, such person shall be guilty of a Class B violation and sentenced to not less than ninety (90) days nor more than one-hundred eighty (180) days imprisonment and fined not less than \$750 nor more than \$1,000. The thirty (30) days' imprisonment mandated by this subsection may be served in a work release program only after such person has served forty-eight (48) consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least thirty (30) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (f) For the purpose of determining whether a conviction is a second, third, fourth, fifth or subsequent conviction in sentencing under subsection (b), conviction includes being convicted of a violation of this section, Section 3.1.1, Domestic Battery, or Section 3.2, Battery Against a Law Enforcement Officer, or convicted of a violation of a law of any municipality, state, federal government or foreign government, which prohibits battery, domestic battery, or battery against a law enforcement officer, or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such laws, ordinances, resolutions, or this section. It is irrelevant whether an offense occurred before or after conviction for a previous offense.

(e) Amendment. Section 3.1.1 of the Uniform Public Offense Code, also referred to as 62.2(3.1.1) of the Code is hereby amended to read as follows:

Section 3.1.1. Domestic Battery.

- (a) Domestic Battery is:
  - (1) Knowingly or recklessly causing bodily harm to a person with whom the offender is involved or has been involved in a dating relationship or a family or household member; or
  - (2) Knowingly causing physical contact with a person with whom the offender is involved or has been involved in a dating relationship or a family or household member, when done in a rude, insulting, or angry manner.
- (b) (1) Upon a first conviction of a violation of domestic battery, a person shall be guilty of a Class B violation and sentenced to not less than forty-eight (48) consecutive hours' nor more than six (6) months' imprisonment, or in the court's discretion one hundred (100) hours of public service, and fined \$500. The person convicted must serve at least forty-eight (48) consecutive hours' imprisonment, or one hundred (100) hours of public service, before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for domestic violence prevention.

- (2) If a person is convicted of a violation of domestic battery a second time, such person shall be guilty of a Class A violation and sentenced to not less than ninety (90) days nor more than one (1) year imprisonment and fined \$750. The ten (10) days' imprisonment mandated by this subsection may be served in a work release program only after such person has served forty-eight (48) consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least ten (10) consecutive days' imprisonment before the person is granted probation, suspension of sentence or parole or of any other release, for a conviction of domestic battery, the person shall be required to enter into and complete a treatment program for domestic violence prevention.

(c) As used in this section:

- (1) **Dating relationship** means a social relationship of a romantic nature. In addition to any other factors the court deems relevant, the trier of fact may consider the following when making a determination of whether a relationship exists or existed: Nature of the relationship, length of time the relationship existed, frequency of interaction between the parties and time since the termination of the relationship, if applicable;
- (2) **Family or household member** means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. **Family or household member** also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
- (3) For the purpose of determining whether a conviction is a first or second conviction in sentencing under this section:
  - (A) Conviction includes being convicted of a violation of this section or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section.
  - (B) Conviction includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution.
  - (C) It is irrelevant whether an offense occurred before or after conviction for a previous offense.
  - (D) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section or an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits only twice during any five (5) year period.

(f) Amendment. Section 3.2 of the Uniform Public Offense Code, also referred to as 62.2(3.2) of the Code, is hereby amended to read as follows:

### Section 3.2. Battery Against a Law Enforcement Officer.

- (a) Battery against a law enforcement officer is a battery as defined in section 62.2(3.1.1(a)(1) or (2)) of the Code, committed against a:
- (1) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;
  - (2) Uniformed or properly identified state, county, or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, or a juvenile correctional facility officer, or employee, while such officer is engaged in the performance of such officer's duty;
  - (4) Judge, while such judge is engaged in the performance of such judge's duty;
  - (5) Attorney, while such attorney is engaged in the performance of such attorney's duty; or
  - (6) Community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty.
- (b) As used in this section:
- (1) Judge means a duly elected or appointed justice of the supreme court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge;
  - (2) Attorney means a (A) County attorney, assistant county attorney, special assistant county attorney, district attorney, assistant district attorney, special assistant district attorney, attorney general, assistant attorney general, special assistant attorney general, city attorney, assistant city attorney, city prosecutor, or assistant city prosecutor; and (B) public defender, assistant public defender, contract counsel for the state board of indigents' defense services or any attorney who is appointed by the court to perform services for an indigent person as provided by Article 45 of Chapter 22 of the Kansas Statutes Annotated and amendments thereto;
  - (3) Community Corrections Officer means an employee of a community correctional services program responsible for supervision of adults or juveniles as assigned by the court to community corrections supervision and any other employee of a community correctional services program that provides enhanced supervision of offenders such as house arrest and surveillance programs; and
  - (4) Court Services Officer means an employee of the Kansas judicial branch or local judicial district responsible for supervising, monitoring or writing reports relating to adults or juveniles as assigned by the court, or performing related duties as assigned by the court.
- Battery against a law enforcement officer is a Class A violation.
- (c) Upon a first conviction of a violation of battery against a law enforcement officer, a person shall be sentenced to not less than ten (10) days nor more than one (1) year imprisonment and fined not less than \$500 nor more than \$1,000. The person must serve at least ten (10) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.

- (d) Upon a second or subsequent conviction of battery against a law enforcement officer, a person shall be sentenced to not less than ninety (90) days nor more than one (1) year imprisonment and fined not less than \$750 nor more than \$1,000. The person convicted must serve at least thirty (30) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (e) For the purpose of determining whether a conviction is a second or subsequent conviction in sentencing under subsection (c), conviction includes being convicted of a violation of this section, or convicted of a violation of a law of any municipality, state, federal government or foreign government, which prohibits battery against a law enforcement officer, or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such laws, ordinances, resolutions, or this section. It is irrelevant whether an offense occurred before or after conviction for a previous offense.

(g) Amendment. Section 3.3 of the Uniform Public Offense Code, also referred to as 62.2(3.2) of the Code, is hereby amended to read as follows:

Section 3.3. Assault and Assault of a Law Enforcement Officer.

- (a) Assault is knowingly placing another person in reasonable apprehension of immediate bodily harm.
- (b) Assault of a law enforcement officer is assault, as defined in subsection (a), committed against:
  - (1) a uniformed or properly identified state, county or city law enforcement officer while such officer is engaged in the performance of such officer's duty; or
  - (2) a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty. (K.S.A. Supp. 21-5412)

Assault is a Class C violation.

Assault of a law enforcement officer is a Class A violation. Upon a conviction of a violation of assault of a law enforcement officer, a person shall be fined not less than \$300 nor more than \$1,000.

(h) Amendment. Section 5.8 of the Uniform Public Offense Code, also referred to as 62.2(6.1) of the Code, is hereby amended to read as follows:

Section 5.8. Purchase, Consumption or Possession of Alcoholic Liquor or Cereal Malt Beverage by a Minor:  
18-21.

- (a) Except with regard to serving of alcoholic liquor or cereal malt beverage as permitted by K.S.A. 41-308a, 41-308b, 41-727a, 41-2610, 41-2652, 41-2704, and 41-2727, and amendments thereto, and subject to any rules and regulations adopted pursuant to such statutes, no person under 21 years of age shall possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic liquor or cereal malt beverage except as authorized by law.
- (b) In addition to any other penalty provided for a violation of this section:
  - (1) The Court may order the offender to do either or both of the following:
    - (A) Perform 40 hours of public service; or
    - (B) Attend and satisfactorily complete a suitable educational or training program dealing with the effects of alcohol or other chemical substances when ingested by humans.

- (2) Upon a first conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for 30 days. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for 30 days whether or not that person has a driver's license.
  - (3) Upon a second conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for 90 days. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator and suspend the driving privileges of the violator for 90 days, whether or not that person has a driver's license.
  - (4) Upon a third or subsequent conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for one year. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for one year whether or not that person has a driver's license.
- (c) This section shall not apply to the possession and consumption of cereal malt beverage by a person under the legal age for consumption of cereal malt beverage when such possession and consumption is permitted and supervised, and such beverage is furnished, by the person's parent or legal guardian.
- (d) (1) A person and, if applicable, one or two other persons acting in concert with such person are immune from criminal prosecution for a violation of this section, if such person:
- (A) (i) Initiated contact with law enforcement or emergency medical services and requested medical assistance on such person's behalf because such person reasonably believed such person was in need of medical assistance; and
  - (ii) Cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance;
  - (B) (i) Initiated contact with law enforcement or emergency medical services, or was one of one or two other persons who acted in concert with such person, and requested medical assistance for another person who reasonably appeared to be in need of medical assistance;
  - (ii) Provided their full name, the name of one or two other persons acting in concert with such person, if applicable, and any other relevant information requested by law enforcement or emergency medical services;
  - (iii) Remained at the scene with the person who reasonably appeared to be in need of medical assistance until emergency medical services personnel and law enforcement officers arrived; and
  - (iv) Cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance; or
  - (C) (i) Was the person who reasonably appeared to be in need of medical assistance as described in subsection (d)(1)(B), but did not initiate contact with law enforcement or emergency medical services; and
  - (ii) Cooperated with emergency medical services personnel and law enforcement officers in providing such medical assistance.

- (2) A person shall not be allowed to initiate or maintain an action against a law enforcement officer, or such officer's employer, based on the officer's compliance or failure to comply with this subsection.
- (e) Violation of this section by a person 18 or more years of age but less than 21 years of age is a Class C violation. On a first conviction of a violation of this section, a person shall be fined not less than \$200. For a second conviction of a violation of this section, a person shall be fined not less than \$400. For a third and subsequent conviction of a violation of this section, a person shall be fined not less than \$600.
- (i) Amendment. Section 6.1 of the Uniform Public Offense Code, also referred to as 62.2(6.1) of the Code, is hereby amended to read as follows:

Section 6.1. Theft.

- (a) Theft is any of the following acts done with the intent to deprive the owner permanently of the possession, use, or benefit of the owner's property or services:
  - (1) Obtaining or exerting unauthorized control over property or services;
  - (2) Obtaining control over property or services by deception;
  - (3) Obtaining control over property or services by threat;
  - (4) Obtaining control over stolen property or services knowing the property or services to have been stolen by another; or
  - (5) Knowingly dispensing motor fuel into a storage container or the fuel tank of a motor vehicle at an establishment in which motor fuel is offered for retail sale and leaving the premises of the establishment without making payment for the motor fuel.
- (b) Theft of property or services of the value of less than \$1,500 is a Class A violation, except as provided below:
  - (1) Property of the value of less than \$1,500 from three (3) separate mercantile establishments within a period of 72 hours as part of the same act or transaction or in two (2) or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony;
  - (2) Property of the value of at least \$50 but less than \$1,500 is a severity level 9, nonperson felony if committed by a person who has, within five (5) years immediately preceding commission of the crime, excluding any period of imprisonment, been convicted of theft two (2) or more times; and
  - (3) Property which is a firearm of the value of less than \$25,000 is a severity level 9, nonperson felony.
- (c) As used in this section:
  - (1) **Conviction** or **convicted** includes being convicted of a violation of K.S.A. 21-3701, prior to its repeal, being convicted of a violation of this section, or convicted of a violation of a law of any municipality, state, federal government or foreign government, which prohibits the acts that this section prohibits, or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance, resolution, or this section;



(2) **Regulated scrap metal** means the same as in K.S.A. 50-6, 109, and amendments thereto; and

(3) **Value** means the value of the property or, if the property is regulated scrap metal, the cost to restore the site of the theft of such regulated scrap metal to its condition at the time immediately prior to the theft of such regulated scrap metal, whichever is greater.

(d) Upon a first conviction of a violation of theft, a person shall be sentenced to not less than two (2) days nor more than one (1) year imprisonment and fined not less than \$300 nor more than \$500. The person must serve at least two (2) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.

(e) If a person is convicted of a violation of theft a second time, such person shall be sentenced to not less than ninety (90) days nor more than one (1) year imprisonment and fined not less than \$500 nor more than \$1,000. The person convicted must serve at least ten (10) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.

(f) For the purpose of determining whether a conviction is a second conviction in sentencing under subsection (c), conviction includes being convicted of a violation of this section, or convicted of a violation of a law of any municipality, state, federal government or foreign government, which prohibits the acts that this section prohibits, or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance, resolution, or this section. It is irrelevant whether an offense occurred before or after conviction for a previous offense.

(j) Amendment. Section 7.2 of the Uniform Public Offense Code, also referred to as 62.2(7.2) of the Code, is hereby amended to read as follows:

Section 7.2. Interference With a Law Enforcement Officer.

(a) Interference with a law enforcement officer is:

(1) Falsely reporting to a law enforcement officer, law enforcement agency, or state investigative agency:

(A) That a particular person has committed a crime, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information;

(B) That a law enforcement officer has committed a crime or committed misconduct in the performance of such officer's duties, knowing that such information is false and intending that the officer or agency shall act in reliance upon such information; or

(C) Any information, knowing that such information is false and intending to influence, impede or obstruct such officer's or agency's duty; or

(2) Concealing, destroying or materially altering evidence with the intent to prevent or hinder the apprehension or prosecution of any person; or

(3) Knowingly obstructing, resisting or opposing any person authorized by law to serve process in the service or execution or in the attempt to serve or execute any writ, warrant, process or order of a court, or in the discharge of any official duty.

Interference with a law enforcement officer is a Class A violation.

- (b) If a person is convicted of a violation of interference with a law enforcement officer a second or subsequent time, such person shall be sentenced to not less than ninety (90) days nor more than one (1) year imprisonment and fined not less than \$750 nor more than \$1,000. The ten (10) days' imprisonment mandated by this subsection may be served in a work release program only after such person has served forty-eight (48) consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least ten (10) consecutive days' imprisonment before the person is granted probation, suspension of sentence or parole or of any other release.
- (c) For the purpose of determining whether a conviction is a second or subsequent conviction in sentencing under subsection (b), conviction includes being convicted of a violation of this section, or convicted of a violation of a law of any municipality, state, federal government or foreign government, which prohibits the acts that this section prohibits, or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance, resolution, or this section. It is irrelevant whether an offense occurred before or after conviction for a previous offense.

(k) Amendment. Section 10.5 of the Uniform Public Offense Code, also referred to as 62.2(10.5) of the Code, is hereby amended to read as follows:

Section 10.5. Unlawful Discharge of a Firearm.

- a) Unlawful discharge of a firearm is the discharge of a firearm within or into the corporate limits of any city.
- b) This section shall not apply to the discharge of any firearm within or into the corporate limits of any city if:
  - (1) The firearm is discharged in the lawful defense of one's person, another person or one's property;
  - (2) The firearm is discharged at a private or public shooting range;
  - (3) The firearm is discharged by authorized law enforcement or animal control officers;
  - (4) The firearm is discharged by special permit of the chief of police or by the sheriff when the city has no police department;
  - (5) The firearm is discharged using blanks; or
  - (6) The firearm is discharged in lawful self-defense or defense of another person against an animal attack.

Unlawful discharge of firearms is a Class B violation.

(l) Amendment. Section 10.24 of the Uniform Public Offense Code, also referred to as 62.2(10.24) of the Code, is hereby amended to read as follows:

Section 10.24 Smoking Prohibited.

- (a) It shall be unlawful, with no requirement of a culpable mental state, to smoke in an enclosed area or at a public meeting including, but not limited to:
  - (1) public places;

- (2) taxicabs and limousines;
  - (3) restrooms, lobbies, hallways and other common areas in public and private buildings, condominiums and other multiple-residential facilities;
  - (4) restrooms, lobbies and other common areas, and all sleeping rooms in hotels and motels;
  - (5) access points of all buildings and facilities not exempted pursuant to subsection (c), with the exception of access points leading into or out of outdoor patio areas where smoking is lawful;
  - (6) any place of employment;
  - (7) any public assembly seating, bleacher section, grandstand, or other seating, affixed and permanent in nature located in the city, on any property owned or leased by any municipality, whether city, county, state, school district or community college;
  - (8) any building, structure, or athletic field and seating area, owned, leased, or occupied by a unified school district or a community college;
  - (9) private clubs and fraternal organization facilities; and
  - (10) all public access areas within Lee Richardson Zoo, both enclosed and otherwise, with the exception that smoking shall be allowed in private motor vehicles occupied by visitors to Lee Richardson Zoo.
- (b) Each employer having a place of employment that is an enclosed area shall provide a smoke-free workplace for all employees. Such employer shall also adopt and maintain a written smoking policy which shall prohibit smoking without exception in all areas of the place of employment. Such policy shall be communicated to all current employees within one week of its adoption and shall be communicated to all new employees upon hiring. Each employer shall provide a written copy of the smoking policy upon request to any current or prospective employee.
- (c) The provisions of this section shall not apply to:
- (1) the outdoor areas of any building or facility beyond the access points of such building or facility, except as noted in (a)(7), (8) and (10) above; and
  - (2) private homes or residences, except when such home or residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto.

SECTION 2. 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 the ordinance.

SECTION 3. That Section 62-2 of the Code of Ordinances of the City of Garden City, Kansas, as previously existing and amended, be and the same is hereby repealed, to be replaced as specified in this ordinance.

SECTION 4. That this ordinance shall be in full force and effect from and after September 1, 2017, and following 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, this 15th day of August, 2017.

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Melvin L. Dale, Mayor

ATTEST:

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Celyn N. Hurtado, City Clerk

APPROVED AS TO FORM:

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Randall D. Grisell, City Counselor

## ORDINANCE NO. 2766-2017

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF GARDEN CITY, KANSAS; INCORPORATING BY REFERENCE THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2017, WITH CERTAIN OMISSIONS, ADDITIONS, OR CHANGES; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES; AMENDING CODE SECTION 86-2; REPEALING EXISTING CODE SECTION 86-2; 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. That Section 86-2 of the Code of Ordinances of the City of Garden City, Kansas, is hereby amended as follows:

### Section 86-2. Standard Traffic Ordinance.

(a) Incorporating Standard Traffic Ordinance. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Garden City, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2017, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, hereinafter referred to as Standard Traffic Ordinance, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, added, or amended. No fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2766-2017," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge, city attorney, city prosecutor, and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient. All references to the Standard Traffic Ordinance as adopted and incorporated into this Code shall be in a form designating section 86-2 followed in parenthesis followed by the section number of the Standard Traffic Ordinance, as incorporated. (For example, section 33 of the Standard Traffic Ordinance as incorporated shall be referred to as section 86-2(33).)

(b) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

### Section 30. Driving Under the Influence of Intoxicating Liquor or Drugs; Penalties.

(a) Driving under the influence is operating or attempting to operate any vehicle within this city while:

- (1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, is .08 or more;
- (2) The alcohol concentration in the person's blood or breath, as measured within three (3) hours of the time of operating or attempting to operate a vehicle, is .08 or more;
- (3) Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;
- (4) Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or
- (5) Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

- (b) No person shall operate or attempt to operate any vehicle within this city if the person is a habitual user of any narcotic, hypnotic, somnifacient, or stimulating drug.
- (c) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- (d) Upon a first conviction of a violation of this section, a person shall be sentenced to not less than forty-eight (48) consecutive hours nor more than six (6) months imprisonment, or in the court's discretion one hundred (100) hours of public service, and be fined \$1,000. The person convicted must serve at least forty-eight (48) consecutive hours imprisonment or one hundred (100) hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.
- (e) On a second conviction of a violation of this section, a person shall be sentenced to not less than ninety (90) days nor more than one (1) year imprisonment and be fined \$1,750. The person convicted must serve at least ten (10) consecutive days imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (f) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.
- (g) Any person convicted of violating this section who had one or more children under the age of fourteen (14) years in the vehicle at the time of the offense shall have such person's punishment enhanced by one (1) month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law.
- (h) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- (i) The court may establish the terms and time for payment of any fines, fees, assessments, and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than ninety (90) days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.
- (j) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one (1) year after the fine is imposed, or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero (0) the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.
- (k) (1) Except as provided in paragraph (5), in addition to any other penalty which may be imposed upon a person convicted of a violation of this section, the court may order that the convicted person's motor vehicle or vehicles be impounded or immobilized for a period not to exceed one (1) year and that the convicted person pay all towing, impoundment, and storage fees or other immobilization costs.

- (2) The court shall not order the impoundment or immobilization of a motor vehicle driven by a person convicted of a violation of this section if the motor vehicle had been stolen or converted at the time it was driven in violation of this section.
- (3) Prior to ordering the impoundment or immobilization of a motor vehicle or vehicles owned by a person convicted of a violation of this section, the court shall consider, but not be limited to, the following:
  - (A) Whether the impoundment or immobilization of the motor vehicle would result in the loss of employment by the convicted person or a member of such person's family; and
  - (B) Whether the ability of the convicted person or a member of such person's family to attend school or obtain medical care would be impaired.
- (4) Any personal property in a vehicle impounded or immobilized pursuant to this subsection may be retrieved prior to or during the period of such impoundment or immobilization.
- (5) As used in this subsection, the convicted person's motor vehicle or vehicles shall include any vehicle leased by such person. If the lease on the convicted person's motor vehicle subject to impoundment or immobilization expires in less than one (1) year from the date of the impoundment or immobilization, the time of impoundment or immobilization of such vehicle shall be the amount of the time remaining on the lease.
- (l) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings or a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any motor vehicle laws of this state.
- (m) For the purposes of determining whether a conviction is a first or second conviction in sentencing under this section:
  - (1) Conviction includes being convicted of a violation of this section or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;
  - (2) conviction includes being convicted of a violation of a law of any state or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance, or resolution;
  - (3) only convictions occurring on or after July 1, 2001, shall be taken into account when determining the sentence to be imposed for a first or second offender. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first or second offense;
  - (4) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:
    - (A) Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto, or Section 30.1;

- (B) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
  - (C) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. Supp. 21-5405, and amendments thereto;
  - (D) aggravated battery, as described in subsection (b)(3) of K.S.A. Supp. 21-5413, and amendments thereto; and
  - (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;
- (5) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection m(2) or m(4) if committed off a military reservation in this state;
  - (6) multiple convictions of any crime described in subsection m(2) or m(4) arising from the same arrest shall only be counted as one conviction;
  - (7) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and
  - (8) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, only once during the person's lifetime.
- (n) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.
  - (o) Upon conviction of a person of a violation of this section, the court may order the convicted person to pay restitution to any victim who suffered loss due to the violation for which the person was convicted.
  - (p) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section to avoid the mandatory penalties established by this section. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq., and amendments thereto, shall not constitute plea bargaining.
  - (q) The alternatives set out in subsections (a)(1), (a)(2), and (a)(3) of this section may be pleaded in the alternative, and the city may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.
  - (r) For the purpose of this section:
    - (1) Alcohol Concentration means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.
    - (2) Drug includes toxic vapors as such term is defined in K.S.A. Supp. 21-5712, and amendments thereto.



- (3) Imprisonment shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the governing body of the city.
- (s) Upon the filing of a complaint, citation, or notice to appear alleging a person has violated the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:
  - (1) Division a record of all prior of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
  - (2) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.
- (t) As used in this section:
  - (1) **Imprisonment** shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city.
  - (2) **Drug** includes toxic vapors as such term is defined in K.S.A. Supp. 21-5712, and amendments thereto. (K.S.A. Supp. 8-1567)
- (c) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:
 

Section 30.1. Driving Commercial Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs; Penalties.

  - (a) Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle within this city while:
    - (1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence is .04 or more;
    - (2) The alcohol concentration in the person's blood or breath, as measured within three (3) hours of the time of operating or attempting to operate a vehicle, is .04 or more;
    - (3) Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;
    - (4) Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle;
    - (5) Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle; or
    - (6) Committing a violation of subsection (a) of Section 30 of this ordinance.
  - (b) No person shall operate or attempt to operate any vehicle within this city if the person is a habitual user of any narcotic, hypnotic, somnifacient, or stimulating drug.

- (c) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- (d) Upon a first conviction of a violation of this section, a person shall be sentenced to not less than forty-eight (48) consecutive hours nor more than six (6) months imprisonment, or in the court's discretion one hundred (100) hours of public service, and fined not less than \$750 nor more than \$1,000. The person convicted must serve at least forty-eight (48) consecutive hours imprisonment or one hundred (100) hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.
- (e) On a second conviction of a violation of this section, a person shall be sentenced to not less than ninety (90) days nor more than one (1) year imprisonment and fined not less than \$1,250 or more than \$1,750. The person convicted must serve at least fourteen (14) consecutive days imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (f) In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.
- (g) Any person convicted of violating this section who had one or more children under the age of fourteen (14) years in the vehicle at the time of the offense shall have such person's punishment enhanced by one (1) month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law.
- (h) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- (i) The court may establish the terms and time for payment of any fines, fees, assessments, and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than ninety (90) days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.
- (j) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one (1) year after the fine is imposed, or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero (0) the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.
- (k) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings or a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the:
  - (1) Division a record of all prior convictions obtained against such person for any violations of any motor vehicle laws of this state; and

- (2) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.
- (l) For the purposes of determining whether a conviction is a first or second conviction in sentencing under this section:
- (1) Conviction includes being convicted of a violation of a law of any state or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations;
  - (2) only convictions or diversions on or after July 1, 2001, shall be taken into account when determining the sentence to be imposed for a first or second offender;
  - (3) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:
    - (A) This section or K.S.A. 8-2,144, and amendments thereto;
    - (B) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
    - (D) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. Supp. 21-5405, and amendments thereto;
    - (E) aggravated battery, as described in subsection (b)(3) of K.S.A. Supp. 21-5413, and amendments thereto; and
    - (F) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;
  - (4) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection l(1) or l(3) if committed off a military reservation in this state;
  - (5) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and
  - (6) multiple convictions of any crime described in subsection l(1) or l(3) arising from the same arrest shall only be counted as one conviction.
- (m) Upon conviction of a person of a violation of this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.
- (n) Upon conviction of a person of a violation of this section, the court may order the convicted person to pay restitution to any victim who suffered loss due to the violation for which the person was convicted.
- (o) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section

to avoid the mandatory penalties established by this section. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq., and amendments thereto, shall not constitute plea bargaining.

- (p) The alternatives set out in subsections (a)(1), (a)(2), and (a)(3) of this section may be pleaded in the alternative, and the city may, but shall not be required to, elect one or two of the three prior to submission of the case to the fact finder.

- (q) For the purpose of this section:

- (1) Alcohol Concentration means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.
- (2) Drug includes toxic vapors as such term is defined in K.S.A. Supp. 21-5712, and amendments thereto.
- (3) Imprisonment shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the governing body of the city.

- (r) Upon the filing of a complaint, citation, or notice to appear alleging a person has violated the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:

- (1) Division a record of all prior of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
- (2) Kansas Bureau of Investigation central repository all criminal history record information concerning such person.

- (s) For the purpose of this section:

- (1) **Imprisonment** shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city.
- (2) **Drug** includes toxic vapors as such term is defined in K.S.A. Supp. 21-5712, and amendments thereto.

- (d) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 30.3. Ignition Interlock Devices; Tampering.

- (a) No person shall:

- (1) Tamper with an ignition interlock device for the purpose of circumventing it or rendering it inaccurate or inoperative;
- (2) Request or solicit another to blow into an ignition interlock device, or start a motor vehicle equipped with such device, for the purpose of providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device;

- (3) Blow into or start a motor vehicle equipped with an ignition interlock device for the purpose of providing an operable motor vehicle to a person whose driving privileges have been restricted to driving a motor vehicle equipped with such device; or
- (4) Operate a vehicle not equipped with an ignition interlock device while such person's driving privileges have been restricted to driving a motor vehicle equipped with such device.
- (b) Violation of this section shall be punished by a fine of not more than \$2,500 or by imprisonment for not more than one (1) year or by both such fine and imprisonment.
- (c) A person convicted of a violation of this section shall serve at least thirty (30) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$500.
- (d) In addition to any other penalties provided by law:
  - (1) (A) On a first conviction of a violation of subsection (a)(1) or (a)(2), the division shall extend the ignition interlock restriction period on the person's driving privileges for an additional 90 days; and
  - (B) On a second or subsequent conviction of a violation of subsection (a)(1) or (a)(2), the division shall restart the original ignition interlock restriction period on the person's driving privileges; and
  - (2) on a conviction of a violation of subsection (a)(4), the division shall restart the original ignition interlock restriction period on the person's driving privileges.
- (e) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 33. Maximum Speed Limits.

- (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at speed in excess of such maximum limits:
  - (1) In any central business district or school zone unless otherwise posted, 20 mph.
  - (2) In any residence or urban district unless otherwise posted, 30 mph.
  - (3) In any park, 20 mph.

The maximum speed limit established by or pursuant to this section shall be of force and effect regardless of whether signs are posted giving notice thereof and notwithstanding any signs giving notice of maximum speed limit in excess thereof; and any sign giving notice of a maximum speed limit in excess of the limits established by or pursuant to this section shall not be of any force or effect.

- (b) Whenever any appropriate sign shall be placed by lawful authority along any street or parking or marked on any curb, or otherwise giving notice of any prohibited or special use of the street or highway adjacent thereto or limiting the speed of vehicles in such zones or controlling the use thereof, it shall be unlawful for any person to refuse or fail to comply with such signs or directions.
- (c) The maximum speed limits in this section or as may otherwise be established may be altered as authorized by K.S.A. 8-1560, and amendments thereto.

- (f) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 85. Stopping, Standing or Parking Prohibited in Specified Places.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

- (a) Stop, stand or park a vehicle:
  - (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - (2) On a sidewalk;
  - (3) Within an intersection;
  - (4) On a crosswalk;
  - (5) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
  - (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
  - (7) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
  - (8) On any railroad tracks;
  - (9) On any controlled-access highway;
  - (10) In the area between roadways of a divided highway, including crossovers;
  - (11) At any place where official signs prohibit stopping; or
  - (12) Within any no parking area designated by a curb marked yellow.
- (b) Stand or park a vehicle, whether occupied or not except momentarily to pick up or discharge a passenger or passengers:
  - (1) In front of a public or private driveway;
  - (2) Within 15 feet of a fire hydrant;
  - (3) Within 20 feet of a crosswalk at an intersection;
  - (4) Within 30 feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a roadway;
  - (5) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance, when properly sign-posted; or
  - (6) At any place when official signs prohibit standing.

- (c) Park a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers:
  - (1) Within 50 feet of the nearest rail of a railroad crossing; and
  - (2) At any place where official signs prohibit parking.
- (d) Move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.
- (e) Stand or park a vehicle in areas designated as fire lanes upon public or private property. (K.S.A. 8-1571)
- (g) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:  
 Section 106. Transportation of Alcoholic Beverage.
  - (a) No person shall transport in any vehicle upon a highway or street any alcoholic beverage unless such beverage is:
    - (1) In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed;
    - (2) (A) In the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or  
 (B) if a motor vehicle is not equipped with a trunk, behind the last upright seat or in an area not normally occupied by the driver or a passenger; or
    - (3) In the exclusive possession of a passenger in a vehicle which is a recreational vehicle or a bus, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.
  - (b) A first conviction of a violation of this section is punishable by a fine of not more than \$200 or by imprisonment for not more than six (6) months, or both.
  - (c) Upon a second conviction of a violation of this section, a person shall be fined not less than \$400. A person may also be sentenced to a term of imprisonment of not more than six (6) months.
  - (d) Upon a third or subsequent conviction of a violation of this section, a person shall be fined not less than \$600. A person may also be sentenced to a term of imprisonment of not more than six (6) months.
  - (e) Except as provided in subsection (g) upon conviction or adjudication of a second or subsequent violation of this section, the judge, in addition to any other penalty or disposition ordered pursuant to law, shall suspend the person's driver's license or privilege to operate a motor vehicle on the streets and highways of this state for one year.
  - (f) Upon suspension of a license pursuant to this section, the court shall require the person to surrender the license to the court, which shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the person may apply

for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the person's privilege to operate a motor vehicle is in effect.

- (g) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any person convicted of violating this section, as provided in subsection (e), the judge of the court in which such person was convicted may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this state, a certified copy of which such person shall be required to carry any time such person is operating a motor vehicle on the highways of this state. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of more than one year for a second violation.

Upon entering an order restricting a person's license hereunder, the judge shall require such person to surrender such person's driver's license to the judge who shall cause it to be transmitted to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such person's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the person for whom the license was issued any time such person is operating a motor vehicle on the highways of this state. If the person convicted is a nonresident, the judge shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator, of such person's state of residence. Such judge shall furnish to a person whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this section.

Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such person may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such person's privilege to operate a motor vehicle on the highways of this state has been suspended or revoked prior thereto. If any person shall violate any of the conditions imposed under this subsection, such person's driver's license or privilege to operate a motor vehicle on the highways of this state shall be revoked for a period of not less than 60 days nor more than one year by the judge of the court in which such person is convicted of violating such conditions.

- (h) It shall be an affirmative defense to any prosecution under this section that an occupant of the vehicle other than the defendant was in exclusive possession of the alcoholic beverage.
- (i) The court shall report to the division every conviction of a violation of this section. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.
- (j) For the purpose of determining whether a conviction is a first, second or subsequent conviction in sentencing under this section:
  - (1) **Conviction** includes being convicted of a violation of an ordinance of any city, or resolution of any county, which prohibits the acts that K.S.A. 8-1599, as amended, prohibits;
  - (2) Only convictions occurring in the immediately preceding five years shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second or subsequent offender, whichever is applicable; and



- (3) It is irrelevant whether an offense occurred before or after conviction for a previous offense.  
(K.S.A. 8-1599)

(h) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 107. Unattended Motor Vehicle; Ignition; Key and Brakes.

- (a) No person driving or in charge of a motor vehicle shall permit it to stand unattended on any street or highway, or upon the premises of any childcare facility, as defined by K.S.A. 65-503, or any family day care home, as defined by K.S.A. 65-517, without first stopping the engine, locking the ignition, removing the key from the ignition and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.
- (b) For the purpose of this section, unattended shall not be construed to mean a motor vehicle with an engine that has been activated by a remote starter system, when the motor vehicle is locked and when the ignition keys are not in the motor vehicle.

(i) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Sec. 114.2 Unlawful Operation of a Micro Utility Truck or Recreational Off-Highway Vehicle.

- (a) It shall be unlawful for any person to operate a micro utility truck or recreational off-highway vehicle on any interstate highway, federal highway, or state highway.
- (b) Operation of a micro utility truck or recreational off-highway vehicle is authorized within the corporate limits of the city, subject to the requirements of this section.
- (c) No micro utility trucks or recreational off-highway vehicle shall be operated on any public highway or street within the city unless the person operating the micro utility truck or recreational off-highway vehicle complies with section 192 of the Standard Traffic Ordinance pertaining to a driver's license.
- (d) No person shall operate a micro utility truck or recreational off-highway vehicle without complying with the requirements of section 200 of the Standard Traffic Ordinance pertaining to motor vehicle liability insurance.
- (e) A person operating a micro utility truck or recreational off-highway vehicle shall comply with all sections of the Standard Traffic Ordinance which pertain to operation of a motor vehicle.
- (f) No micro utility truck or recreational off-highway vehicle shall be operated on any public highway or street, unless the micro utility truck or recreational off-highway vehicle complies with the equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated and amendments thereto.
- (g) No person shall operate a micro utility truck or recreational off-highway vehicle without first registering it with the Garden City Police Department (GCPD), and obtaining a registration plate from the GCPD. The registration plate shall be displayed on the micro utility truck or recreational off-highway vehicle at all times the micro utility truck or recreational off-highway

vehicle is operated on any public highway or street in the city. The micro utility truck or recreational off-highway vehicle registration and plate program shall be administered pursuant to policies and procedures, including assessment of any required fees, established by the GCPD.

- (h) The provisions of subsection (a), shall not prohibit a micro utility truck or recreational off-highway vehicle from crossing a federal or state highway. (K.S.A. Supp. 8-15,106)

- (j) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 118. Driving Through or On Private or Public Property to Avoid Traffic Control Devices.

No person shall drive through any public or private property adjacent to any street intersection to avoid any official traffic control device or short cut from one street to another.

- (k) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 147. Tail Lamps.

- (a) Every motor vehicle, trailer, semi-trailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two (2) tail lamps mounted on the rear, which, when lighted as required in Section 144, shall emit a red light plainly visible from a distance of 1,000 feet to the rear, except that passenger cars manufactured or assembled prior to July 1, 1959, shall have at least one (1) tail lamp. On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one (1) tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.
- (b) Every tail lamp upon every vehicle shall be located at a height of not more than 72 inches or less than 15 inches.
- (c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty (50) feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever head lamps or auxiliary driving lamps are lighted.

- (l) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 182. Child Passenger Safety Restraining System.

- (a) Every driver who transports a child under the age of fourteen (14) years in a passenger car or an autocycle on a highway shall provide for the protection of such child by properly using:
  - (1) For a child under the age of four (4) years a child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213;
  - (2) For a child four (4) years of age, but under the age of eight (8) years and who weighs less than 80 pounds or is less than 4 feet 9 inches in height, an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213; or

- (3) For a child eight (8) years of age but under the age of fourteen (14) years or who weighs more than 80 pounds or is more than 4 feet 9 inches in height, a safety belt manufactured in compliance with federal motor vehicle safety standard no. 208.
- (b) If the number of children subject to the requirements of subsection (a) exceeds the number of passenger security locations available for use by children affected by such requirements, and all of these security locations are in use by children, then there is not a violation of this section.
- (c) If a security location only has a lap safety belt available, the provisions of subsection (a)(2) shall not apply and the child shall be secured in accordance with the provisions of subsection (a)(3).
- (d) It shall be unlawful for any driver to violate the provisions of subsection (a) and upon conviction such driver shall be punished by a fine of \$60. The failure to provide a child safety restraining system or safety belt for more than one (1) child in the same passenger car at the same time shall be treated as a single violation. Any conviction under the provisions of this subsection shall not be construed as a moving traffic violation for the purposes of K.S.A. 8-255, and amendments thereto.
- (e) The \$60 fine provided for in subsection (d), and court costs, shall be waived if the driver convicted of violating subsection (a)(1) or (a)(2) provides proof to the court that such driver has purchased or acquired the appropriate and approved child passenger safety restraining system. At the time of issuing the citation for a violation of subsection (a)(1) or (a)(2), the law enforcement officer shall notify the driver of the waiver provisions of this subsection.
- (f) No driver charged with violating the provisions of this section shall be convicted if such driver produces in the office of the arresting officer or in court proof that the child was fourteen (14) years of age or older at the time the violation was alleged to have occurred.
- (g) Evidence of failure to secure a child in a child passenger safety restraining system or a safety belt under the provisions of this section shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.
- (h) As used in this section passenger car means a motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying ten (10) passengers or fewer, including vans, but does not include a motorcycle or a motor-driven cycle, a trailer or a vehicle constructed either on a truck chassis registered for a gross weight of more than 12,000 pounds or a farm truck registered for a gross weight of more than 16,000 pounds.
- (m) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:  
 Section 192. Driver's License.
  - (a) No person, except those expressly exempted, shall drive or operate any motor vehicle or motorized bicycle upon any highway in this city unless such person has a valid driver's license. Violation of this section is punishable by a fine of \$300 or by imprisonment for not more than six (6) months or by both such fine and imprisonment.
  - (b) On a second conviction of a violation of this section, a person must serve at least two (2) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined \$600.
  - (c) On a third conviction of a violation of this section, a person must serve at least five (5) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$1,000.

- (d) On a fourth conviction of a violation of this section, a person must serve at least ten (10) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$1,000.
- (e) On a fifth conviction of a violation of this section, a person must serve at least fifteen (15) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined \$1000.
- (f) On a sixth or subsequent conviction of a violation of this section, a person must serve at least twenty-five (25) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined \$1,000.
- (g) For the purposes of determining whether a conviction is a first, second, third, fourth, fifth, sixth or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city, or resolution of any county, or a law of any state which is in substantial conformity with this section. It is irrelevant whether an offense occurred before or after conviction for a previous offense.
- (n) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 194. Driving While License Canceled Suspended, or Revoked; Penalty.

- (a) (1) Any person who drives a motor vehicle on any street or highway at a time when such person's privilege so to do is canceled, suspended, or revoked, or while such person's privilege to obtain a driver's license is suspended or revoked, shall upon a first conviction be punished by imprisonment for not more than six (6) months or fined not to exceed \$1,000, or both such fine and imprisonment. On a second or subsequent conviction of a violation of this section, such person shall be punished by imprisonment for not more than one (1) year or fined not to exceed \$2,500, or both such fine and imprisonment.
- (2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257 and amendments thereto, to the return of such person's driver's license.
- (3) Except as otherwise provided in this section, every person convicted under this section shall be sentenced to at least five (5) days' imprisonment and fined at least \$200.
- (4) Except as otherwise provided by subsection (g), if a person (A) is convicted of a violation of this section, committed while the person's privilege to drive was suspended or revoked for a violation of Section 30, K.S.A. 8-2,144, K.S.A. 8-1567 or K.S.A. 8-1025, and amendments thereto, or any ordinance of any city, or resolution of any county, or a law of another state, which ordinance or law prohibits the acts prohibited by Section 30, K.S.A. 8-2,144 , K.S.A. 8-1567 or K.S.A. 8-1025, and amendments thereto; and (B) is or has been also convicted of a violation of Section 30, K.S.A. 8-2,144, K.S.A. 8-1567 or K.S.A. 8-1025, and amendments thereto, or any ordinance of any city, or resolution of any county, or a law of another state, which ordinance or law prohibits the acts prohibited by Section 30, K.S.A. 8-2,144, K.S.A. 8-1567 or K.S.A. 8-1025, and amendments thereto, committed while the person's privilege to drive was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least ninety (90) days' imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.

- (b) Upon a second conviction of a violation of this section, a person must serve at least five (5) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$300.
- (c) On the third conviction of a violation of this section, a person must serve at least thirty (30) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$500.
- (d) On the fourth conviction of a violation of this section, a person must serve at least sixty (60) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$700.
- (e) On the fifth conviction of a violation of this section, a person must serve at least ninety (90) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$1,000.
- (f) On the sixth or subsequent conviction of a violation of this section, a person must serve at least one hundred twenty (120) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$1,500.
- (g) On a third or subsequent conviction of a violation of this section, a person shall be sentenced to not less than ninety (90) days imprisonment and fined not less than \$1,500 if such person's privilege to drive a motor vehicle is canceled, suspended, or revoked because such person:
  - (1) Refused to submit and complete any test of blood, breath, or urine requested by law enforcement excluding the preliminary screening test as set forth in K.S.A. 8-1012, and amendments thereto;
  - (2) Was convicted of violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage;
  - (3) Was convicted of vehicular homicide, K.S.A. 21-3405 or K.S.A. 21-5406, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 2006 Supp. 21-3442 or K.S.A. 21-5405(a)(3), and amendments thereto, or any other murder or manslaughter crime resulting from the operation of a motor vehicle; or
  - (4) Was convicted of being a habitual violator, K.S.A. 8-287, and amendments thereto.
- (h) Any person convicted of a violation of this section when such person's privilege to drive a motor vehicle is canceled, suspended, or revoked because such person, (a) refused to submit and complete any test of blood, breath, or urine requested by law enforcement, excluding, the preliminary screening test as set forth in K.S.A. 8-1012; (b) failed a test of blood, breath, or urine; or (c) as a result of an alcohol or drug related conviction as defined by K.S.A. 8-1013(b), must serve at least thirty (30) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released, and be fined at least \$500.
- (i) For the purposes of determining whether a conviction is a first, second, third, fourth, fifth, sixth or subsequent conviction in sentencing under this section, "conviction" includes a conviction of a violation of any ordinance of any city, or resolution of any county, or a law of any state which is in substantial conformity with this section. It is irrelevant whether an offense occurred before or after conviction for a previous offense.

- (o) Amendment. The following section of the Standard Traffic Ordinance is hereby amended to read as follows:

Section 200. Motor Vehicle Liability Insurance.

- (a) Every owner of a motor vehicle shall provide motor vehicle liability insurance coverage in accordance with the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101 *et seq.*, for every motor vehicle owned by such person, unless such motor vehicle:
- (1) Is included under an approved self-insurance plan as provided in K.S.A. 40-3104(f);
  - (2) is used as a driver training motor vehicle, as defined in K.S.A. 72-5015, and amendments thereto, in an approved driver training course by a school district or an accredited nonpublic school under an agreement with a motor vehicle dealer, and such motor vehicle liability insurance coverage is provided by the school district or accredited nonpublic school;
  - (3) is included under a qualified plan of self-insurance approved by an agency of the state in which such motor vehicle is registered and the form prescribed in subsection (b) of K.S.A. 40-3106, and amendments thereto, has been filed; or
  - (4) is expressly exempted from the provisions of the Kansas Automobile Injury Reparations Act, K.S.A. 40-3104, *et seq.*
- (b) An owner of an uninsured motor vehicle shall not permit the operation thereof upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the provisions of the Kansas Automobile Injury Reparations Act.
- (c) No person shall knowingly drive an uninsured motor vehicle upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the provisions of the Kansas Automobile Injury Reparations Act.
- (d) Any person operating a motor vehicle upon a highway or upon property open to use by the public shall display, upon demand, evidence of financial security to a law enforcement officer. Such evidence of financial security which meets the requirements of subsection (e) may be displayed on a cellular phone or any other type of portable electronic device. The law enforcement officer to whom such evidence of financial security is displayed shall view only such evidence of financial responsibility. Such law enforcement officer shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. The law enforcement officer shall issue a citation to any person who fails to display evidence of financial security upon such demand. The law enforcement officer shall attach a copy of the insurance verification form prescribed by the secretary of revenue to the copy of the citation forwarded to the court.

No citation shall be issued to any person for failure to provide proof of financial security when evidence of financial security meeting the standards of subsection (e) is displayed upon demand of a law enforcement officer. Whenever the authenticity of such evidence is questionable, the law enforcement officer may initiate the preparation of the insurance verification form prescribed by the secretary of revenue by recording information from the evidence of financial security displayed. The officer shall immediately forward the form to the department of revenue, and the department shall proceed with verification in the manner prescribed in the following paragraph. Upon return of a form indicating that insurance was not in force on the date indicated on the form, the department shall immediately forward a copy of the form to the law enforcement officer initiating preparation of the form.

- (e) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with violating subsections (b), (c), or (d) shall be convicted if such person produces in court, within ten (10) days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. Such evidence of financial security may be produced by displaying such information on a cellular phone or any other type of portable electronic device. Any person to whom such evidence of financial security is displayed on a cellular phone or any other type of portable electronic device shall be prohibited from viewing any other content or information stored on such cellular phone or other type of portable electronic device. For the purpose of this subsection, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance.
- (f) Any person violating any provision of this section shall be guilty of a violation of this ordinance and subject to a fine of not less than \$300 or more than \$1,000 or by imprisonment for a term of not more than six (6) months, or both such fine and imprisonment, except that any person convicted of violating any provision of this section within three (3) years of any such prior conviction shall be guilty of a violation of this ordinance and subject to a fine of not less than \$800 nor more than \$2,500 or by imprisonment for a term not to exceed one (1) year, or both such fine and imprisonment.
- (g) Upon a second conviction of a violation of this section, a person must serve at least five (5) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (h) Upon a third conviction of a violation of this section, a person must serve at least twenty (20) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (i) Upon a fourth or subsequent conviction of a violation of this section, a person must serve at least sixty (60) consecutive days' imprisonment before the person is granted probation, suspension, or reduction of sentence or parole or is otherwise released.
- (j) For the purposes of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section, conviction includes a conviction of a violation of any ordinance of any city, or resolution of any county, or a law of any state which is in substantial conformity with this section. It is irrelevant whether an offense occurred before or after conviction for a previous offense.

SECTION 2. 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 the ordinance.

SECTION 3. That Section 86-2 of the Code of Ordinances of the City of Garden City, as previously existing and amended, be and the same is hereby repealed, to be replaced as specified in this ordinance.

SECTION 4. That this ordinance shall be in full force and effect from and after September 1, 2017, and following 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, this 15th day of August, 2017.

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Melvin L. Dale, Mayor

ATTEST:

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Celyn N. Hurtado, City Clerk

APPROVED AS TO FORM:

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Randall D. Grisell, City Attorney





## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Steve Cottrell, Assistant to the City Manager  
**DATE:** August 15, 2017  
**RE:** Ordinance No. 2765-2017, annexing property at 2810 E. Highway 50

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### **ISSUE:**

The Governing Body is asked to consider an ordinance to repeal Ordinance No. 2765-2017, passed by the Governing Body on August 1, 2017, due to an error in the legal description, and annexing property at 2810 E. Highway 50 per the request from WindRiver Grain, LLC.

1. Ordinance No. \_\_\_\_\_ - 2017, an ordinance repealing Ordinance No. 2765-2017 and annexing land to the City of Garden City, Finney County, Kansas, pursuant to K.S.A. 12-520(a)(7).

### **BACKGROUND:**

At your last meeting, the Governing Body approved a request from WindRiver Grain, LLC to have a portion of their property located at 2810 E. Highway 50 annexed into the City of Garden City. An error was discovered in the legal description. City Counselor Grisell recommends repealing that ordinance and adopting a new ordinance.

### **ALTERNATIVES:**

1. The Governing Body may approve the Ordinance.
2. The Governing Body may defer action to a later date.

### **RECOMMENDATION:**

Staff recommends that the Governing Body approve the Ordinance.

### **FISCAL NOTE:**

None.

### **ATTACHMENTS:**

Description	Upload Date	Type
Ordinance 2765-2017	8/7/2017	Backup Material
Annexation Ordinance	8/10/2017	Backup Material

**ORDINANCE NO. \_\_\_\_\_-2017**

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

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

**WHEREAS**, WINDRIVER GRAIN, LLC, (Owner) is the owner of the following described land; and

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

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

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

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

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

Tract C and the tract designated Windriver Drive, Plat of Windriver II, described as Beginning at the Northwest corner of said Tract C; thence S 1°54'22" W 69.00 feet, said point being on the South right-of-way line of US-50/400; thence S 43°52'27" W 93.54 feet; thence S 45°00'00" E, 220.47 feet to the West line of Tract B, Plat of Windriver II; thence N 00°00'00" E, 84.85 feet to the Northwest corner of said Tract; thence S 90°00'00" E, 837.80 feet, to the Southeast corner of said Tract C; thence N 17°13'16" W, 241.56 feet to the Northeast corner of said Tract, said point also being on the South right-of-way line of US-50/400; thence N 88°27'09" W, 812.52 feet along said line; thence N 68°29'34" W, 58.08 feet to the Point of Beginning. Said tract being annexed contains 4.1 acres, more or less.

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

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

**PASSED AND APPROVED** by the Governing Body of the City of Garden City, Kansas, this 1st day of August, 2017.

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Melvin L Dale, Mayor

ATTEST:

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Celyn N. Hurtado, City Clerk

APPROVED AS TO FORM:

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Randall D. Grisell, City Counselor

**ORDINANCE NO. \_\_\_\_\_-2017**

**AN ORDINANCE REPEALING ORDINANCE NO. 2765-2017  
AND ANNEXING LAND TO THE CITY OF GARDEN CITY,  
FINNEY COUNTY, KANSAS, PURSUANT TO K.S.A.  
12-520(a)(7).**

**WHEREAS**, the following described land adjoins the City of Garden City, Kansas, and is generally located in Section 21, Township 24 South, Range 32 West of the 6th P.M., Finney County, Kansas; and

**WHEREAS**, WINDRIVER GRAIN, LLC, (Owner) is the owner of the following described land; and

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

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

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

**SECTION 1.** That Tract C and the tract designated Windriver Drive, Plat of Windriver II is hereby annexed and made a part of the City of Garden City, Finney County, Kansas. Said tract being annexed contains 4.1 acres, more or less.

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

**SECTION 3.** Ordinance No. 2765-2017 is hereby repealed.

**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.

**PASSED AND APPROVED** by the Governing Body of the City of Garden City, Kansas, this 15<sup>th</sup> day of August, 2017.

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Melvin L Dale, Mayor

ATTEST:

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Celyn N. Hurtado, City Clerk

APPROVED AS TO FORM:

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Randall D. Grisell, City Counselor





## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Jennifer Cunningham, Assistant City Manager  
**DATE:** August 15, 2017  
**RE:** 306 N. 6th Street

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### **ISSUE:**

The Governing Body is asked to consider and approve a bid that will sell the property at 306 N. 6th Street.

### **BACKGROUND:**

On July 6, 2017 the Governing Body approved a sealed bid process to sell the property at 306 N. 6th Street. The bidding process opened on July 6, 2017. City Attorney Grisell had a sign placed on the property. The property was advertised in The Garden City Telegram, The City of Garden City's website and the The City of Garden City's Facebook page.

In order for a bid to come before the Governing Body for consideration it had to include the following:

- \$60,000 or more as a purchase price
- Provide a date for closing
- Include the bidders: name, address and best way to be contacted
- Include any other information the bidder believed relevant to the purchase
- Be able to pay cash at closing
- Be able to pay \$1,000 in earnest money at the time a purchase agreement is signed

The bids were required to be submitted to City Attorney Grisell at Doering, Grisell & Cunningham, 124 Grant Avenue in Garden City, Kansas. The bids were accepted until August 4, 2017 at 2:00 p.m. City Attorney Grisell and Assistant City Attorney Cunningham opened those bids at 3:30 p.m. on August 4, 2017. All bids that met the requirements for consideration were then passed on to Assistant City Manager Cunningham for the agenda. To ensure no bid was missed, each bidder was given a receipt for the their bid.

The house was shown to more than a dozen interested parties. Doering, Grisell & Cunningham had 19 requested bid packets through their office. There was a total of one bid received.

The sole bid received met the requirements for consideration and is listed here:

1. Vivian Fankhauser - \$63,525 - Closing Date September 1, 2017

The bid document and letter from Vivian Fankhauser is attached for your review.

**ALTERNATIVES:**

1. Accept the bid from Vivian Fankhauser for \$63,525.
2. Deny the bid from Vivian Fankhauser and provide Staff direction moving forward.

**RECOMMENDATION:**

Staff recommends accepting the bid from Vivian Fankhauser for \$63,525.

**FISCAL NOTE:**

Once the City is able to close on the property and receive payment it will be placed in the Community Trust Fund 08. This is the third and final property the City has sold to reimburse the funds in the Community Trust Fund benefiting the Garden City Recreation Commission at the end of 2015.

**ATTACHMENTS:**

Description	Upload Date	Type
VivianFankhauser	8/8/2017	Backup Material



**OFFER TO PURCHASE**

**306 N. Sixth Street**

**TO THE CITY OF GARDEN CITY, KANSAS**

**% Doering, Grisell & Cunningham, PA:**

The undersigned hereby certifies that he has carefully examined the documents and examined the property, offered for sale by the City of Garden City. The undersigned hereby proposes to purchase the property known as 306 N Sixth St., Garden City, in accordance with the documents attached hereto, for the following prices, to-wit:

Sixty-three thousand five hundred twenty-five dollars (\$ 63,525)

Other information relevant to this offer is attached. ☒ Yes ☐ No

The undersigned is an individual ☐, Corporation or L.L.C. ☒, Partnership ☐.

Desired Closing Date: Sept. 1, 2017.

**BIDDER** Vivian F. Fankhauser, LLC  
(Printed Name)

**ADDRESS** 1001 Center

Garden City, KS 67846

Vivian F. Fankhauser  
(Signature)

8/1/17  
(Date)

620-276-8767  
(Signature)

(Date)

vivf33@gmail.com  
(Phone No.)  
(Email)

**VIVIAN F. FANKHAUSER, LLC**

*1001 Center*

*Garden City, KS 67846*

*(620)-276-8767*

*photofocus33@hotmail.com*

The City of Garden City  
% Doering, Grisell & Cunningham  
124 Grant Ave.  
Garden City, KS 67846

To whom it may concern,

After viewing the property at 306 N. Sixth St. that the City currently owns, I am interested in purchasing it "as is" for the purpose of completely renovating it to again make it a beautiful, historical showplace and then flipping it. I have a special interest in this house because of its location next to the house I recently renovated at 302 N. Sixth. I have a contract pending for it at \$265,000 and want to maintain the value of this area.

Because I plan to do a lot of work on it (all new kitchen, remodeled bath, new double-pane windows, new furnace to replace an original boiler, refinished hardwoods, finished basement, exterior repair and paint, etc.), I would like to make an all-cash bid on it of \$63,525. I would be able to close in 30 days.

Thank you for your time and consideration,

Vivian F. Fankhauser



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Staff  
**DATE:** August 15, 2017  
**RE:** Interlocal Agreement for the Sales Tax to be considered on the November 7, 2017 ballot.

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### **ISSUE:**

The Governing Body is asked to consider and approve an Interlocal Agreement between the City and Finney County for administration of the Sales Tax being considered on the November 7, 2017 ballot.

### **BACKGROUND:**

At their August 1 regular meeting, the Finney County Commission approved a resolution placing a .30% (3/10ths of a cent) sales tax on the November 7th ballot for the purpose of constructing a 3rd fire station on the east side of the City, constructing an indoor gun range, making certain zoo improvements and improving Jennie Barker Road to an urban design between Schulman Avenue and Highway K-156, including signalization of the Highway K-156 intersection.

They also approved an Interlocal Agreement, contingent upon three minor changes which have been incorporated in the copy attached to this item. The City Commission is asked to approve this agreement which would govern the administration of the sales tax receipts should the ballot issue be approved by voters.

### **ALTERNATIVES:**

1. Approve the agreement.
2. Deny the agreement.
3. Modify the agreement.

### **RECOMMENDATION:**

Staff recommends approving the interlocal agreement.

### **FISCAL NOTE:**

None.

### **ATTACHMENTS:**

Description	Upload Date	Type
Interlocal Agreement - Sales Tax	8/11/2017	Backup Material
Sales Tax Resolution	8/11/2017	Backup Material

INTERLOCAL AGREEMENT BETWEEN  
THE CITY OF GARDEN CITY, KANSAS  
AND THE COUNTY OF FINNEY, KANSAS

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**THIS INTERLOCAL AGREEMENT** (Agreement) made and entered into this 15th day of August, 2017, by and between the CITY OF GARDEN CITY, KANSAS, a municipal corporation (CITY), and the COUNTY OF FINNEY, KANSAS (COUNTY).

**WHEREAS**, it is the desire of CITY and COUNTY to make the most efficient use of their powers by cooperating to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of the community; and

**WHEREAS**, CITY and COUNTY have expressed a desire to jointly participate in and support a retailer's sales tax initiative to fund CITY and COUNTY public improvement projects; and

**WHEREAS**, a special question election shall be held on November 7, 2017, at which time qualified electors of CITY and COUNTY shall be asked to approve the levying of a retailer's sales tax in the amount of .30% (sales tax) to take effect April 1, 2018, for a period of fifteen (15) years, to be used for general financing purposes and for specific public improvement projects of CITY and COUNTY.

**NOW, THEREFORE**, in consideration of the terms and conditions set forth below, the parties agree as follows:

1. **AUTHORITY TO CONTRACT.** CITY and COUNTY possess the power, privilege, and/or authority to enter into this Agreement pursuant to K.S.A. 12-101, K.S.A. 12-2908, K.S.A. 19-101, and K.A.A. 19-101a, and the Kansas Constitution, Article 12, Sec. 5.

2. **ADOPTION.** CITY and COUNTY shall take all appropriate action to adopt and approve this Agreement by ordinance, resolution, or motion.

3. **DURATION.** This Agreement shall be for a term of fifteen (15) years, beginning April 1, 2018, and ending March 31, 2033. This Agreement shall thereafter automatically be renewed for one (1) year terms until all sales tax proceeds are expended for CITY or COUNTY public improvement projects, unless either party gives the other party written notice of intent to terminate this Agreement, on or before January 1st of any annual term.

4. **SEPARATE ENTITY/ADMINISTRATION.** It is not the intent of CITY and COUNTY to create a separate legal or administrative entity to perform the purposes of this Agreement. The City Manager of CITY and the County Administrator of COUNTY shall be responsible for administration of this Agreement, subject to approval by the governing bodies of CITY and COUNTY.

5. **MANNER OF FINANCING.** The manner of financing to support the purpose of this Agreement shall be through the sales tax.

6. **TERMINATION.** This Agreement may be terminated by either party, as specified in Paragraphs 3, 7 and 11. If the electorate does not approve the sales tax on November 7, 2017, this Agreement shall terminate on November 8, 2017.

7. **DEFAULT.** Should a party fail to abide by the terms and conditions of this Agreement, the other party may declare a default and thereafter, give written notice of intent to terminate by reason of default, said notice to be not less than ninety (90) days prior to the date of termination. This Agreement shall not limit in any manner, the legal rights or remedies a party might have in the event of default.

8. **PURPOSE.** The purpose of this Agreement is to provide for the cooperative administration by CITY and COUNTY in the collection and expenditure of the sales tax.

- a. CITY shall provide administration for the sales tax collections and expenditures.
- b. The parties shall jointly create an oversight board (board).
  - i. The board shall consist of six (6) members: City Mayor, County Chairman, and four (4) other members, two (2) members each appointed by CITY and COUNTY.
  - ii. The terms of the board members shall be as follows:
    - 1) Terms consistent with positions held as Mayor and/or Chairman;
    - 2) Two (2) members – five (5) year terms; and
    - 3) Two (2) members – three (3) year terms.
  - iii. The responsibilities of the board will be to periodically review sales tax receipts, and to ensure distributions and expenses have been used and paid in accordance with the sales tax issue approved by the electorate on November 7, 2017. The board will annually present their findings to the governing bodies of CITY and COUNTY.

9. **PUBLIC IMPROVEMENT PROJECTS.** The public improvement projects to be financed by the sales tax shall be as follows:

- a. Construction and improvement of Jennie Barker Road in the COUNTY to urban design standards, between Highway K-156 and Schulman Avenue, including signalization of the intersection of Jennie Barker Road and Highway K-156. CITY will be responsible for maintaining the section of Jennie Barker Road improved by the project;
- b. Construction, operation, maintenance and equipping of a third (3<sup>rd</sup>) CITY fire station to be located on the CITY's east side, to house the Garden City Fire Department, and related public safety facilities, including COUNTY Emergency Medical Services, and a Garden City Police Department substation;
  - i. During the term of the sales tax, COUNTY shall not pay any rent or usage fee for its space in the CITY fire station. After the sales tax expires, the rent or usage fee to be paid by COUNTY to CITY shall be calculated in the same manner as the fee paid by CITY to COUNTY for CITY's space in the Finney County Law Enforcement Center, at that time.
- c. Construction and operation of an indoor shooting range; and

- d. Improvements at Lee Richardson Zoo.

The sales tax shall also be used to pay obligations of CITY and COUNTY issued to finance the above public improvement projects.

10. **LEGAL RESPONSIBILITY.** It is not the intent of CITY or COUNTY to relieve either party of any obligation or responsibility imposed upon a party by law.

11. **CONTROL OF LEGISLATURE/FUNDING.** The parties acknowledge and agree that this Agreement is subject to change, termination, or limitations, as may be determined by the Legislature of the State of Kansas. In the event sufficient funds shall not be appropriated by CITY or COUNTY for any obligations required under the terms and conditions of this Agreement, pursuant to the notice requirements set forth herein, this Agreement shall be terminated.

12. **EFFECTIVE DATE.** This Agreement shall take effect on the 1<sup>st</sup> day of April, 2018, and after its approval by the Board of County Commissioners of COUNTY, and the City Commission of CITY.

13. **GENERAL COVENANTS.**

- a. All notices which are required or which may be given hereunder shall be considered as properly given if delivered in writing, personally, emailed, or sent by first class mail, postage prepaid, and addressed as follows:

i. If to CITY: City Manager  
301 North 8th Street  
P. O. Box 998  
Garden City, Kansas 67846  
matt.allen@gardencityks.us

ii. If to COUNTY: County Administrator  
311 North 9th Street  
P. O. Box M  
Garden City, Kansas 67846  
rpartington@finneycounty.org

Notice served by mail shall be deemed to be given on the date on which such notice is deposited in the United States mail.

- b. This document incorporates all the obligations, agreements, and understandings of the parties hereto, and there are no oral agreements or understandings between the parties hereto concerning the purpose covered by this Agreement.
- c. This Agreement may be amended, changed, or modified, only upon the written consent of both parties.
- d. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, and personal representatives and permitted assigns, subject to approval of the governing body of each party.

- e. If any section, clause, sentence, or phrase of this Agreement 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 Agreement.
- f. This Agreement shall be construed in accordance with the laws of the State of Kansas.

**IN WITNESS WHEREOF**, the parties hereto have approved this Agreement as indicated herein.

CITY OF GARDEN CITY, KANSAS

By: \_\_\_\_\_  
Melvin L. Dale, Mayor

ATTEST:

\_\_\_\_\_  
Celyn N. Hurtado, City Clerk

COUNTY OF FINNEY, KANSAS

By: \_\_\_\_\_  
Lon E. Pishny, Chairman

ATTEST:

\_\_\_\_\_  
Anita K. Garcia, County Clerk

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION TO SUBMIT TO THE QUALIFIED ELECTORS OF FINNEY COUNTY, KANSAS THE PROPOSITION OF LEVYING A .30% COUNTYWIDE RETAILERS' SALES TAX FOR A PERIOD OF 15 YEARS, WITH REVENUE FROM SUCH TAX APPLIED PURSUANT TO AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF GARDEN CITY, KANSAS TO THE IMPROVEMENT OF JENNIE BARKER ROAD, CONSTRUCTION AND OPERATION OF A THIRD FIRE STATION AND RELATED IMPROVEMENTS, CONSTRUCTION OF AN INDOOR SHOOTING RANGE, AND IMPROVEMENTS AT LEE RICHARDSON ZOO.

WHEREAS, K.S.A. 12-187 *et seq.*, as amended, authorizes the Board of County Commissioners of Finney County, Kansas ("County") to submit to the qualified electors of the County the question of levying a retailers' sales tax in the County and pledging the revenue received from the tax to certain purposes, with the tax to be collected by the Kansas Department of Revenue and returned to the County and the cities located in the County as provided in K.S.A. 12-192; and

WHEREAS, pursuant to the Kansas Interlocal Cooperation Act, the County and the City of Garden City, Kansas (the "City") will enter into an agreement (the "Interlocal Agreement") specifying the County's and City's uses of its their respective shares of the .30% retailers' sales tax and providing for cooperative administration of the retailers' sales tax; and

WHEREAS, the governing body of the County has determined it is necessary to levy a .30 % retailers' sales tax, to begin on April 1, 2018, to be levied for a period of 15 years (the "Sales Tax"), with revenue received from the tax applied by the City and the County pursuant to the Interlocal Agreement; and

WHEREAS, the Interlocal Agreement will provide that revenues received by the County and the City from levy of the Sales Tax will be applied to capital improvement projects, including (i) construction and improvement of Jennie Barker Road in the County to urban design standards, including signalization of the intersection of Jennie Barker Road and K-156 highway; (ii) construction, operation, maintenance and equipping of a third fire station to be located on the City's east side and related City and County public safety facilities; (iii) construction and operation of an indoor shooting range; (iv) ongoing improvements at Lee Richardson Zoo; and (v) to pay obligations of the City or County issued to finance such purposes, if any.

NOW THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FINNEY COUNTY, KANSAS:

**Section 1.** A special question election is called to be conducted on November 7, 2017, for the purpose of submitting to the qualified electors of the County, the question of levying a



countywide retailers' sales tax in the County, in the amount of .30%, with such tax to take effect on April 1, 2018 (or as soon thereafter as the tax may be levied by the Kansas Department of Revenue) and to be levied for a period of 15 years, if approved by a majority of the electors voting on the question. The election shall be conducted in the manner prescribed by applicable laws of the state of Kansas.

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

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

Shall the following be adopted?

Shall Finney County, Kansas levy a retailers' sales tax in the amount of .30%, to take effect on April 1, 2018, to be levied on retail sales consummated within the County for a period of 15 years, with revenues of such tax used by the County and the City of Garden City, Kansas as agreed in an Interlocal Cooperation Agreement between the City and County, which shall provide that revenues from levy of the tax allocated to the County and City shall be used to finance: (i) construction and improvement of Jennie Barker Road in the County to urban design standards, including signalization of the intersection of Jennie Barker Road and K-156 highway; (ii) construction, operation, maintenance and equipping of a third fire station to be located on the City's east side and related City and County public safety facilities; (iii) construction and operation of an indoor shooting range; (iv) ongoing improvements at Lee Richardson Zoo; and (v) to pay obligations of the City or County issued to finance such purposes, if any, all pursuant to K.S.A. 12-187 *et seq.*, as amended?

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

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

ADOPTED AND APPROVED by the governing body of the Board of County Commissioners of Finney County, Kansas on August \_\_, 2017.

FINNEY COUNTY, KANSAS  
BOARD OF COUNTY COMMISSIONERS

[Seal]

By \_\_\_\_\_  
Lon E. Pishny, Chairman

By \_\_\_\_\_  
Dave Jones, Commissioner

By \_\_\_\_\_  
Duane Dress, Commissioner

By \_\_\_\_\_  
William S. Clifford, MD, Commissioner

By \_\_\_\_\_  
Larry C. Jones, Commissioner

ATTEST:

By \_\_\_\_\_  
Anita K. Garcia, County Clerk

[**Exhibit A** to Finney County Resolution No. \_\_\_\_\_]

(First published in the *Garden County Telegram*, on \_\_\_\_\_, 2017,  
and subsequently on \_\_\_\_\_, 2017.)

**NOTICE OF SPECIAL QUESTION ELECTION**

**TO ALL OF THE QUALIFIED ELECTORS OF FINNEY COUNTY, KANSAS:**

Notice is given by the Board of County Commissioners and the County Election Officer of Finney County, Kansas that a special question election will be held in Finney County on November 7, 2017, for the purpose of voting on the question of levying a retailers' sales tax in the amount of .30% on retail sales consummated within Finney County, according to the provisions of K.S.A. 12-187 *et seq.* (the "Sales Tax"). If approved by the electors of the County, the Sales Tax will begin on April 1, 2018 (or as soon thereafter as the Kansas Department of Revenue may begin levying such tax) and will be levied for a period of 15 years from the date it is first levied. The revenue received from the Sales Tax by the County and the City of Garden City, Kansas will be applied as provided in an Interlocal Cooperation Agreement between the County and the City of Garden City. The Interlocal Cooperation agreement will provide for joint administration of the Sales Tax and that revenue received by the County and the City of Garden City from levy of the Sale Tax will be applied to finance capital projects, including (i) construction and improvement of Jennie Barker Road in the County to urban design standards, including signalization of the intersection of Jennie Barker Road and K-156 highway; (ii) construction, operation, maintenance and equipping of a third fire station to be located on the City's east side and related City and County public safety facilities; (iii) construction and operation of an indoor shooting range; (iv) ongoing improvements at Lee Richardson Zoo; and (v) to pay obligations of the City or County issued to finance such purposes, if any. If approved by a majority of the electors voting such tax shall be collected by the Kansas Department of Revenue, and the revenue returned to Finney County and the cities located in the County, as provided by Kansas law.

The City of Holcomb share of the Sales Tax revenue will not be subject to any separate agreement and may be applied as determined by the governing body of the City of Holcomb.

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

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

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

Shall the following be adopted?

Shall Finney County, Kansas levy a retailers' sales tax in the amount of .30%, to take effect on April 1, 2018, to be levied on retail sales

consummated within the County for a period of 15 years, with revenues of such tax used by the County and the City of Garden City, Kansas as agreed in an Interlocal Cooperation Agreement between the City and County, which shall provide that revenues from levy of the tax allocated to the County and City shall be used to finance: (i) construction and improvement of Jennie Barker Road in the County to urban design standards, including signalization of the intersection of Jennie Barker Road and K-156 highway; (ii) construction, operation, maintenance and equipping of a third fire station to be located on the City’s east side and related City and County public safety facilities; (iii) construction and operation of an indoor shooting range; (iv) ongoing improvements at Lee Richardson Zoo; and (v) to pay obligations of the City or County issued to finance such purposes, if any, all pursuant to K.S.A. 12-187 *et seq.*, as amended?

Yes\_\_\_\_\_

No\_\_\_\_\_

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

Dated \_\_\_\_\_, 2017.

By\_\_\_\_\_

Anita K. Garcia, Finney County Clerk/Election Officer

## EXCERPT OF MINUTES

The Board of County Commissioners of Finney County, Kansas, met in regular session at the usual meeting place in the County on August \_\_, 2017, at \_\_\_\_\_ a.m., Central Time. Chairman Lon E. Pishny presided, and the following members of the governing body were present:

The following members of the governing body were absent:

A Resolution was presented to the governing body entitled:

A RESOLUTION TO SUBMIT TO THE QUALIFIED ELECTORS OF FINNEY COUNTY, KANSAS THE PROPOSITION OF LEVYING A .30% COUNTYWIDE RETAILERS' SALES TAX FOR A PERIOD OF 15 YEARS, WITH REVENUE FROM SUCH TAX APPLIED PURSUANT TO AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF GARDEN CITY, KANSAS TO THE IMPROVEMENT OF JENNIE BARKER ROAD, CONSTRUCTION AND OPERATION OF A THIRD FIRE STATION AND RELATED IMPROVEMENTS, CONSTRUCTION OF AN INDOOR SHOOTING RANGE, AND IMPROVEMENTS AT LEE RICHARDSON ZOO.

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

\*\*\*\*\*

COUNTY CLERK'S  
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of Minutes of the August \_\_, 2017 meeting of the Board of County Commissioners of Finney County, Kansas.

[seal]

By \_\_\_\_\_  
Anita K. Garcia, County Clerk



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Public Utilities Director, Muirhead  
**DATE:** August 15, 2017  
**RE:** Pre annexation and water connection request from WindRiver Grain, L.L.C.

---

### **ISSUE:**

The Governing Body is asked to consider and approve a request from WindRiver Grain, L.L.C. for a pre-annexation of Tract A in the WindRiver II plat and connect to City water.

### **BACKGROUND:**

WindRiver Grain, L.L.C. is requesting permission to pre-annex Tract A of the WindRiver II plat and connect to City water. Please see attached letter dated July 27, 2017 making the request. WindRiver Grain is in the process of constructing a warehouse facility in the NW corner of tract A and would like to connect to the City water system that is located directly on the north property line.

The City of Garden City would only be providing water service to this one building. Sanitary sewer will be connected to a septic system on the property and the Wheatland Electric Cooperative will continue to provide electrical service to all of tract A at the present time.

### **ALTERNATIVES:**

1. Authorize the pre-annexation request of Tract A WindRiver II and allow for the connection to the City water system.
2. Do not authorize the pre-annexation request of Tract A WindRiver II and do not allow for the connection to the City water system.

### **RECOMMENDATION:**

Staff recommends alternative 1.

### **FISCAL NOTE:**

WindRiver Grain will pay all necessary connection fees associated with tapping the City water main. WindRiver will also pay the required two (2) times the established rate for service inside the cooperate limits as defined by City ordinance.

### **ATTACHMENTS:**

Description	Upload Date	Type
WindRiver Pre-Annexation & Water Request	8/8/2017	Backup Material
Tract A	8/8/2017	Backup Material



2810 E US Hwy 50  
GARDEN CITY, KS 67846-8528  
620-275-2101  
FAX 620-276-4045  
1-888-262-4062

July 27, 2017

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

Dear Honorable Mayor and Commissioners:

This is to request approval of a pre-annexation agreement for a portion of our property at 2750 E. Highway 50, mailing address 2810 E US Highway 50, Garden City, KS 67846.

The legal description is: Tract A, Plat of WindRiver II.

We further request that all City water provide service to the property and specifically to a new building to be located just west of the City Substation.

Thank you for your consideration.

Sincerely,

Robert A. Tempel, C.O.O.  
WindRiver Grain, L.L.C.









## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Sam Curran, Public Works Director  
**DATE:** August 15, 2017  
**RE:** Traffic Advisory Board Vacant Positions

---

### **ISSUE:**

The Governing Body is asked to consider and approve two re-appointments to the Traffic Advisory Board.

### **BACKGROUND:**

The Traffic Advisory Board, a five member Board, has two expired term positions: Gloria Allen and Gary Bennett. Ms. Allen has served on the Board for two terms and Mr. Bennett has served on the Board for one term. Ms. Allen and Mr. Bennett would like to be considered for reappointment for another three years.

At the current time, the City has not received any applicants for the Board.

### **ALTERNATIVES:**

1. Authorize to reappoint Ms. Allen for another three years, waiving the City's Advisory Board term limit policy.
2. Authorize to reappoint Mr. Bennett for another three years.
3. Governing Body select two candidates to fill the vacant positions.
4. Deny the requests.

### **RECOMMENDATION:**

Board recommends Alternative 1 & 2: Authorize to reappoint Ms. Allen and Mr. Bennett for another three years.

### **FISCAL NOTE:**

None.



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Sam Curran, Public Works Director  
**DATE:** August 15, 2017  
**RE:** Traffic Advisory Board Recommendation - Schulman Ave & Lareu Rd

---

### **ISSUE:**

The Governing Body is asked to consider and approve the Traffic Advisory Board recommendation from their August 7, 2017 meeting to change the configuration of the pavement markings at the intersection of Schulman Avenue and Lareu Road for southbound traffic.

### **BACKGROUND:**

The intersection of Schulman Avenue and Lareu Street was identified in the 2016 Traffic Study of Corridors & Intersection Study as needing future modifications to improve the operations and safety of the intersection. The recommendation was to realign the north and south approaches. On the south approach, a lane should be added to the east side of the existing roadway, and the approach remarked to provide for a left-turn lane and a thru/right-turn lane in the northbound direction. This would remove the conflicting thru movements.

By remarking the movements as proposed, this will provide a temporary solution for the conflicting thru movement until the south approach can be rebuilt.

Staff has included for your review a drawing showing the proposed remarking.

### **ALTERNATIVES:**

1. Approve the change to the configuration of the pavement markings for the intersection of Schulman Avenue and Lareu Road.
2. Deny the request.
3. Provide staff direction.

### **RECOMMENDATION:**

The Traffic Advisory Board recommends Alternative 1: Approve the change to the configuration of the pavement markings for the intersection of Schulman Avenue and Lareu Road.

### **FISCAL NOTE:**

Material cost for paint - \$70.00, fund cite #032-21-212-5565.09.

### **ATTACHMENTS:**

Description	Upload Date	Type
Lareu and Schulman Intersection 2017	8/9/2017	Backup Material



Request to  
change the  
pavement markings  
to remove the through  
movement conflict

2925

LAREU RD

E SCHULMAN AVE

LAREU RD



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Sam Curran, Public Works Director  
**DATE:** August 15, 2017  
**RE:** Traffic Advisory Board Recommendation - Flashing School Lights for Horace Good Middle School.

---

### **ISSUE:**

The Governing Body is asked to consider and approve the Traffic Advisory Board recommendation from their August 7, 2017 meeting for the installation of flashing school lights for Horace Good Middle School on Main Street and Third Street.

### **BACKGROUND:**

The Traffic Advisory Board agreed with the request from the school district; most of their discussion involved the operation of the flashing lights on Main Street and Third Street. Currently, there are flashing school lights at Georgia Matthews Elementary School. Installing the flashing school lights for Horace Good Middle School would create two long school zones.

They discussed two school zone options for this location:

1. A single school zone that would flash from 7:20 AM to 8:30 AM and 2:56 PM to 4:20 PM.
2. Run them independent from each other.

The Board made two recommendations:

1. Install four separate flashing lights for Horace Good Middle School which provides flexibility for the school district and the City if the school times are changed in the future.
2. Keep the flashing times separate between the two schools trying to stay away from a long school zone.

Staff has included a drawing of the proposed locations of the flashing lights for the Governing Body's review.

### **ALTERNATIVES:**

1. Approve the installation of the flashing school lights for Horace Good Middle School keeping the times separate from Georgia Matthews Elementary School.
2. Approve the installation of the flashing school lights for Horace Good Middle School creating a single school zone with from Georgia Matthews Elementary School.
3. Deny request.

### **RECOMMENDATION:**

The Traffic Advisory Board recommends Alternative 1: Approve the installation of the flashing school lights for Horace Good Middle School keeping the times separate from Georgia Matthews

Elementary School.

**FISCAL NOTE:**

Material for strobe light assembly - \$5,880.86, fund cite #032-21-212-5347.10.

**ATTACHMENTS:**

Description	Upload Date	Type
Horace Good proposed locations for school zone lights	8/9/2017	Backup Material





Request to  
Install Flashing  
School Lights  
for  
Horace Good Middle School

School Times  
Breakfast begins 7:50 AM  
Start school 8:30 AM  
Dismissal 3:50 PM

Flashing Times  
8:00 AM - 8:30 AM  
3:50 PM - 4:20 PM

School Times  
Breakfast begins 7:00 AM  
Start school 7:50 AM  
Dismissal 2:56 PM

Proposed Flashing Times  
7:20 AM - 7:50 AM  
2:56 PM - 3:30 PM





## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Myca Bunch, Executive Director, Garden City Downtown Vision, Inc.  
**DATE:** August 15, 2017  
**RE:** Presentation of Downtown Market Study

---

### **ISSUE:**

Garden City Downtown Vision, Inc. Director Myca Bunch and Arleen Taniwaki of ArLand Land Use Economics will present the 2017 Downtown Market Study.

### **BACKGROUND:**

In 2016, the City Commission approved a funding request from Downtown Vision to update the Downtown Market Study. The previous study was conducted in 2009. In working with the Neighborhood Development Services Department, Downtown Vision determined that an updated study could provide the needed data to help attract new businesses to the downtown area and strengthen the economic base. In January 2017, the board commissioned Denver based ArLand Land Use Economics to begin work on the study.

During the process, ArLand held numerous focus groups with City representatives, downtown business and property owners, community members, Downtown Vision board and committee members. The focus groups provided valuable feedback into the changing economic landscape of downtown. The primary and secondary trade areas were closely examined and a tertiary area was added to capture the expansive yet limited customer base noted by downtown merchants. The team included several case studies in the report to provide a comparison at how communities similar in size to Garden City, as well as a few larger communities, are working to address the changes in their downtown structure.

In July a draft copy of the study was presented to the Downtown Vision board and to city officials seeking additional feedback.

The final Market Study will also be presented at a public meeting on Tuesday, August 15, 2017 at 5:30 p.m.

### **ALTERNATIVES:**

Presentation purposes only.

### **RECOMMENDATION:**

None.

### **FISCAL NOTE:**

None.



**ATTACHMENTS:**

Description	Upload Date	Type
Garden City Downtown Market Study powerpoint	8/11/2017	Backup Material
Downtown Garden City Market Study 07-21-17	8/11/2017	Backup Material



# Garden City Downtown Market Study

August 15, 2017



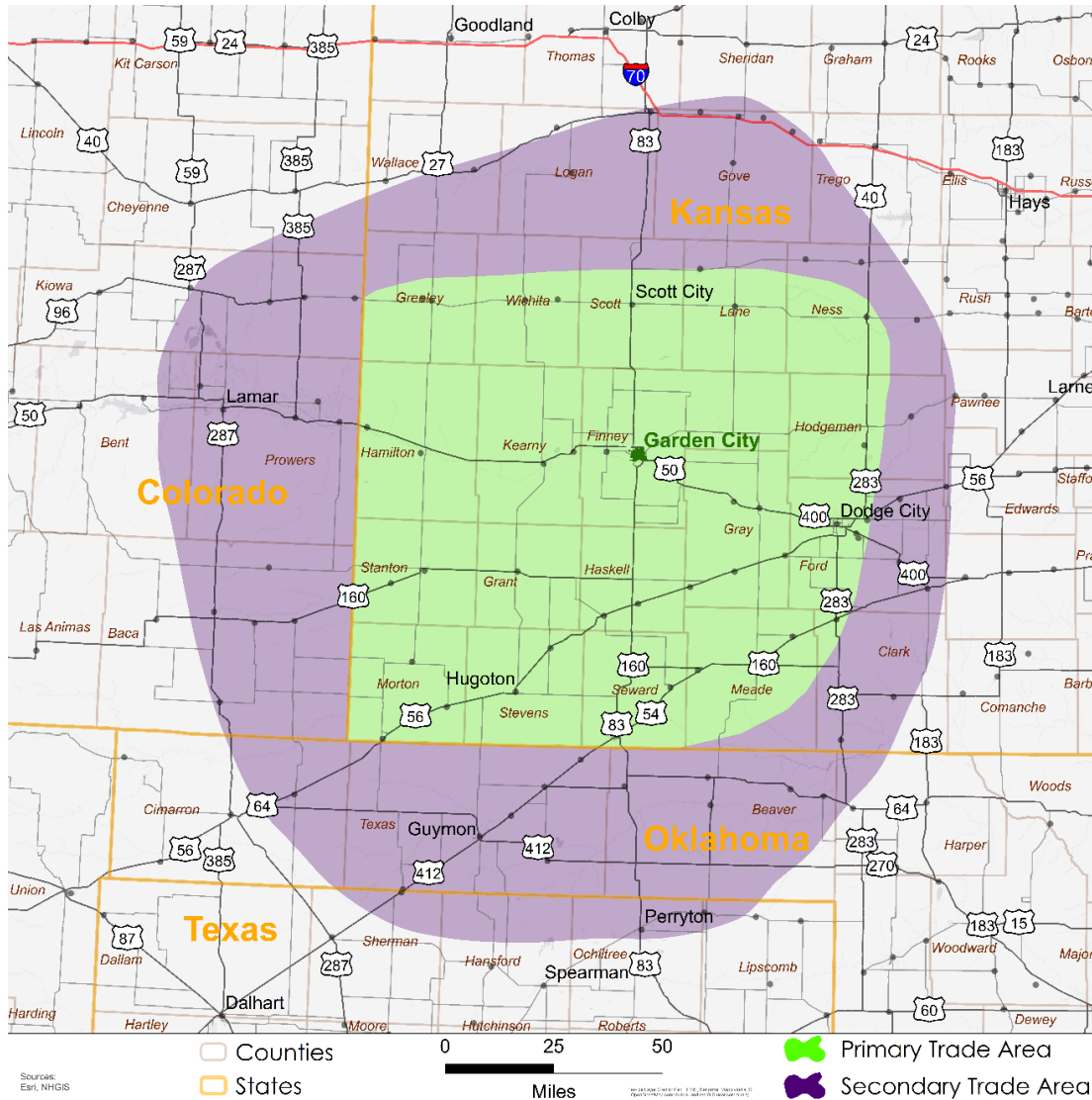
1221 Auraria Parkway  
Denver, CO 80204  
720.244.7678 t  
720.228.2211 f

# Agenda

- Trade Area
- Demographics
- Garden City Sales
- Demand and Supply
- Residential
- Downtown Garden City opportunities
- Case Studies Lessons Learned
- Downtown Recommendations



# Downtown Trade Area



Primary Trade Area approximately a 75 mile radius from Garden City.

Primary Trade Area is where the *majority* of household shoppers originate.

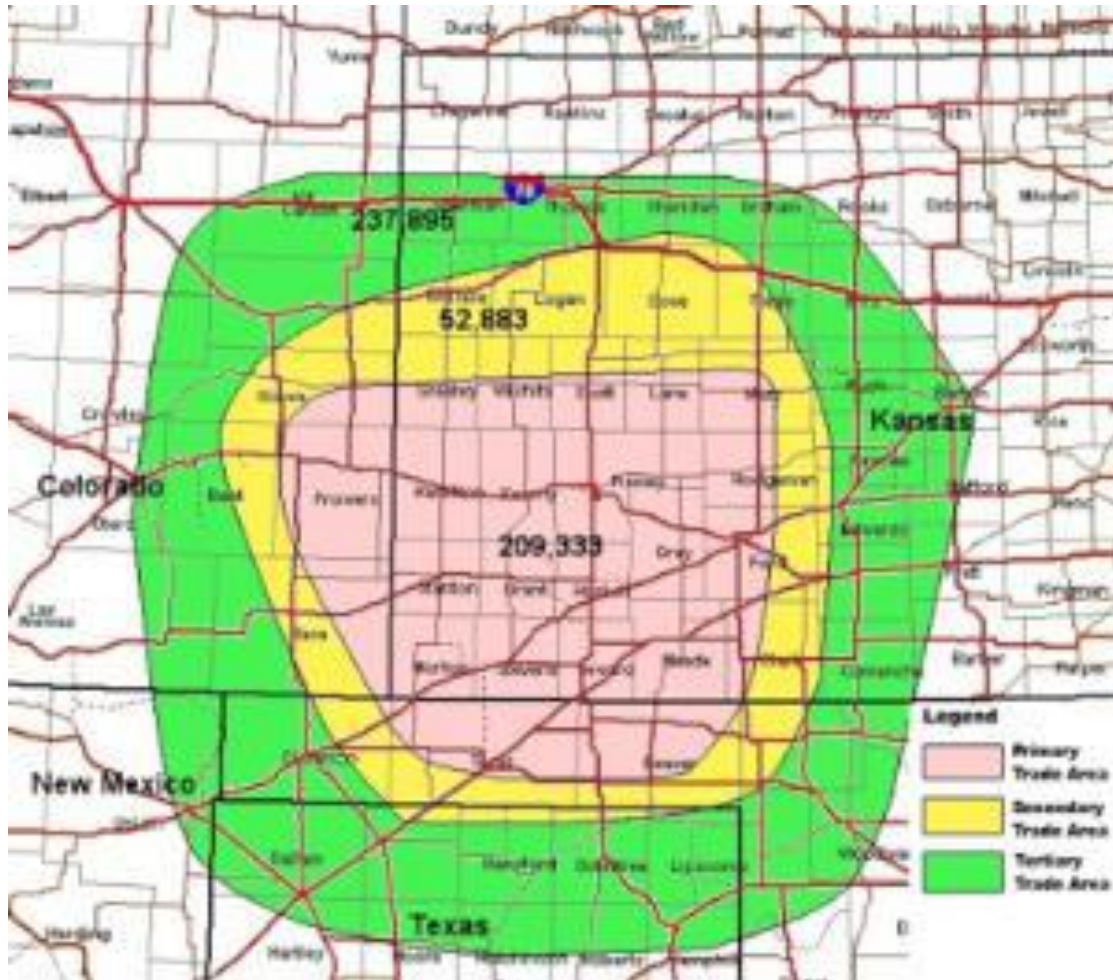
Secondary Trade Area captures the broader regional nature of Garden City sales.

Garden City has a pull factor of 2 (Kansas Dept. of Revenue).

Schulman Crossing Trade Area and 2011 License Plate Survey



# Tertiary Trade Area



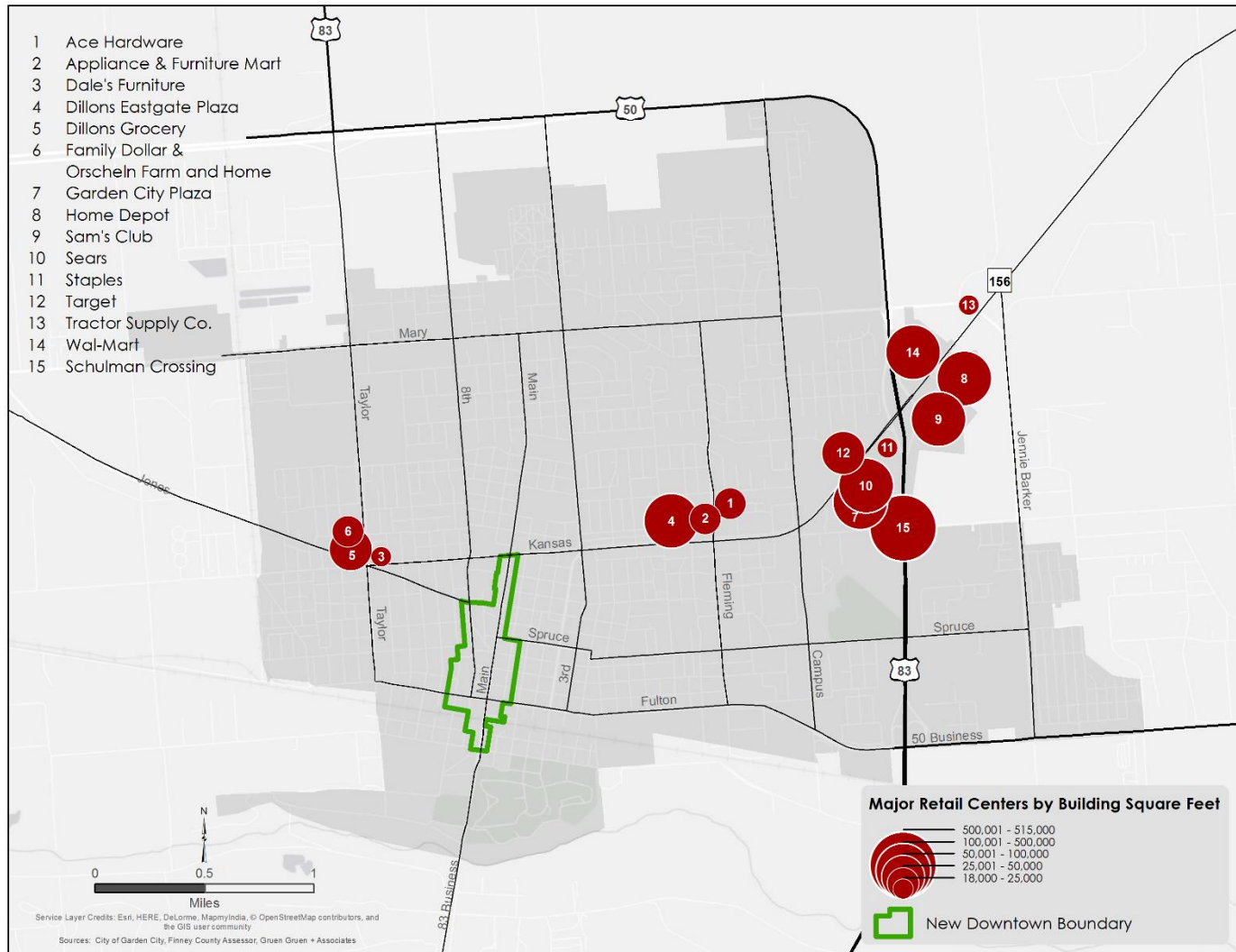
Broader Primary, Secondary and Tertiary Area based on City of Garden City

- Attractions
- Services
- Medical
- Regional Retail

# Demographics

	Downtown Area (1/2 Mile Radius)	Garden City	Primary Trade Area	Secondary Trade Area
Households	587	10,750	50,000	77,000
Persons	2,516	31,000	144,000	215,000
% Hispanic	61.4%	49.7%	45%	41.6%
Median HH Income	\$41,500	\$49,000	\$53,000	\$52,000
Median HH Size	2.79	2.82	2.83	2.73
Forecast Annual 10 Year Growth Rate	NA	0.75%	0.17%	0.17%
Employment	Finney County employment has grown by 1,200 jobs between 2005 and 2015; an average annual 0.7% growth rate. Downtown employment is estimated at over 600 persons.			

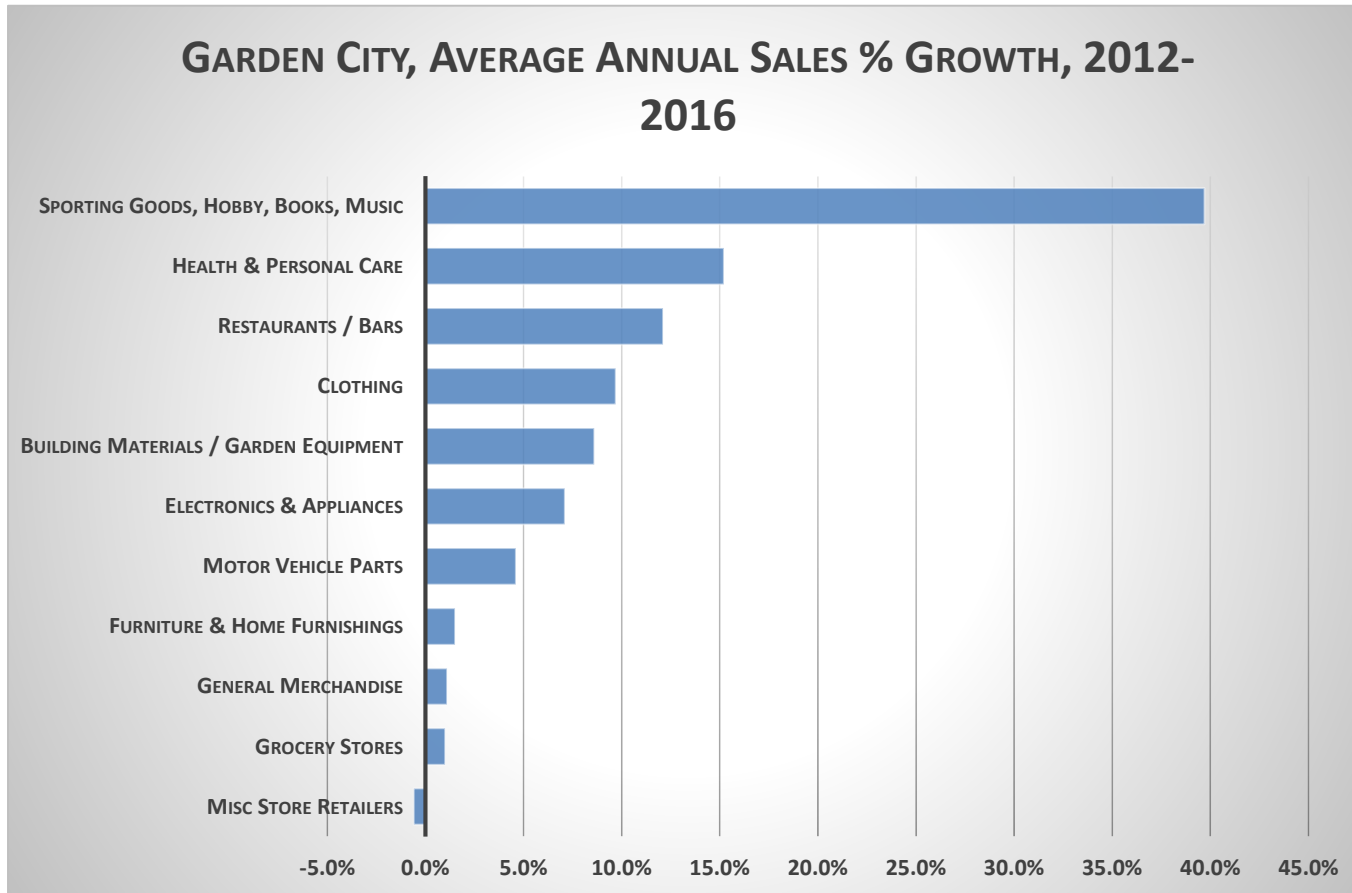
# Garden City Retail Sales\*



There is over 1.4 million square feet of retail space in Garden City, most of it situated along major highway corridors (outside of downtown)

\* Outside of downtown

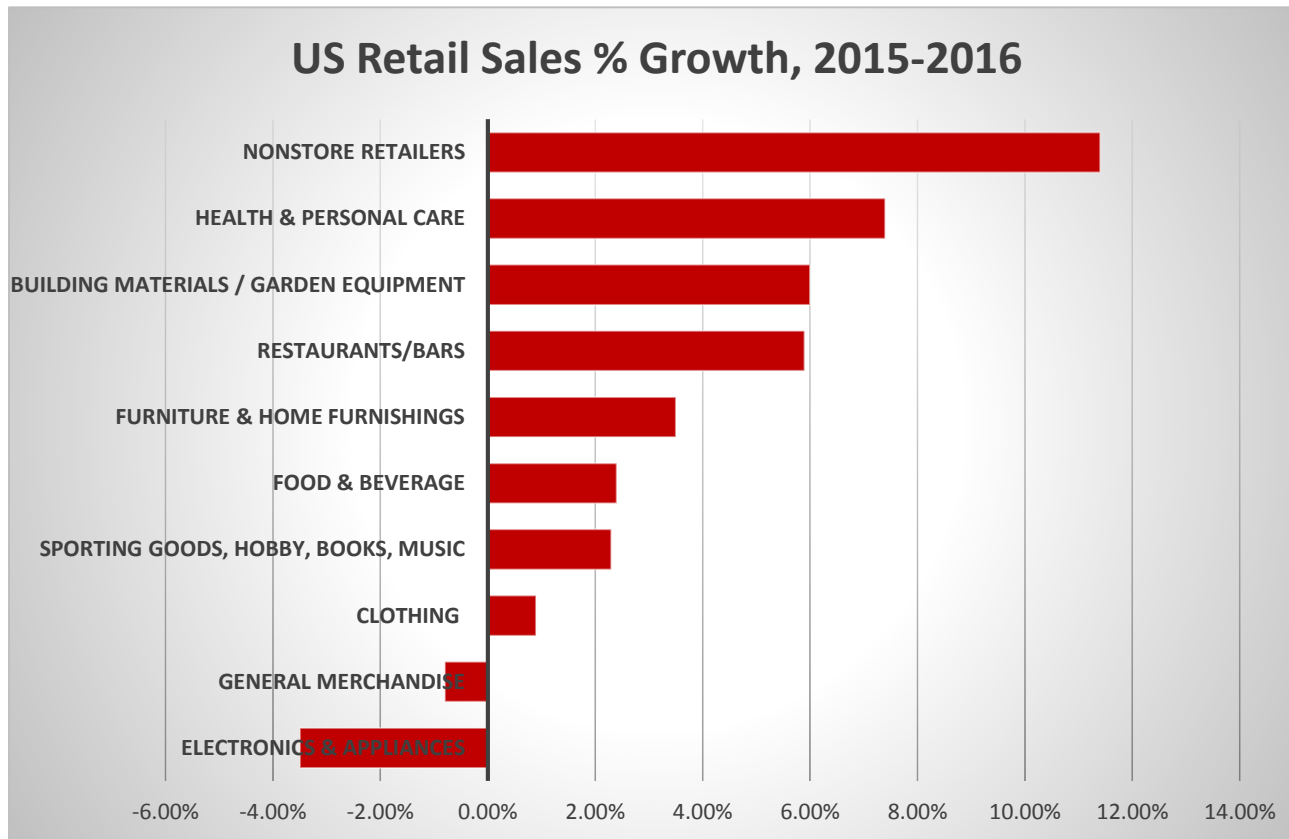
# Garden City Retail Sales Trends



In Garden City, taxable sales in these categories grew by 22% between 2012-2016.



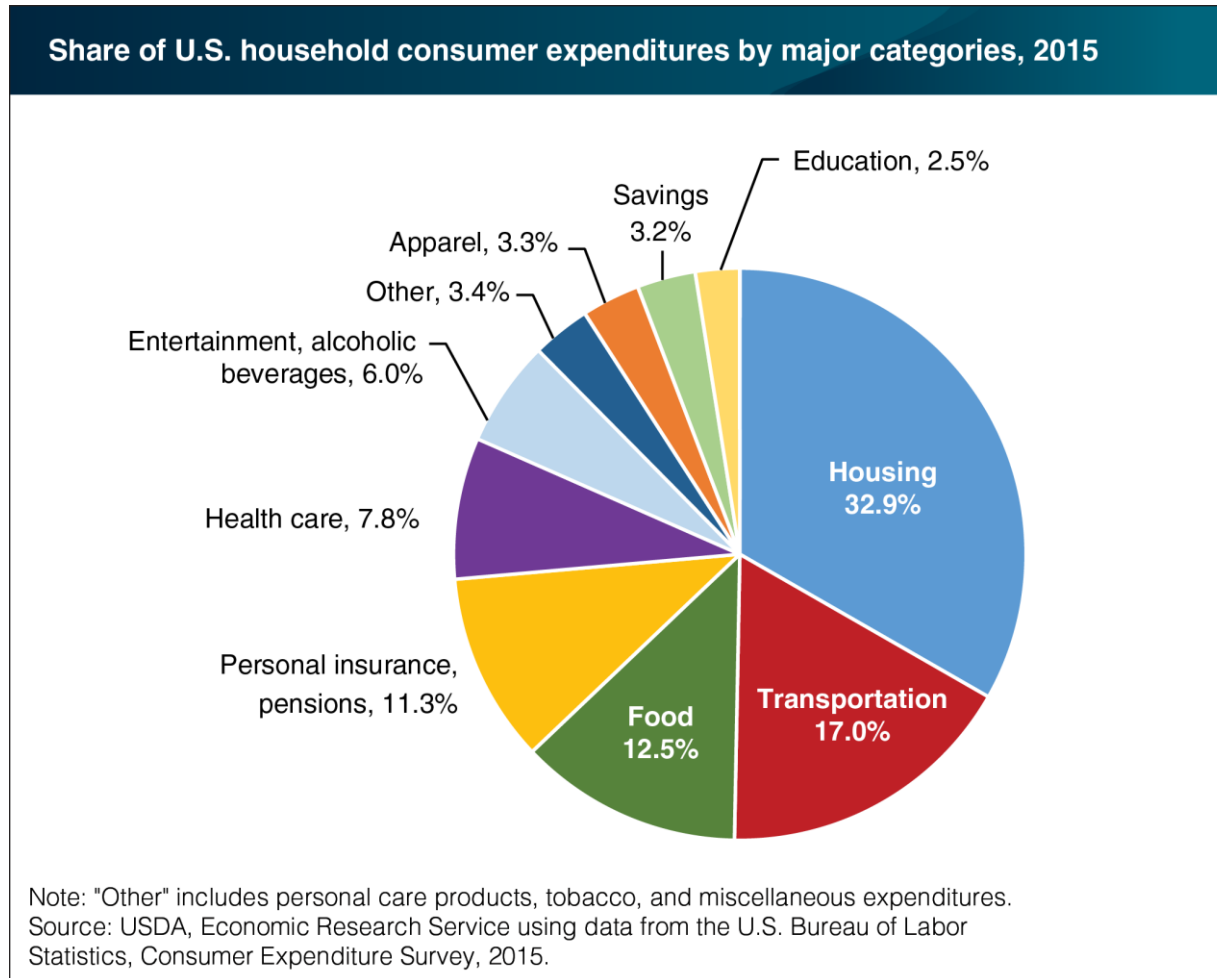
# US Retail Sales Trends



In the U.S. non store retailers (e-commerce) grew at the fastest rate between 2015-2016.

# Demand

- Based on households, incomes and how people spend money



Example for illustrative purposes. Downtown Garden City market study incorporated US and Kansas state spending in order to derive retail demand.

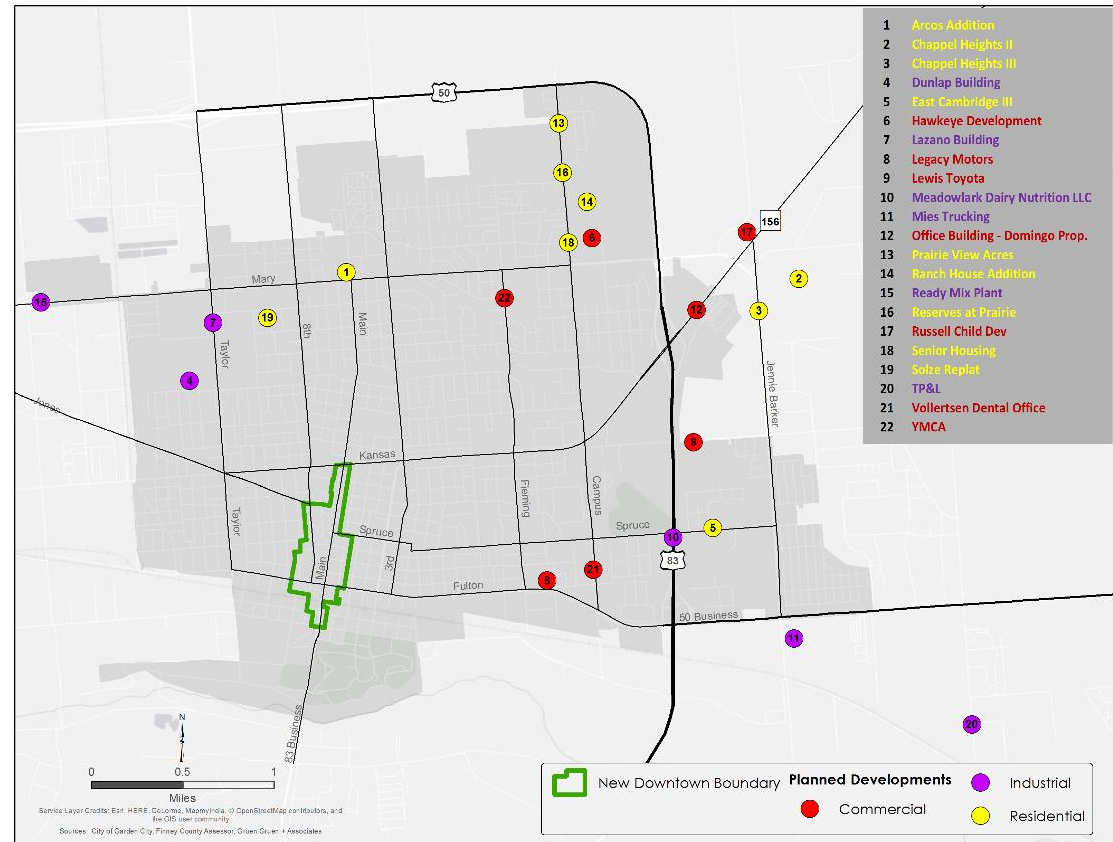
# Demand & Supply

	Garden City only	Primary & Secondary Trade Area
Demand	\$245 Million	\$388 Million [a]
Supply	\$405 Million	\$285 Million [a]
Gap	-\$160 Million	\$103 Million
Retail Opportunities	Grocery Health & Personal Care Furniture & Home Furnishings	Eating & Drinking Electronics & Appliances Misc. Retail Furniture & Home Furnishings Sporting Goods & Hobby Clothing & Accessories
Notes	Garden City is clearly a regional market and relies on the regional area to support local retail sales	Deleted categories with regional demand characteristics  Dick's Sporting Goods, TJ Maxx & Ross are very competitive new additions to GC market

[a] Grocery stores, health & personal care, building materials deleted from the regional analysis

# Residential

- Residential is an important complementary downtown use
- Demand for 117 units per year through 2030
- Garden City has produced 60 units annually since 2010
- A number of residential projects are planned
- Continued market demand for downtown residential
- Challenge is finding new downtown residential locations



# Case Studies: Lessons Learned

## Louisville, Colorado; Hays, Salina, Topeka, Kansas

Wide variety of business types, including large numbers of personal services

Historic preservation has been a priority; arts has also been important

Restaurants are heavily underrepresented in Downtown Garden City in comparison with the case studies

Lots of events; some communities have weekly regular downtown summer events

Public / private partnerships:

- Hays: task force raised funds to purchase buildings; partnered with private developer to rehab and tenant them
- Salina 2020: PPP to develop a tourist destination with a mix of athletic, entertainment, museum and lodging

# Case Studies: Lessons Learned

Louisville, Colorado; Hays, Salina, Topeka, Kansas

Variety of tools / incentives including:

- Business Improvement Districts
- Neighborhood Revitalization Programs – tax rebate incentives
- Historic Preservation Grants – funded through Topeka’s 1% Transient Guest Fund
- Community Improvement District – a discrete area of the City that taxes itself to provide services
- Small Business incentives
- Community Development Financing Institutions

# Recommendations

## Downtown Garden City Recommendations

### Focus on Restaurants and Multifunctional Uses

- Significant regional demand
- Underserved in comparison to case study cities

### Expand Nightlife

- Taverns, coffee, small music venues, entertainment (games), “cool” secondhand stores

### Continue and Enhance Downtown Vision Events

- Something for everyone

### Broaden the Downtown Market by also Focusing on Garden City and Downtown Area Residents

- Garden City is forecast to grow at a higher rate than the larger regional trade area





# Recommendations

## Downtown Garden City Recommendations

### Expand the Ideal Tenant Mix

- Shopping habits have changed

### Refocus Redevelopments Efforts on the Windsor Hotel and State Theater

- Both are downtown symbols and at the gateway to downtown

### Expand Downtown Residential

- Find new locations
- Rehabilitate downtown area housing

### Reexamine Incentive Programs

- Change criteria as conditions change

### Reexamine Basics

- Customer service, store hours, parking management, marketing, internet presence
- Update the license plate survey regularly







## Garden City Downtown Market Study **FINAL**

Presented to:

Garden City Downtown Vision  
120 E. Laurel St.  
Garden City, KS 67846

**July 21, 2017**

Prepared by:



1221 Auraria Parkway  
Denver, CO 80204  
720.244.7678 t  
720.228.2211 f

## Table of Contents

I.	Executive Summary and Recommendations.....	1
II.	Economic and Demographic Framework .....	7
2.1	Trade Areas .....	7
2.2	Population and Household Characteristics .....	9
2.3	Employment.....	14
2.4	Planned Developments .....	15
III.	Case Studies .....	16
3.1	Downtown Louisville, Colorado.....	16
3.2	Downtown Hays, Kansas.....	23
3.3	Downtown Salina, Kansas .....	31
3.4	Downtown Topeka, Kansas .....	39
IV.	Residential Market Analysis .....	46
4.1	Residential Supply .....	46
4.2	Residential Demand.....	47
4.3	Downtown Residential Demand.....	48
4.4	Current Downtown Residential Characteristics.....	48
4.5	Residential Summary .....	49
V.	Commercial Market Analysis .....	51
5.1	Retail Supply .....	51
5.2	Retail Demand .....	54
5.3	Hispanic Household Spending .....	58
5.4	Retail Recommendations.....	59
5.5	Office .....	63
VI.	Downtown Recommendations .....	64

## Tables

Table 2	Population and Households 2017 .....	10
Table 3	2017 Estimated Population by Race/Ethnicity.....	11
Table 4	Median and Average Household Income 2017 .....	12
Table 5	Occupied Housing Units by Tenure 2017.....	13
Table 6	Finney County Annual Average Employment by Industry (2005-2015).....	14
Table 7	Downtown Louisville Events .....	19
Table 8	Downtown Louisville Businesses .....	20
Table 9	Downtown Hays Events .....	26
Table 10	Downtown Hays Businesses .....	27

Table 11 Downtown Salina Events .....	34
Table 12 Downtown Salina Businesses.....	34
Table 13 Downtown Topeka Events .....	43
Table 14 Garden City Housing Occupancies.....	46
Table 15 Garden City Construction Activity (2010-2016).....	47
Table 16 Downtown Area Residential Household Characteristics .....	48
Table 17 Taxable Sales in Garden City, 2012-2016.....	52
Table 18 Total Household Incomes in Garden City Trade Areas .....	55
Table 19 Garden City Retail Demand .....	56
Table 20 Retail Demand in the Primary and Secondary Trade Areas .....	57
Table 21 Hispanic Household Spending .....	59
Table 22 Downtown Garden City Tenant Mix .....	60

## Figures

Figure 1 Garden City Primary and Secondary Trade Areas.....	1
Figure 2 City of Garden City Primary, Secondary, and Tertiary Trade Areas .....	2
Figure 3 Downtown Garden City .....	7
Figure 4 Downtown Garden City Primary and Secondary Trade Areas.....	8
Figure 5 City of Garden City Primary, Secondary, and Tertiary Trade Areas.....	9
Figure 6 Population by Age 2017 .....	10
Figure 7 Educational Attainment, 2017 .....	11
Figure 8 Household Income 2017 .....	12
Figure 9 Planned Developments in Garden City, June 2017 .....	15
Figure 10 Historic Downtown Hays, Kansas .....	23
Figure 11 ¼ and ½ Mile Radius from Downtown (Laurel and Main).....	49
Figure 12 Major Retail Centers.....	51
Figure 13 Garden City Annual Retail Sales Growth vs. the U.S., 2012-2016.....	53
Figure 14 E Commerce as a Percentage of Total Retail Sales .....	58

## I. EXECUTIVE SUMMARY AND RECOMMENDATIONS

This market study for Garden City Downtown Vision provides an economic and demographic framework of the region, city, and downtown; case studies of comparable downtowns, and an analysis of commercial and residential market opportunities. It also includes recommendations for the downtown and the Garden City Downtown Vision organization that are based on data analysis, observation, interviews, and feedback received during site visits.

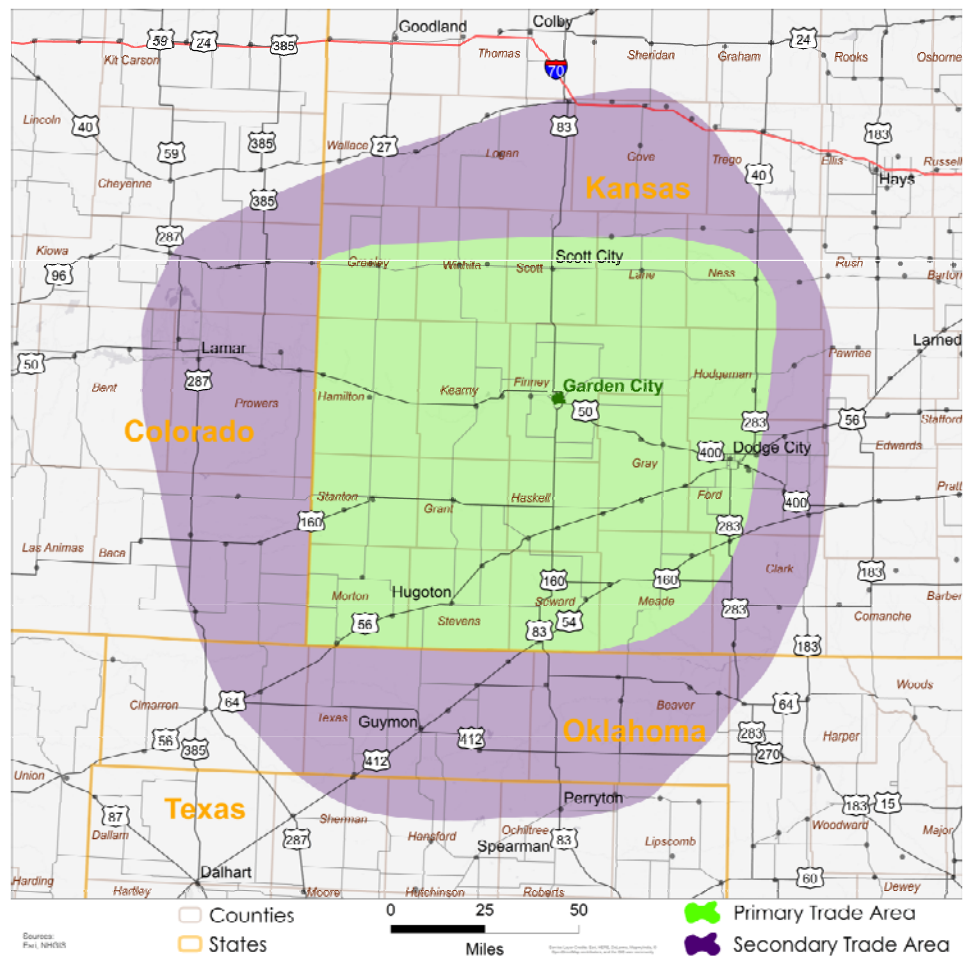
### Economic and Demographic Framework

#### Trade Areas

A retail market or trade area is the area from which a project will draw the majority of its retail customers. The Primary Trade Area for Downtown Garden City is shown in green in Figure 1. To the west and south, it extends to the state border. To the north and east, it extends to just north of Scott City and to just east of US 283 from Ness to south of Dodge City.

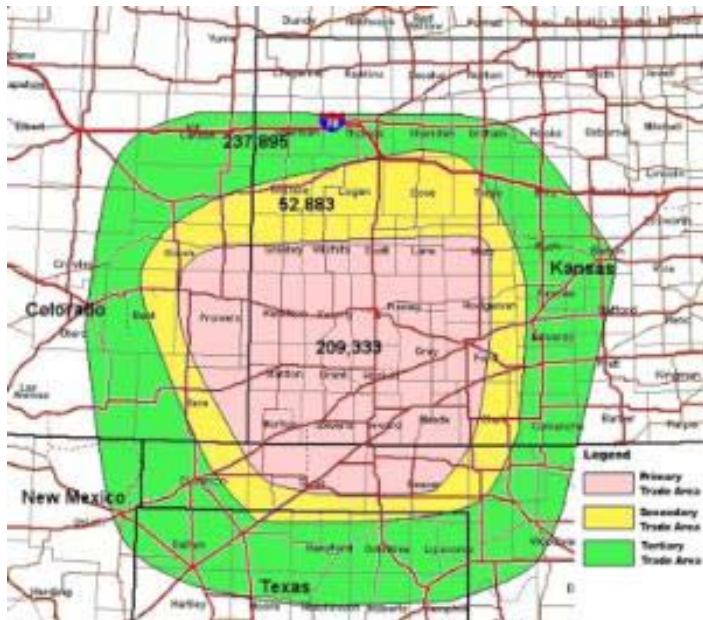
The very large Secondary Trade Area is shown in purple. It extends further through Kansas, parts of Colorado, Oklahoma, and Texas. While additional potential spending is available from this area, Downtown Garden City is not the primary retail service center for households in the purple area as there are other retail options available and other small downtowns. Households in this area may travel to Garden City for special events or specialized services at which time, they may also do a little shopping, eat at a local restaurant, etc. Downtown Garden City has the potential to capture a portion of spending in this area.

**Figure 1**  
**Garden City Primary and Secondary Trade Areas**



Source: ArLand

**Figure 2**  
**City of Garden City Primary, Secondary, and Tertiary Trade Areas**



Source: City of Garden City

Figure 2 shows the Primary, Secondary, and Tertiary Trade Areas for the City of Garden City attractions, services, medical, and regional retail providers. The Secondary and Tertiary Areas extend past I-70 to the north, into Colorado to the west, New Mexico, and Northern Texas as well as to others parts of Kansas.

### Demographic Characteristics

Demographic characteristics are important in setting the framework for an area's economic potential. The analysis focuses on households adjacent to downtown in a  $\frac{1}{4}$  and  $\frac{1}{2}$  mile radius, the City of Garden City, and the Primary and Secondary Trade Areas.

- Recent estimates show that Garden City is one of the more populous communities in the state, with more than 31,000 residents, which represents about 22% of the Primary Trade Area's population and 14% of the Secondary Trade Area.
- About 10% of the city's population, or about 2,500 residents, live within a half mile of downtown. Fewer than 600 people live within a quarter mile of downtown. The population close to downtown tends to have a higher percentage of Latino and Hispanic households (61%), are more likely to rent, and have lower median household incomes than the City. Many live in the historic housing stock surrounding the downtown.
- Garden City's population is generally younger than the Primary and Secondary Trade Areas, with a higher percentage of the population in the coveted millennial category (age 25-34) and lower percentage of the population aged 65+ than the Primary and Secondary Trade Areas.



- Almost 50% of Garden City’s population identifies as being Hispanic or Latino, which is higher than the 45% and almost 42% in the Primary and Secondary Trade Areas, respectively.
- Educational attainment in downtown and the City lag the State. About 33% of the adult population in downtown has not graduated from high school while 29% of the adult population in Garden City has less than a high school education. Only 10% of adult residents in the State of Kansas have not graduated from high school.
- Household incomes are lower downtown than in the city, with median household incomes around \$42,000. Garden City’s median household incomes of about \$49,000 and average household incomes of just under \$66,000 are lower than the Primary and Secondary Trade Area incomes of about \$68,000.
- About 60% of occupied housing units in Garden City are owned, whereas about 68% of occupied units are owned in the Primary and Secondary Trade Areas. About 54% of occupied downtown housing area units are owned.
- Average annual employment in Finney County increased by about 1,200 jobs between 2005 and 2015. The largest jobs gain of 450 jobs was in Accommodation and Food Services. In percentage terms, Educational Services grew at the highest rate of any industry during this period, followed by Arts, Entertainment, and Recreation.

## Case Studies

The case studies examine Hays, Salina, and Topeka, Kansas, as well as Louisville, Colorado. While the case study summaries describe the background in detail, there are several themes that emerged from the studies.

- *Major Transportation Corridors:* all three Kansas communities are located on/adjacent to Interstate 70. Louisville, Colorado, is adjacent to US 36 which links the City of Denver with the City of Boulder, Colorado. All four locations benefit greatly from being on these major transportation corridors.
- *Downtown Business Diversity and Downtown Events:* all four downtowns are home to a diverse mix of business types, including places to eat and drink, places to shop, and a wide variety of service-related businesses. Each community has a downtown organization (volunteer-based in Louisville) that actively promotes their downtown through a wide-variety of downtown events, many of which are regional draws.
- *Public Visioning and Planning:* all four cities have long histories of developing public visions and plans for their downtowns that seek to capitalize on the future and not recreate the past. The sustained focus of the public sector on their downtowns has provided a solid foundation for private investment in these areas. However, it’s important to note that revitalization of each downtown has taken many years. In many cases, big plans were made ten to twenty years ago, with only portions coming to fruition since the Great Recession.

- *Downtowns Need to Change:* Downtown Topeka's Redevelopment Plan encapsulates the recognition that Downtowns are no longer regional retail centers. "The goal was not to recreate downtown precisely as it was in the 1940s and 1950s - few, if any, downtowns are likely to be regional retail centers again - but they can still fill the role of the entire city's common neighborhood, with its own unique character defined by the architecture of its remaining old structures. The avenues chosen to revitalize downtowns around the country are varied, but most involve dining and entertainment districts that also soon include specialty and boutique retail....." (2000 Downtown Topeka Redevelopment Plan).
- *Unique Catalysts:* each community has developed in its own unique way through a combination of public and private efforts.
  - Downtown Louisville's success is tied to its excellent geographic location, very high household incomes, and downtown events that catalyzed additional private investment.
  - Downtown Hays' success is tied to a small group of concerned and dedicated citizens who raised enough money to buy multiple downtown buildings and provide them to a private firm to rehabilitate and lease.
  - Downtown Salina has seen some revitalization, yet its continued success hinges on the success of the ambitious Salina 2020 effort, a large public/private partnership.
  - Downtown Topeka and North Topeka's success is tied to the fact that it is a larger metropolitan area near Kansas City. It is the location for many government offices, and provides a wide-array of economic incentives to spur private investment.

## Residential Market Analysis

- According to the 2017 Finney County Community Housing Assessment Team Study (CHAT), the downtown housing market is self-sustaining and well positioned to absorb a substantial number of units, in part through rehabilitating existing units or converting space for residential use.
- According to interviews with City officials, however, all of the available second story residential spaces that have the potential in downtown to be converted have already been converted. Identifying housing ripe for rehabilitation right outside of the downtown core in downtown-adjacent neighborhoods or locations for adding multifamily units would help bring more households to the downtown area.
- Despite the addition of 413 residential units over the past seven years, the Garden City housing market continues to tighten due to underproduction. Underproduction can be attributed to many variables, including the cost of public infrastructure, land prices, the inability of buyers to obtain financing, and potentially the 2010 Census undercount.
- An estimated 1,643 residential units are needed from 2017 to 2030, or an average of about 117 units per year. Construction activity would have to double from recent rates to meet estimated demand, a scenario that seems unlikely given recent trends. A portion of this demand could be met in the downtown area.

## Commercial Market Analysis

- In the last five years, taxable retail sales in a few key retail categories in Garden City increased from \$396 million to \$486 million, an overall 20% increase in sales in these categories, partially due to new retail at Schulman Crossing.
- The location of new retail and restaurant offerings closer to the major highways are attracting people away from the downtown core, and unless there is a special event, or a need for specialized services, these customers may not make it to downtown.
- Downtown retailers estimate that at least 50% of their revenues are from households in the Primary Trade Area (outside of the City of Garden City).
- Comparing demand and supply for the City indicates the regional nature of the trade area.
- In order to survive, downtown retailers need to continue to draw households from the Primary and Secondary Trade Areas.
- The strongest future demand for downtown is in the Eating and Drinking category. Other categories showing demand on a regional basis include:
  - Eating and Drinking
  - Miscellaneous Retail (gift shops, antiques, used merchandise, etc.)
  - Furniture and Home Furnishings
  - Electronics and Appliances
  - Sporting Goods, Hobby
  - Clothing and Clothing Accessories
- There is local demand for groceries. However in the downtown area, given the demographics of the surrounding area, any grocery store would need to stock items geared to Hispanic households and have price points appropriate for the local population. There is also local demand for additional health and personal care services.
- The demographic analysis indicates that 60% of the households surrounding downtown are either Hispanic / Latino. There is a small cluster of Hispanic-oriented businesses on 8<sup>th</sup> Street, responding to the needs of the immediate neighborhood.
- Retail is changing in downtown Garden City. Juice providers, fitness centers, pet grooming / boarding are all interested in a downtown location. While not traditional “retail”, they do provide an important role in bringing people to the downtown area. Some also typically have a small section of their businesses devoted to retail.
- There is office demand in the market currently and there are office uses which occupy prominent locations along Main Street. There are also a number of government offices in the downtown area, although off of Main Street. Daytime employment plays an important role



in keeping downtown Garden City active. They can also play a role in sponsoring downtown events.

## Downtown Recommendations

- *Focus on Restaurants and Multifunctional Uses for Downtown Garden City*  
Expanded restaurant options would greatly enhance downtown's draw. While competition may be a concern, expanding the number of restaurant options would help bring more people downtown and provide a broader array of choices. Restaurant uses require convenient parking. A parking strategy in combination with an outreach / incentive restaurant strategy would be helpful to attracting restaurants.
- *Expand Nightlife*  
Expanding the number of restaurants as well as bringing in activities such as microbreweries, taverns, small music venues, comedy clubs, etc. would help expand nightlife.
- *Continue and Enhance Downtown Vision Events*  
The large number of events serve a purpose of broadening downtown's appeal. Events should aim to serve different groups of people at different times of the year.
- *Broaden the Downtown Market*  
Downtown merchants tend to focus their merchandise and marketing efforts on the regional trade area outside of the immediate Garden City market. There is a market in Garden City which is younger and more diverse and which is slated to grow at a faster rate than the surrounding regional area.
- *Expand the Ideal Tenant Mix*  
Retail has changed along with shopping habits. Expand the definition of the ideal tenant to include services such as fitness, pets, and personal care.
- *Refocus Efforts on the Windsor Hotel and the State Theater*  
They are prominent downtown buildings. At a minimum, cleanup and activation of the ground floor would help eliminate a negative impression at the gateway to downtown.
- *Expand Downtown Residential*  
There is a huge housing need and most of the downtown second story units have been rehabilitated. Expanding the rehabilitation program to include the single family residential neighborhoods surrounding downtown and expanding the potential location of downtown housing to include edges of downtown should be pursued.
- *Reexamine Incentive Programs*  
There are a number of incentive programs for the downtown area. Reexamine and refocus incentive programs in areas that the City Commission agree on, i.e. restaurant incentives can be developed if that becomes an agreed-upon goal. Business stakeholders have mentioned a tentative interest in a Business Improvement District.
- *Reexamine Basics*  
Basic issues such as store hours, customer service, parking management, the street environment, internet presence all need to be addressed with downtown merchants and the Downtown Vision board. These issues need to be revisited by downtown organizations from time to time. The last license plate survey of Garden City retailers took place in 2011. This should be updated soon and on a regular basis going forward.

## II. ECONOMIC AND DEMOGRAPHIC FRAMEWORK

### 2.1 Trade Areas

Garden City, Kansas, is a regional destination and commercial hub located within Finney County in the southwestern quadrant of the state of Kansas. It is located at the intersection of US 400 and US 83; Kansas State Highway 156 begins in the city and runs east/northeast to Larned, Kansas. The Arkansas River runs roughly from west to east just south of the city's southern boundary.

#### Downtown Garden City

This market analysis focuses on downtown Garden City, which is situated near the southern end of the city along Main Street. More specifically, the 2013 Downtown Master Plan identified an expanded, new downtown boundary, shown in Figure 3 which encompasses an area bounded on the south by Maple Street and the north on Kansas Avenue. Downtown's western boundary is between North 9<sup>th</sup> Street and North 10<sup>th</sup> Street; its eastern boundary is between North 6<sup>th</sup> Street and North 7<sup>th</sup> Street.

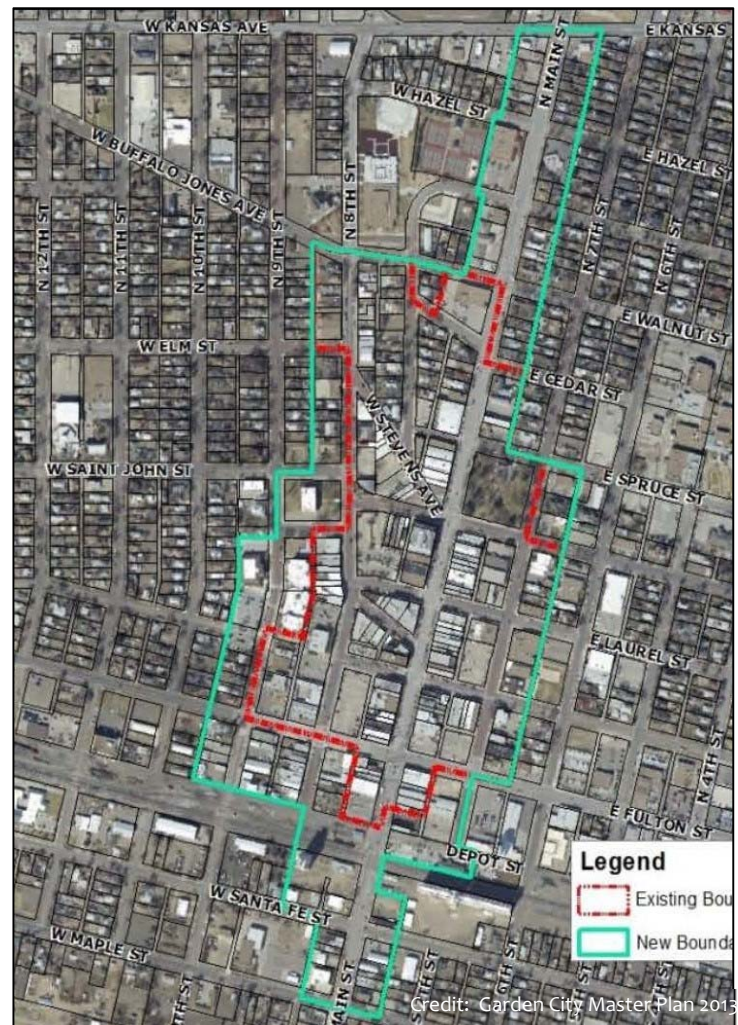
#### Primary Trade Area

Trade areas are dynamic and can change as a function of the type and supply of competing shopping locations. In the previous downtown analysis conducted in 2009, the Primary Trade Area, where 70% or more of the customers are drawn was wide ranging, extending into Colorado to the west.

In 2011, the City of Garden City conducted a license plate survey of three of the City's largest retailers: Sam's Club, Home Depot and Target. The survey was conducted during the afternoon and evening hours on a Friday and Saturday in September when 575 cars were surveyed.

Finney County accounts for approximately half of shoppers while 24% to 28% of shoppers originate from the surrounding Kansas counties. There is also a relatively low percentage of license plates from Colorado and Oklahoma (less than 5%).

**Figure 3**  
**Downtown Garden City**

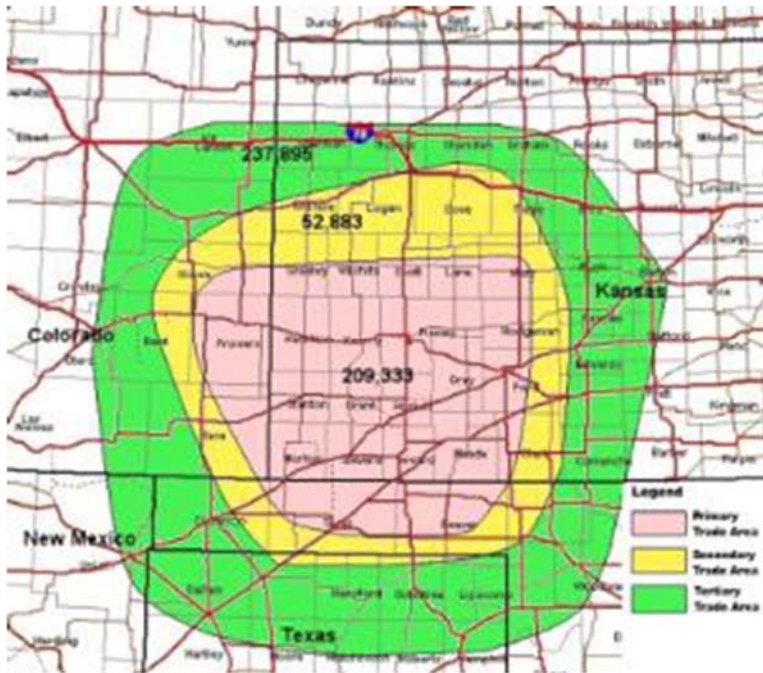


Source: City of Garden City





**Figure 5**  
**City of Garden City Primary, Secondary, and Tertiary Trade Areas**



Source: City of Garden City

Figure 5 shows the Primary, Secondary, and Tertiary Trade Areas for the City of Garden City attractions, services, medical, and regional retail providers. It extends past I-70 to the north, into Colorado to the west, New Mexico, and Northern Texas as well as to others parts of Kansas.

## 2.2 Population and Household Characteristics

This section compares demographic characteristics most relevant to downtown Garden City, including the City of Garden City, the Primary and Secondary Trade Areas.

### Population and Households

Garden City is one of the more populous communities in the state, with more than 31,000 residents and over 10,500 households. (Table 1). The estimated population of Garden City in 2017 represents about 22% of the population in the Primary Trade Area and about 14% of the Secondary Trade Area. Since 2010, the populations of Garden City and the trade areas have remained relatively constant.

**Table 1**  
**Population and Households 2017**

	Garden City	Primary Trade Area	Secondary Trade Area
Persons	31,020	143,969	215,073
Households	10,751	50,052	77,236
Persons / Households	2.89	2.88	2.78

Source: Claritas, Finney County 2017 Draft CHAT, ArLand

Garden City's population is generally younger and more diverse. In percentage terms, it has a higher percentage of the population with an advanced degree, yet also those without at least a high school education. Garden City's household size is slightly larger than the Secondary Trade Area, and almost identical to the Primary Trade Area. Median and average incomes in Garden City are lower than in the trade areas, and a higher percentage of the population rents than owns.

### Age Distribution

Garden City's age distribution is similar to that of the Primary and Secondary Trade Areas, with minor differences (Figure 6). The city's median age of 31.4 is slightly younger than the Primary and Secondary Trade Areas, which are 32.8 and 34.0, respectively. The percentage of the city's population in the coveted millennial category (age 25-34) is higher than the trade areas, and the percentage of the population age 65+ is lower than the trade areas.

**Figure 6**  
**Population by Age 2017**



Source: Claritas, ArLand

### Race/Ethnicity

Garden City is more diverse than the Primary and Secondary Trade Areas (Table 2). About 29% of the city's population is non-white, whereas the trade areas are about 23% and 22%, respectively. The percentage of the city's population that identifies as Hispanic or Latino is almost 50%, a higher percentage than the 45% and almost 42% in the Primary and Secondary Trade Areas, respectively. The Hispanic or Latino population in the city and trade areas is also significantly higher than that of the state, which is just over 11% (US Census ACS 2011-2015).

**Table 2**  
**2017 Estimated Population by Race/Ethnicity**

Race/Ethnicity	Garden City	Primary Trade Area	Secondary Trade Area
White	71.0%	76.7%	77.8%
Black	4.0%	2.4%	2.2%
American Indian	0.9%	1.0%	1.0%
Asian/Pacific Islander	6.2%	2.4%	2.1%
Other / Two or more	17.8%	17.5%	16.9%
Hispanic or Latino*	49.7%	45.0%	41.6%

Source: Claritas, ArLand

\* can be of any race

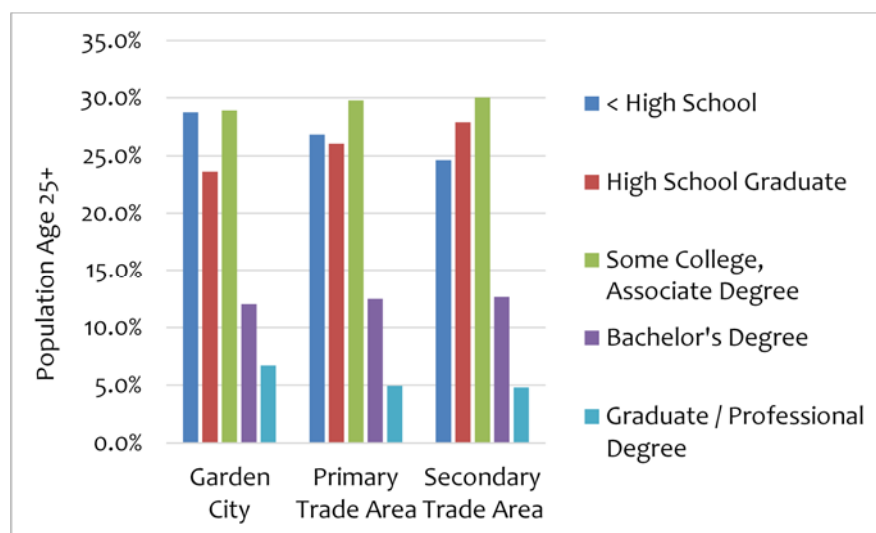
### Educational Attainment

In terms of educational attainment, the city and trade areas lag the nation and the State of Kansas in some ways, yet lead in others.

In 2015, 88% of adults (age 25+) in the United States were at least high school graduates, 33% had a bachelor's degree or more education, and 12% had an advanced degree (US Census 2015).

Recent estimates for the same categories in Kansas are 90%, 31%, and 11%, respectively (US Census ACS 2011-2015).

**Figure 7**  
**Educational Attainment, 2017**



Source: Claritas, ArLand

About 71% of Garden City's adult population has at least graduated from high school, which is lower than the Primary Trade Area (73.2%) and Secondary Trade Area (75.4%). However, the percentage of

adult residents with Graduate / Professional Degrees is higher in Garden City than in the Primary and Secondary Trade Areas (Figure 7).

### Household Size

The average household size of 2.82 persons in Garden City is slightly higher than the Secondary Trade Area (2.73) and almost identical to the Primary Trade Area (2.83)

### Household Income

As seen in Table 3, the median household income in the Primary Trade Area is about \$4,300 higher than that of Garden City, which represents about a 9% difference. Average household income in Garden City is also lower than the trade areas. The median household income in Garden City is about \$50,000.

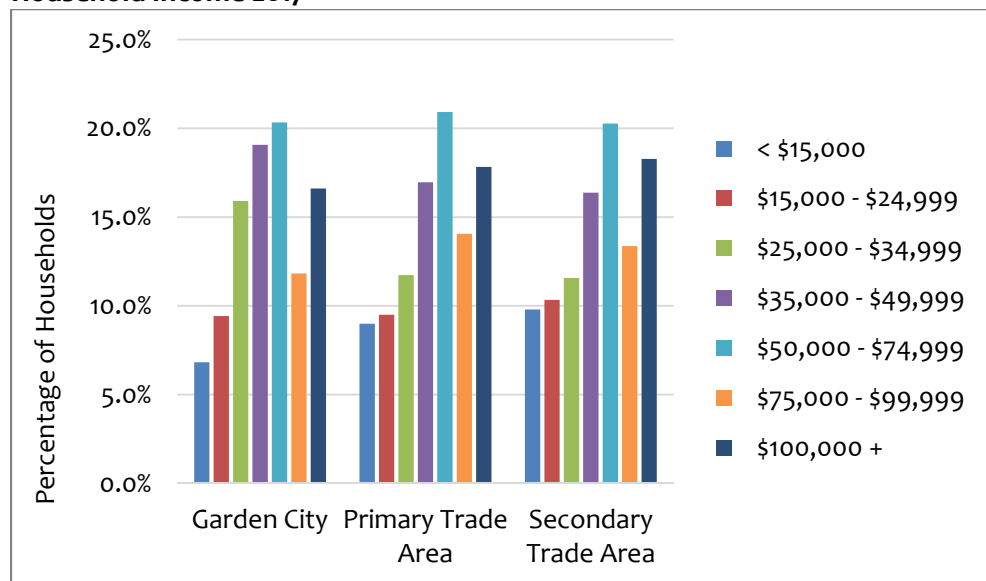
**Table 3**  
**Median and Average Household Income 2017**

	Median HH Income	Avg HH Income
Garden City	\$49,033	\$65,921
Primary Trade Area	\$53,358	\$68,093
Secondary Trade Area	\$52,363	\$67,521

Source: Claritas, ArLand

The percentage of Garden City households with household incomes under \$25,000 per year is lower than in the trade areas. Garden City has a higher percentage of households in the \$25,000 to \$50,000 range than the trade areas. About 35% of Garden City households fall into this income range, yet only about 28%-29% of trade area households do. The Primary and Secondary Trade Areas have a higher percentage of households in the higher income brackets as seen in Figure 8.

**Figure 8**  
**Household Income 2017**



Source: Claritas, ArLand

### Housing Tenure

Of those housing units that are occupied, Garden City has a lower ownership rate and larger percentage of the population that rents, than in the trade areas. Almost 40% of Garden City housing units are rented, while in the Primary and Secondary Trade Areas, about 1/3<sup>rd</sup> of units are rentals.

**Table 4**  
**Occupied Housing Units by Tenure 2017**

	<b>Owner Occupied</b>	<b>Renter Occupied</b>
Garden City	60.5%	39.5%
Primary Trade Area	67.4%	32.6%
Secondary Trade Area	68.1%	31.9%

Source: Claritas, ArLand



## 2.3 Employment

Average annual employment in Finney County increased by about 1,200 jobs between 2005 and 2015 as shown in Table 5. The industry that witnessed the largest change in employment during this time was Accommodation and Food Services, which increased by more than 450 jobs. This sector was followed by Wholesale Trade and Manufacturing, at 281 and 239 jobs respectively. In percentage terms, Educational Services grew at the highest rate of any industry during this period, followed by Arts, Entertainment, and Recreation.

**Table 5**  
**Finney County Annual Average Employment by Industry (2005-2015)**

	2005	2010	2015	Change (2005-2015)	CAGR [1] (2005-2015)
Agriculture, Forestry, Fishing & Hunting	559	472	551	-8	-0.1%
Mining	280	294	306	26	0.9%
Utilities	250	274	329	79	2.8%
Construction	743	761	889	146	1.8%
Manufacturing	3,524	3,756	3,763	239	0.7%
Wholesale Trade	585	769	866	281	4.0%
Retail Trade	2,436	2,407	2,639	203	0.8%
Transportation and Warehousing	439	517	473	34	0.7%
Information	231	197	164	-67	-3.4%
Finance and Insurance	439	436	428	-11	-0.3%
Real Estate and Rental and Leasing	190	177	145	-45	-2.7%
Professional and Technical Services	335	337	261	-74	-2.5%
Management of Companies and Enterprises [2]	NA	38	59	21	9.2%
Administrative and Waste Services	381	223	391	10	0.3%
Educational Services [2]	NA	11	21	10	13.8%
Health Care and Social Assistance	1,736	2,021	1,805	69	0.4%
Arts, Entertainment, and Recreation	114	90	246	132	8.0%
Accommodation and Food Services	1,181	1,357	1,638	457	3.3%
Other Services, Ex. Public Admin	537	469	406	-131	-2.8%
Total Government	3,284	3,487	3,113	-171	-0.5%
<b>Total, All Industries</b>	<b>17,272</b>	<b>18,093</b>	<b>18,490</b>	<b>1,218</b>	<b>0.7%</b>

Source: Kansas Department of Labor, QCEW Multiple Industries, ArLand

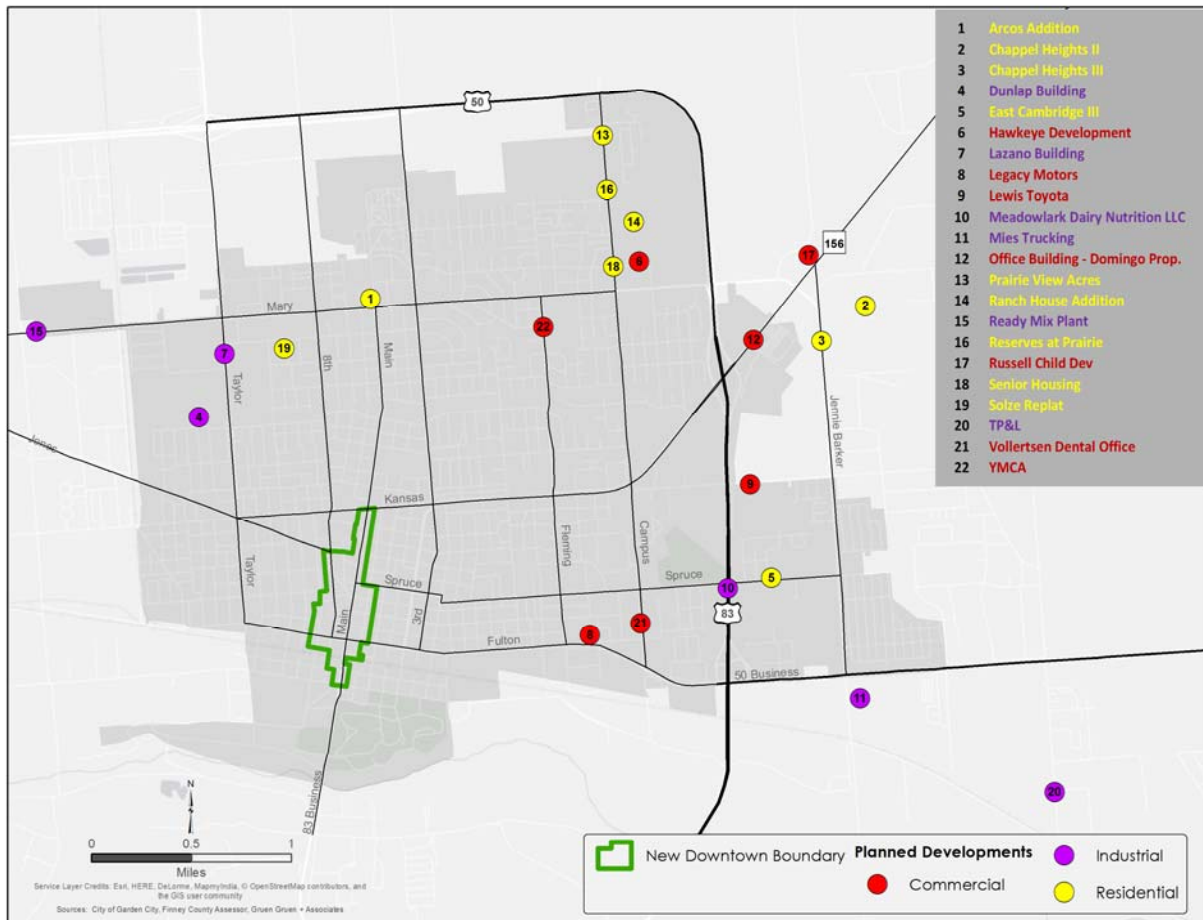
[1] Compound Annual Growth Rate

[2] Change and CAGR represent 2010 to 2015. 2005 data is unavailable.

Major employers in Finney County include Tyson Fresh Meats, Unified School District #457 (USD #457), St. Catherine Hospital, and the Garden City Community College. Tyson is estimated to be the largest employer in the county, followed by USD #457. The top 20 employers account for about 45% of jobs in the county as of 2015. In Downtown Garden City, major employers include Finney County and the City of Garden City which employ about 600 persons overall.

## 2.4 Planned Developments

**Figure 9**  
Planned Developments in Garden City, June 2017



Source: City of Garden City, ArLand

Figure 9 shows the planned developments in Garden City as of June 2017. There is a mix of residential, commercial and industrial development planned, although most of the development is planned at the City's periphery and along the primary thoroughfares surrounding the City. There is no new planned development in or near downtown.

### III. CASE STUDIES

The following section discusses case studies of four downtowns that have all revitalized through a variety of public and private planning and investment. Three of the case studies are in Kansas – Hays, Salina, and Topeka. The fourth case study is Louisville, Colorado, which is between Boulder and Denver, Colorado along US 36.

#### 3.1 Downtown Louisville, Colorado

##### *Background/Location*

The City of Louisville, Colorado, is located northwest of Denver and southeast of Boulder along US 36 (Denver Boulder Turnpike) in Boulder County. Louisville was established in 1878 as a coal mining community; the last mine closed in 1955. The Boulder Turnpike (US 36) opened in 1952, connecting



Denver and Boulder, sparking the growth of major retail centers near highway exits. Sam's Club and Home Depot opened in the mid-1990's near the McCaslin Boulevard exit in Centennial Valley, which solidified Louisville as a regional retail center, yet increased pressure on downtown. The Colorado Technology Center (home to about 85 businesses) came online in the lead up to the turn of the century, adding to the town's economic vitality and commercial tax base.

The city's population declined slightly between 2000 and 2010, but has grown by over 1,000 in the past five years to almost 20,000. The population has also been getting older and wealthier over time, as many people with means that are priced out of living in Boulder, Colorado, have found Louisville a great alternative. In 2015, the median household income in Louisville was estimated to be just over \$91,000 per year. The median age of the population was 42.7, a sizeable increase from 36 in 2000. Recent estimates suggest that about 89% of workers living in Louisville are employed outside of town, with many commuting to nearby Boulder, Denver, or surrounding communities.

Today, Louisville is a small-town community that is generally suburban in nature. In addition to the two employment centers listed above, its historic downtown core is the third employment center in town and home to a variety of local businesses. It is about a twenty-one-acre area centered on Main Street and Front Street, between South and Pine Streets. Over the past 10-15 years downtown has witnessed a resurgence due to a combination of public and private investment, which is summarized below.

##### *Role of Public Sector*

The city has played a role in the downtown's revitalization in many ways. Generally, these can be lumped into two large categories: 1) historic preservation, and 2) planning/zoning/public investment

### *Historic Preservation*

The City established a Downtown Improvement Task Force in the early 1990's, which created an Old Town Overlay in 1995 to protect against insensitive new construction in the oldest residential areas of Louisville. To further support downtown revitalization, the Louisville Historic Preservation Commission was established in 2002, which approved a historic preservation ordinance in 2005. Louisville opted for a voluntary landmark designation to strike the appropriate balance between honoring historical and architectural significance and respecting personal property rights. That same year, the city was recognized by the National Park Service and History Colorado as a Certified Local Government, gaining access to additional funding streams and technical assistance services through that program. In 2008, Louisville citizens voted to establish the Historic Preservation Fund (HPF), supported by a 1/8% sales tax, in effect from 2009 through 2018. The HPF serves to provide preservation and restoration grants for landmarked residential and commercial buildings. Building on previous efforts, the 2015 Preservation Master Plan is a comprehensive guide for the Preservation Program, with the goal of promoting public awareness of preservation and encouraging voluntary preservation efforts, among others.

### *Planning/Zoning/Public Investment*

Lack of available parking in Downtown Louisville was noted by Mark Zaremba, President of the Board of Directors of the Downtown Business Association, as the greatest current business challenge in downtown. The 1999 Downtown Framework Plan stated that creation of an improvement district to fund construction of parking facilities should precede any further public investments. In response to a lack of downtown parking, the city constructed (bond project) a 32,500-square foot, two-story library with an 84-space underground parking garage right downtown. Opening in 2006, the library helped activate downtown.

In 2003, the Highway 42 Revitalization Area Framework Plan was completed calling for a transit oriented, mixed-use development around a potential commuter rail station that would benefit downtown due to its proximity. In 2006, the city council approved an urban-renewal plan for the approximately 230-acre Highway 42 Revitalization Area adjacent to downtown. New zoning and design guidelines were adopted for this area in 2007, which allowed for a mix of uses. A few years later, in 2010, a Downtown Parking and



Source: Downtown Louisville. [www.downtownlouisvilleco.com](http://www.downtownlouisvilleco.com)

Pedestrian Action Plan was adopted to better manage both on-street and off-street parking. The city's comprehensive plan was updated in 2013, which called for a mix of land uses in the Downtown/Highway 42 Revitalization District urban center, and policy and infrastructure improvements that would enable the area to "evolve as one." Although a rail stop in this area remains uncertain, development of Downtown East Louisville or DELO is underway immediately east of downtown. Townhomes are in place and at completion, this project will be comprised of 32,000 square feet of commercial space and almost 200 residential units. Another project, DELO Plaza, will add another 22,000 square feet of commercial space to the revitalization area.



### *Role of Business Association and Arts District*

The Louisville Downtown Business Association is an all-volunteer organization, primarily responsible for maintaining the downtown streetscape, lighting and other amenities. The association began holding the Street Faire in 2002, which is a series of concerts held downtown on Friday nights during the summer. Although it had humble beginnings, over time it began drawing thousands of residents and visitors from the metropolitan region to downtown, and is credited with playing a role in downtown's resurgence. The Street Faire is the association's primary source of revenue, with additional funding coming from membership dues. During the Street Faire and other summer events, on-street parking is converted to outdoor seating and gathering space to support local businesses and vendors.



Source: Daily Camera. Louisville News. [http://www.dailycamera.com/louisville-news/ci\\_25625440/louisville-officials-residents-meet-about-impacts-street-faire](http://www.dailycamera.com/louisville-news/ci_25625440/louisville-officials-residents-meet-about-impacts-street-faire)

New retail businesses began locating downtown following the success and visibility the Street Faire provided, including prominent arts related businesses like the Creative Framing Art Gallery, Walnut Gallery, and Dana V Music. Then in 2009, a group of galleries and arts related businesses formed the Louisville Art District and began hosting First Friday Art Walks once a month. The art walk is ongoing and continues to draw residents and visitors downtown once a month. The city's vibrant arts scene is comprised of

numerous individuals and organizations, including the City's Cultural Arts and Special Events office, which continue to enhance the role this sector plays in the city's future. As a testament to the importance of the arts and culture in Louisville, the city recently (April 2017) adopted a Cultural Arts Master Plan, which outlines strategies and action items for integrating the arts, culture and humanities with community design, economic development, and education.

### *Economic Development Tools Utilized*

Multiple economic development tools utilized within Louisville are outlined below.

- Business Assistance Program: building permit fee rebates, construction use tax rebates, sales/use tax rebates.
- Tax increment financing: an urban-renewal plan was approved by the city council in 2006 for the approximately 230-acre Highway 42 Revitalization Area adjacent to downtown, allowing use of this tool.
- Green Business Recognition Program: public recognition (City Council, window decals, press release, special celebration) of businesses for their investments and contributions to conserving energy, water, reducing waste, and providing transportation options.

**Table 6**  
**Downtown Louisville Events**

<b>January</b>	<b>February</b>		<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>
WinterSkate	First Friday Art Walk  WinterSkate		First Friday Art Walk	First Friday Art Walk	First Friday Art Walk	First Friday Art Walk  Taste of Louisville  Farmer's Market  Downtown Street Faire
<b>July</b>	<b>August</b>		<b>September</b>	<b>October</b>	<b>November</b>	<b>December</b>
First Friday Art Walk  Farmer's Market  Independence Day Parade and Fireworks  Downtown Street Faire	First Friday Art Walk  Farmer's Market  Downtown Street Faire		First Friday Art Walk  Farmer's Market  Labor Day Parade	First Friday Art Walk  Farmer's Market	First Friday Art Walk  WinterSkate  Downtown Carriage Rides	Parade of Lights  WinterSkate  Downtown Carriage Rides

**Table 7**  
**Downtown Louisville Businesses**

<b>Places to Eat/Drink</b>	<b>Places to Shop</b>
12Degree Brewing	Assorted Goods & Candy
740 Front	By Chance
Bittersweet Café and Confections	Certified Inspector Store
B.O.B.S. Diner	Creative Framing Art Gallery
Casa Alegre	Dona Laurita Gallery
Double Happy	Eleanor and Hobbs
Empire Lounge and Restaurant	Eric Olson Master Jeweler
Gravity Brewing	Eyeworks
Henry's Bar & Grill	FingerPlay Studio
Lucky Pie Pizza & Taphouse	Found Underground Consignment
Lulu's BBQ	Little Horse Vintage and Books
Moxie Bread Company	Mountain High Appliance
Pica's Taqueria Louisville	My Saving Grace
/pÔr/ Wine House	Mudslingers Pottery School and Gallery
Precision Pours	Nettie's Creations
Sushi Yoshi	Nina's Flowers & Gifts
Sweet Cow Ice Cream	Old Friends
The Huckleberry	Pitter Patter
The Melting Pot	The Book Cellar
Vic's Espresso	The Singing Cook
Waterloo	The Walnut Gallery
Zucca Italian Ristorante	Wildwood Guitars

Services	
Achtermann Chiropractic and Massage	Law Offices of Dominick M. Saia
Allstate Insurance: Chad Thielen	Louisville Chamber of Commerce
Amterre Property Group	Louisville Historical Museum
Andrew Williams Designs	Louisville Public Library Foundation
Center Stream Pilates	Louisville Realty Associates
CenterStage Theatre Co./Tapestry Theatre Co.	Louisville Tire and Auto Care
Chase Bank/ATM	Main Street Piano Studio
Colorado Real Estate Services	MaryLynn Gillaspie Photography
Dana V. Music	Massage Therapy for the Body and Soul
Dave DiOrio – State Farm Insurance Agent	McGinty Co. ( <i>visual communications</i> )
Deb-K Stylist	Randall C. Bartlett, CPA, PC
DK Healer: Integrated Massage Therapy	Salisbury Properties
E and L Team at RE/MAX of Boulder	Spencer Fane
Eyeworks	State Farm Insurance
Figure Yoga	Staufer Team Real Estate
Fox Property Management	The Galvis Group Real Estate
Front Porch Lutherie ( <i>musical instrument repair</i> )	Tienken & Associates, P.C.
Front Street Hair Studio	Trailhead Wealth Management, LLC
Hair Culture	Trivium Salon
Hartronft Associates, P.C.	VOLTAGE Advertising + Design
Hurth, Sisk, & Blakemore LLP	Wild Turtle Healing
Jeremy Carlson Design	Yoga Junction
K&T Gas	Zaremba Graphic + Web Solutions

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### 3.2 Downtown Hays, Kansas

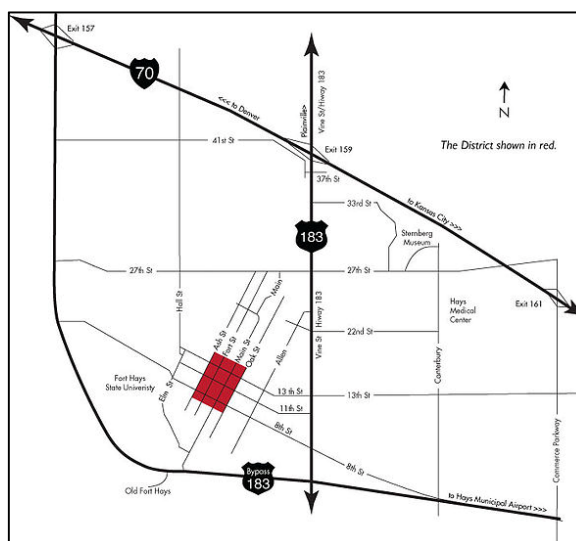
#### *Background/Location*

Hays, Kansas, incorporated in 1885, is the county seat of Ellis County. It is located on Interstate 70 at the junction with US Highway 183. By car, it is about three hours west of Topeka, Kansas, and five hours east of Denver, CO. Its roots are tied to the history of Fort Hays, which became a State Historic Site in 1967 and remains a popular tourist destination. The city was founded when rail reached its location in 1867; its railroad roots can still be seen today, with rail tracks bisecting the south end of the city. Today, Hays is the education, commercial, and employment hub of northwest Kansas. It is home to numerous higher education institutions, including Fort Hays State University, the Hays Medical Center, a regional airport with daily service to Denver, Colorado, and a mix of businesses. Oil and gas extraction and agriculture remain prominent sectors of the area's economy.

The city's population of about 21,000 has grown at a compound annual growth rate of about 2.7% over the past 15 years. There are just under 15,000 students enrolled at Fort Hays State University, although the number of students on campus is just under 5,000, with many more attending virtually or in China. Median annual household income has also increased since 2000 to the most recent estimate of about \$43,000. Over time, the city has seen an increase in the percentage of the population that identifies as Hispanic or Latino, and has also seen a slight uptick in its median age, which is now about 30.

Auto-oriented commercial development is located along US Highway 183, which runs north-south through town. Downtown Hays is located west of US Highway 183 and is centered on Main Street, which used to be named Chestnut Street. Downtown Hays was once a district characterized by high vacancy rates, deteriorating buildings, and a lack of investment. Today, it is home to unique retailers, art galleries, professional service businesses, etc. Its revitalization over the past 15 years was not by chance, but rather the result of a concerted effort by a group of citizens and the community at large, the city, private developers, and the Downtown Development Corporation. A summary of important aspects of this revitalization are included below, along with a list of downtown events and businesses.

**Figure 10**  
**Historic Downtown Hays, Kansas**



Source: <https://www.downtownhays.com>

#### *Role of Public Sector*

The City of Hays has played a role in facilitating downtown revitalization through tax abatement and facilitating public planning processes, as well as through the provision of funds, in-kind labor, and cooperation to the Downtown Hays Development Corporation.

In 2009, the city's Neighborhood Revitalization Plan went into effect. This allowed for the provision of tax abatement for new construction and rehabilitation projects in the downtown district,

intended to facilitate private investment downtown. A few years later, in 2012, the community outlined their vision for downtown in the Comprehensive Plan. Future land uses for the downtown district focused on a mix of uses, with residential uses above commercial or office uses. The plan also stated that historic preservation is of significant value, and noted incentives such as historic tax credits. It also called for consideration of a convention center and adjacent lodging downtown, which has not yet come to fruition, and for improved public gathering spaces downtown. The plan discussed Pavilion Square, a project envisioned to consist of an expansion of an existing park into a versatile public facility with an outdoor shelter and indoor space to house a public market. This project is underway and discussed below.

Although the Chestnut Street Historic District was listed on the National Register of Historic Places in 2008, grants and historic tax credits have not been utilized in a concerted manner. As of early 2017, Hays allows liquor sales on Sunday. Although bars were already able to serve on Sunday, this change could benefit sales tax revenue downtown, albeit not significantly.

#### *Role of Downtown Hays Development Corporation and Private Developer*

Although a business improvement district was in place in the past, there is no taxing district downtown today. The creation of the Downtown Hays Development Corporation (DHDC), and the inception of downtown revitalization, can be traced to a group of interested citizens who organized themselves to turn downtown around. The original task force turned into the 13-member DHDC board of directors. A private developer with downtown investments in place, and a desire to see downtown revitalized, was approached with a proposition and an agreement was reached. The agreement was that if enough money could be raised to purchase key buildings downtown, the private developer would rehabilitate the buildings and seek tenants to occupy them. In the end, through a grassroots effort, \$750,000 of private funds was raised to purchase seven downtown buildings. The buildings were then gifted to the private developer who gutted them, brought them back to life with the assistance of a Housing and Urban Development grant, and filled them with tenants. This effort is credited with turning downtown around from a blighted area to a vibrant downtown district that is the number one visitor attraction in town. Today, the DHDC markets downtown, advocates for businesses in the district, and continues to serve as a driving force for downtown revitalization. The private developer is still a major downtown property owner.



Source: <https://www.downtownhays.com>

DHDC funding currently comes from the City of Hays to pay for salaries and office space, private partnership funds for marketing and beautification projects, and through two events held by the DHDC – Brews on the Bricks and Wines and Steins. The DHDC also runs the Downtown Hays Market, a farm and arts market held each Saturday from May to October. The market does not charge vendor fees or place restrictions on the type of vendors, a recent change that has proven beneficial in increasing vendor participation to about 20-30 vendors each week. A fundraising event, the Farm-to-Fork dinner, is held to raise marketing dollars and ensure the continuation of no vendor fees. The DHDC also helps market events organized by the Hays Arts

Council, including the four art walks held downtown each year. They also distribute a weekly newsletter to over 1,500 subscribers.

As envisioned in the 2012 Comprehensive Plan, the DHDC is currently involved with the development of the Downtown Pavilion project. The DHDC has secured all funding for the project, which is estimated to cost \$200,000. A large portion of project funding comes in the form of a \$100,000 grant from the Dane G. Hansen Foundation. Through a partnership with Fort Hays State University, students in the Applied Technology Construction Management Program will provide labor, with additional in-kind labor and cooperation from the City of Hays. The project entails extending the Union Pacific Park and constructing a 40x80-foot open air pavilion and public restrooms. The pavilion will serve as a great public gathering space that could be used for a variety of events, concerts, etc., and may become the new home of the Downtown Hays Market.

Today, downtown plays a significant role in the city's economy, contributing about 13% of the city's annual sales tax collections, on average.

#### *Economic Development Tools Utilized*

- Neighborhood Revitalization Program: tax abatement for qualifying properties
- Housing and Urban Development Grant

**Table 8**  
**Downtown Hays Events**

January	February	March	April	May	June
			Brews on the Bricks  Spring Art Walk	Downtown Hays Market	Downtown Hays Market  Summer Art Walk  Wild West Festival
July	August	September	October	November	December
Downtown Hays Market  Bargains on the Bricks  Thunder on the Bricks  Downtown Hays Sidewalk Sale	Downtown Hays Market  Fall Art Walk	Downtown Hays Market  Wines and Steins  March to Main	Downtown Hays Market	Frost Fest	Frost Fest (including parade)  Winter Art Walk

*Downtown Hays Businesses*

According to the DHDC, there are just under 400 businesses downtown. The list of downtown businesses below accounts for most of the non-service related businesses, which are more difficult to track.

**Table 9**  
**Downtown Hays Businesses**

Places to Eat/Drink	Places to Shop
Augustine's Bakery	711 Studio - Michael Jilg
Cancun Mexican Grill	8 <sup>th</sup> Street Liquor
Chinese Food Express	Artist's at Work Studio
Indigo by Jasmine	Be Made (unique gifts)
Gella's Diner & Lb. Brewing Co.	Bella Luna Maternity & Baby
Lomato's Pizza	Bruce Burkholder Studio
Gutch's Bar & Grill	Chestnut Street Kitchens + Floral
On the Rocks Bar & Grill	Couture for Men & Women
The Paisley Pear Café	CS Post & Co.
The Golden Q Sports Bar & Grill	Diamond R Jewelry
Breathe Coffee House	Em 'n Me Antiques
Taco Shop	Goodwin Sporting Goods
The Press Handcrafted Sandwiches	Gypsyrose
The Golden Griddle	Indigo by Jasmine
Sake2Me Sushi Rolls	Kuhn's Diamond Jewelers
Sweet Zoo	Lilly and Marie ( <i>women's clothing</i> )
Pizza Management Co.	Moss-Thorns Gallery of Art
TK's Smokehaus	Pulse Medical Apparel
Toby Jugs	Refine ( <i>women's clothing</i> )
Brass Rail	Regal Audio-Video
Daylight Donuts	S & W Supply ( <i>auto parts</i> )
Chuck's	Scrub N ( <i>medical uniforms</i> )
Sip N' Spin	Simply Charmed
Wild Rose	Something Blue
Soda Shoppe Café	Stone Gallery
	Tang's Chinese Market
	The Arc of Central Plains
	The Blue Heron Boutique
	The Furniture Look
	The Madd Matter Frame Shop and Gallery
	The Paisley Pear
	Tiger Book Shop

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**Services**

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8th Street Laundry Services  
Adams Brown Beran & Ball CHTD  
AFLAC  
Aikido of Northwest Kansas  
All Seasons Plumbing, Heating, & AC  
American Family Insurance - Whitey Kohl  
American Heritage - Progressive Agent  
American Red Cross Blood Center  
Anderson & Wichman Attorneys At Law  
Andre Tax & Accounting  
Astra Bank  
Becky's School of Dance  
Biker Insurance Agency, Inc.  
Blue Cross Blue Shield of Kansas  
Body Shoppe Salon  
Body + Soul Day and Med Spa  
Boone Law Office  
Brundgardt Hower Ward Elliott & Pfeifer L.C.  
Casa of the High Plains, Inc.  
Casual Graphics  
Catholic Charities  
Coldwell Banker  
Commerce Bank  
Community Assistance Center  
Congressman Jerry Moran  
Desbien Designs  
Downing-Nelson Oil Company  
Downtown Hays Development Corporation  
Downtown Welcome Center  
Dreher Shop  
Dreiling Bieker & Hoffman LLP  
Elements of Massage  
Ellis County Abstract and Title Co.  
Everyday You Photography  
Fantasy Graphics and Tattoo Studios  
First Call For Help  
First Care Clinic

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**Services**

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Fraternity of Eagles  
G & J Management  
Glass Man Bird Brown & Powell  
Global 3D Art  
Good Samaritan Society  
Hadley Center & NCK Tech Culinary Arts  
Hair Repair Salon  
Hays Arts Council  
Hays Car Care  
Hays Community Theatre  
Hays Daily News  
Hays Fire & Rescue Sales & Service, L.L.C.  
Hays Med Psychiatry  
Hays Phone Doctor  
Hays Veterans Clinic  
Hertel Therapeutic Service  
High Plains Mental Health Center  
J Studio and Salon  
Jackie Creamer's The Dance Studio  
James Motor Company  
Jayson Creative  
Jeter Law Firm, LLP  
Julisa Haines Photography  
Kansas Natural Gas, Inc.  
Kansas Next Step  
Kaylene Brin, PA  
KVC Wheatland Psychiatric Hospital  
Liberty Four Square Church  
Living Savior Evangelical Lutheran Church  
Main Street Gym  
Master Cleaners  
Med-Op  
Megan Colson Photography  
Moores Tours International, Inc.  
My Masterpiece  
Nex-Tech  
Northwestern Printers  
Northwestern Signs & Awards

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**Services**

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Nurturing Hope and Counseling  
Oil Company of America  
Oller Law Firm  
Park Avenue Salon  
Pizza Hut Management  
Platinum Group  
Pools Plus Inc.  
Pottery Works  
R & R Auto Repair  
Randy Mader Insurance  
Realty Executives of Hays  
Redz Design Studio  
Salon Muah  
Salon Ten o Seven  
Sanctuary Friends Network  
Screenprint Specialties  
Simply LLC  
Smokey Hill Woodcrafters  
Smoky Hill Education Service Center  
Smoky Hill Foundation  
State Glass Co, Inc.  
Stromgren Athletics, Inc.  
Styles Dance Centre  
The Fox Pavilion  
The Meckenstock Group  
The Tactical Experience  
Top Notch Cleaners  
Tracy Perrett Photography  
Turning Point Professional Counseling Services  
Ultimate Massage  
United Way of Ellis County  
Wasinger Brothers Plumbing  
Ways of Harmony  
Wedding Connections  
Werth Wealth Management  
Woods & Starr Associates



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### 3.3 Downtown Salina, Kansas

#### *Background/Location*

Salina, Kansas, is located about 110 miles west of Topeka, Kansas, just east of the Interstate 70 and Interstate 135 interchange. The city was founded in 1858 by a group from Lawrence, Kansas. It served as a location to obtain provisions for fortune seekers heading to the Rocky Mountains to mine for gold soon thereafter. The city continued to expand following the arrival of the Kansas Pacific Railroad in 1867, and the city's railroad roots are still very visible today. Rail tracks run through town from west to east, south of Interstate 70.

The city's population has increased over the past decade and a half, although only by a few thousand people. The population is estimated to be about 47,800. The city's median age has also increased gradually over this time to about 37 years of age. Median household income has increased from about \$36,000 in 2000 to about \$44,700 as of 2015, a 1.4% compound annual growth rate. The percentage of the population that identifies as Hispanic or Latino has also increased over the past fifteen years, from 6.7% in 2000 to 11.4% as of 2015.

Downtown Salina has become one of a few mixed-use areas in the city, and "represents a concentration of development that supports a varied and large employment base while addressing the needs of the local, community and regional markets through its offering of goods and services (Comprehensive Plan 2010). The development of downtown has been a joint effort between the public sector, Salina Downtown, Inc., private developers, and the community. In general, standard tools, such as a business improvement district and tax incentives have been utilized. However, the Salina 2020 project, an ongoing public/private partnership, is anticipated to further enliven downtown. The public and private role in downtown development is discussed, and a list of downtown events and businesses is provided.

#### *Role of Public Sector*

The public sector has played a role in facilitating downtown development in a few primary ways. The first is through the Neighborhood Revitalization Plan and Program, which the city began in 1996. This program provides property tax rebates for eligible residential and commercial/industrial rehabilitation and new construction projects. The rebate is for all or a portion of the incremental increase in property taxes paid due to a higher assessed valuation resulting from the improvements for a period of up to ten years. The purpose is to "make certain projects financially feasible, thus bringing investments to the revitalization area that otherwise might not occur" (NRA Brochure).

The second is through the city's planning efforts, which includes the 2010 Comprehensive Plan. The community's goals for downtown, as outlined in the plan, were, among others, to maintain downtown as the urban center of Central Kansas, encourage a mix of uses (including housing), increase the accessibility and visibility of downtown to visitors, encourage infill development, and to encourage downtown to be a "park once" destination. Actionable goals included creation of a Downtown Arts Master Plan and implementation of a river trails system along the old Smoky Hill River channel.

The third is the Salina Arts & Humanities Department, a city department, which produces, among other programs, the Smoky Hill River Festival, the Horizons Grants Program, Community Art & Design, and a poetry series. In collaboration with Salina Downtown, Inc., the department puts on Friday Night Live, which is live performance/music every Friday evening at a downtown business.

Smoky Hill River Festival, held every summer, is hailed as the Midwest's premier arts festival featuring music, art, and food, and attracting about 63,000 attendees as of 2014. The Community Art & Design program began in 2000, and formal policy was adopted in 2006 to "facilitate the infusion of artists, and art and design projects in selected City projects" (Salina Arts & Humanities).

Finally, the city provides funding to Salina Downtown Inc., a nonprofit organization devoted to enhancing downtown.

#### *Role of Business Association and Art and Cultural Attractions*



Credit: Salina Downtown, Inc.

Salina Downtown Inc. (SDI) was established in 1975 as a nonprofit merchant's association and was one of the first business improvement districts in Kansas. The business improvement district is comprised of 31 blocks and is primarily funded through tax collections on district businesses. Funds collected from events organized by SDI help cover event costs, with excess funds going to programming. Additional SDI operating funds are provided by the City of Salina.

SDI is involved in a multitude of programs and efforts to promote and facilitate development and business activity downtown. Among these is the Façade Improvement Program, provision of New Business Recruitment Loans, and Cluster Marketing Grants. According to SDI, the Façade Improvement Program is funded by the City of Salina and focuses on improving the exterior of existing buildings and constructing new commercial buildings

through mini grants (up to \$3,499 per award) and forgivable loans (up to \$15,000 per award). A revolving loan fund is used for New Business Recruitment within the district for loans up to \$5,000. Up to \$1,000 single grant requests, which require a two-to-one match, can be made for Cluster Marketing to simultaneously market multiple downtown businesses.

Salina's varied art and cultural venues not only serve residents, but also draw out-of-town visitors. Downtown venues include the Stiefel Theatre, Smoky Hill Museum, and Salina Art Center. The theater is an almost 1,300 seat venue that had almost 40,000 attendees in 2014. The Smoky Hill Museum reflects the struggles and vision of the people of the Smoky Hills region and Salina and is a big downtown draw, with about 35,000 attendees in 2014. Finally, the Salina Art Center, founded in 1978, is home to art exhibits, a cinema, live/work space for art residencies, etc.

#### *Salina 2020 (Public/Private Partnership)*

On the heels of an agreement to build a downtown Field House through a public/private partnership, another, albeit much larger, effort was proposed by a group of private citizens and business people. This led to the formation of Salina 2020, Inc., a Kansas for-profit corporation formed in 2014 as the Master Developer of an approximately \$154 million downtown redevelopment project financed through a combination of private investment, local and state economic development incentives, and City of Salina funding. However, in this case, the Master Developer is not obligated, nor will it, design, construct, complete, own, operate, or maintain any of the project components. The City and Master Developer will jointly assign control over project components to third parties.



The plan seeks to create a tourist destination with a mix of athletic, entertainment, museum, and lodging uses. The feasibility study for the district estimated that once built-out and stabilized, the district would attract about 488,000 annual visitors, including approximately

258,150 visitors from over 100 miles away, incremental taxable retail sales of \$33.8 million annually, and an annual economic impact of \$66 million on the State of Kansas. The Salina City Commission voted unanimously in January 2017 to approve an agreement with Salina 2020 and various financing tools. The Field House is one of the first projects underway and is anticipated to be completed in 2017.

Salina 2020 Financing Tools	Salina 2020 Summary Project List
<ul style="list-style-type: none"> <li>• STAR Bonds</li> <li>• Tax Increment Financing (property tax only)</li> <li>• Community Improvement District – Downtown, Hotel, Alley (new sales tax rate)</li> <li>• Industrial Revenue Bonds (IRB)</li> <li>• Neighborhood Revitalization Program</li> <li>• Private Funds</li> <li>• Public Funds</li> </ul>	<ul style="list-style-type: none"> <li>• Field House</li> <li>• Car Museum</li> <li>• Alley Project (bowling/entertainment)</li> <li>• Hotel Project</li> <li>• Market Rate Apartments</li> <li>• Old Chicago Project</li> <li>• Stiefel Theatre Improvements</li> <li>• Streetscape &amp; Public Infrastructure Improvements</li> </ul>

#### *Economic Development Tools Utilized (excluding Salina 2020)*

- Neighborhood Revitalization Program
- Business Improvement District
- Façade Loan Program
- New Business Recruitment Loans
- Cluster Marketing Grants

#### *Downtown Salina Events*

The list of events below does not represent all events downtown in any given year, but does represent the larger events put on or promoted by Salina Downtown, Inc.

**Table 10**  
**Downtown Salina Events**

January	February	March	April	May	June
		St. Patrick's Day Pub Crawl	Spring Poetry Series	Friday Night Live  Downtown Farmers Market	Friday Night Live  Downtown Farmers Market  Smoky Hill River Festival
July	August	September	October	November	December
Friday Night Live  All American Fourth and Play Day in the Park  Downtown Farmers Market	Friday Night Live   Downtown Farmers Market	Friday Night Live  Street Fair  Downtown Farmers Market	Halloween Pub Crawl	Christmas Festival	

*Downtown Salina Businesses*

A list of many, albeit not all, downtown businesses is included below. Recent estimates suggest that about 55% of downtown commercial space is devoted to retail establishments.

**Table 11**  
**Downtown Salina Businesses**

Places to Eat/Drink	Places to Eat/Drink
Ad Astra Books and Coffee House	Martinelli's Little Italy
Big Nose Kate's	Paramount Bar
Blue Skye Brewery & Eats	Rendezvous Bar
Carol Lee Donuts	Santa Cruz Burrito
Coop's Pizzeria	Scheme Restaurant & Bar
Corkie's Diner	Sonic Drive-In
Cozy Inn	Taco John's
Dairy Queen / Orange Julius	
Heart of Dixie	

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**Places to Shop**

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2nd Chances  
Ad Astra Books & Coffee House  
Auld Lang Syne, Antiques and Collectibles  
Bargain Basket  
Connected-A Fair Trade Store  
Dollar General  
Eccentricity Too  
Flipping Fabulous  
Iron Street Coffee Roaster  
Laura's Antiques  
Midwest Music Inc.  
On the Pot  
PB&J  
Penny Layne

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**Services**

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A-1 Mini Storage  
Abner's Auto  
Abracadabra Salon & Day Spa  
Accessible Home Care  
Achterberg Angell & Craft, LLC  
Action Travel  
Advanced Services, Inc.  
American Legion  
Ash Enterprises Inc.  
Assurance Partners  
AT&T  
Atlas Optical  
B & K Bonding  
Bank of Kansas City Mortgage  
Bennington State Bank  
Bieberly Architects  
Blue Heaven Studio  
Bruce H. Wyatt  
Busboom & Rauh Construction  
Central Leasing Systems  
Central National Bank  
City Plumbing Company, Inc.

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**Places to Shop**

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Prairieland Market  
Quilting Station  
Rebecca Jane's  
Salina Vapor  
Salvation Army Thrift Store  
Streit Sandblasting  
Sweet On You  
The AVON Store  
The Flower Nook  
The Market Shop  
Vernon Jewelers of Salina  
Whiskey Road Antiques & Collectibles  
Young's Bridal Shop

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**Services**

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Clark Mize & Linville  
Clubine & Rettele, Chartered CPA  
Community Access Television  
Complete Surveillance  
Consolidated Printing & Stationary  
Copeland Insurance  
Cox Communications  
Daniel K Diederich Law  
Design Central, Budget Furniture  
Doc's Barber Shop  
Document Resources, Inc.  
Downtown Auto Service  
Eagle Communications  
Earles Engineering and Inspections, Inc.  
Edward Jones  
Electronics of Salina  
Expressions Salon & Spa  
Extraordinary Events  
Fades and Blades Barber Shop  
Farm Bureau Financial Services  
Fee Insurance Group Inc.



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**Services**

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File Safe, Inc.  
Financial Management GP, LLC  
Firefly Hair & Nail Salon  
First Asset Financial, Inc.  
First Bank Kansas  
Friends of The River Foundation  
Gasoline Alley  
Gentle Touch Chiropractic  
George Easter Tax Consultant  
Greater Salina Community Foundation  
Hampton & Royce, L.C.  
Hays Academy of Hair Design  
Hello Kira Dance Studio  
Hettenbach & Langdon  
Integral Consulting Services LLC  
Iron Street Tattoo and Body Piercing  
ISG Technology, Inc.  
JMS Financial Services  
KAKE TV  
Kansas Broadband Internet  
KC & G Business Appraisal  
KCVS  
Kennedy Berkley Yarnevich &  
Williamson Chartered  
Key Office  
KIT Support Systems  
L & L Advisors  
Law Office of Robert L. German  
Manley Structural Engineers  
Marsha Hoffhines - State Farm  
Mckenna Law Office PA  
Meier's Moving and Storage  
MetLife Auto & Home - Deana Garnett  
Michael A. Montoya, P.A.  
Michael Olson Accounting & Tax  
Service  
Midwest Regional Agency, Salina  
Modern Woodmen of America

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**Services**

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Murphey Mediation  
Neustrom Patrik Attorney  
Next Level Fitness  
Norton, Wasserman, Jones & Kelly, LLC  
Pathway Financial Solutions  
Peaceful Body Wellness Retreat  
Pennington Chiropractic  
People's National Home Bank  
Raymond James Financial Services  
Ray's Truck & Auto Repair  
Rocking M Media  
Rose Hill Bank  
Ryan Mortuary & Crematory  
Safelite Auto Glass  
Salina Art Center  
Salina Art Center Cinema  
Salina Auto Parts  
Salina Blueprint  
Salina Community Theatre  
Salina Journal  
Shannons Stars Twirling Club  
Sheahon Jack  
Shear Revolution  
Smoky Hill Museum  
Stiefel Theatre for the Performing Arts  
Sunflower Bank  
Super Wash & Detail  
Sure Check Brokerage  
Tamara Howe School of Dance  
Team Employment, LLC  
The Arnold Group  
The Bank of Tescott  
The Mortgage Company  
The Wild Hair Salon  
Thrivent Financial  
UMB Bank  
United Capital Management - Ks  
Web Creations & Consulting

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**Services**

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Wells Fargo Advisors

William R. Lorson

Wishon Heating & Air

Wyatt & Davidson LLC

You and Your Surroundings (*salon*)

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### 3.4 Downtown Topeka, Kansas

#### *Background/Location*

Topeka, Kansas, was founded in 1857 and is both the seat of Shawnee County and the state capital. It is located about 65 miles west of Kansas City, Missouri, on Interstate 70. Most of the city lies south of Interstate 70 and north of the city's southern ring road, Interstate 470. Interstate 335 from Wichita, Kansas, terminates in Topeka. Downtown Topeka is located just south of the Kansas River, with the core downtown district (central business district) situated west and south of Interstate 70 as it jogs through the heart of downtown. Downtown is home to the State Capitol building, various state government office buildings, and a diverse mix of businesses.

The estimated population in Topeka's city limits is about 128,000, or about 5,000 higher than in the year 2000. The metropolitan area, however, is much more populous, with an estimated population of about 234,000, which represents about 8% of the state total. The city's population is predominantly white, with about 14% of the population identifying as Hispanic or Latino, a figure that has increased in the past fifteen years. Other changes over time include the fact that the city's median household income has gone from about \$36,000 in 2000 to over \$42,000 in recent estimates.

The city's development over time is storied, beginning with an Oregon Trail river crossing and a long railroad history. The city is still home to one of the largest railroad shops in the world, owned by Burlington Northern Santa Fe. At the dawn of the 21<sup>st</sup> century, downtown Topeka was a place with vacant office space and store fronts. "An expensive streetscaping program failed to attract investors," and improvement was perceived to be out of reach. Much has changed since then due to the concerted efforts of the public and private sectors. In addition, the area just north of downtown, now referred to as NOTO, or North Topeka, has experienced its own revitalization. Both areas in the heart of the city have benefited from a variety of public plans, policies, and incentives to spur private redevelopment. Downtown Topeka, Inc. has raised funds to produce downtown events, as well as promote, maintain, and clean the downtown area. The private sector has also played an important role, deploying capital to rehabilitate buildings and invest in downtown businesses. The summary below highlights some of the work that has led to the transformation of downtown and NOTO, a summary of incentives and funds utilized, and a list of major downtown events.

#### *Role of Public Sector*

The public sector has facilitated public planning processes regarding downtown, enhanced infrastructure/streetscapes, and provided incentives. The story of downtown's turnaround appears to begin with the Historic North Topeka Revitalization Plan in 1999. This plan was for the area north of the river, now referred to as NOTO, or North Topeka. It was quickly followed by the Downtown Topeka Redevelopment Plan in 2000. The 2002 Economic Development Plan for Topeka/Shawnee County, an element of the Comprehensive Metropolitan Plan 2025, included downtown revitalization as a goal. A streetscape improvement plan for Kansas Avenue was completed in 2012. The next year, the city

*"The goal was not to recreate downtown precisely as it was in the 1940s and 1950s - few, if any, downtowns are likely to be regional retail centers again - but they can still fill the role of the entire city's common neighborhood, with its own unique character defined by the architecture of its remaining old structures. The avenues chosen to revitalize downtowns around the country are varied, but most involve dining and entertainment districts that also soon include specialty and boutique retail. Those developments are typically followed by urban housing. Whenever downtowns are safe, clean, pretty, and full of activity at all hours of the day, many people want to live in or near them" (2000 Downtown Topeka Redevelopment Plan).*

completed the Historic North Topeka East Neighborhood Plan for the area just north of the river. The future land use map envisioned open space along the waterfront with a mix of uses adjacent to the open space, with residential uses to the north. In sum, the vision for the area was that of a destination where people want to live with a renewed, user-friendly waterfront. The same year, the Neighborhood Revitalization Plan was put in place, allowing the city to incentivize redevelopment in the “revitalization area,” which includes downtown and North Topeka, through the provision of property tax rebates to property owners for qualifying improvements.

In 2015 the 2025 Land Use and Growth Management Plan was updated to 2040. This plan noted that in addition to being the region’s office, employment, and commercial center, Downtown should be redeveloped for a mix of uses, including retail and residential. It clearly stated the critical importance of residential development, including medium and high-density residential and loft conversions over ground floor uses. Last year the city changed its downtown base zoning to better accommodate a mix of uses, and completed infrastructure/streetscape improvements along Kansas Avenue.

The public sector is also involved in regulating and incentivizing historic preservation. The Historic Preservation Plan adopted in 2014 lists the encouragement and facilitation of private sector investment in downtown historic buildings as a priority for action to help make the Kansas Avenue streetscape infrastructure improvement effort a success. It also mentions that linking the Capitol Area, or central business district, to North Topeka, is in the interest of the city, businesses, and residents. Even more recently, in the fall of 2016, the city developed Downtown Topeka Historic District Guidelines. There are three historic districts downtown listed on the National Register of Historic Places – South Kansas Avenue Commercial Historic District, Mill Block Historic District, and Church of the Assumption Historic District – and the goal of the design guidelines is essentially to ensure replication of what is currently there in terms of setbacks, massing, etc.

#### *Role of GO Topeka, Downtown Topeka, Inc. and the North Topeka Arts District*

GO Topeka implements an economic development strategic plan on behalf of the city of Topeka and Shawnee County. GO Topeka contracts with the Joint Economic Development Organization (city and county) on an annual basis to carry out the economic development program. The organization receives \$5 million annually from sales tax proceeds and additional funds from private investors. Privately raised funds, for example, paid for pocket parks as part of the Kansas Avenue streetscape improvements. Examples include a pocket park sponsored by Security Benefit and Burlington Northern Santa Fe.

The downtown business improvement district, established by city ordinance in 1986, has been administered by Downtown Topeka, Inc. since 1995. The 230 members of the district are assessed based on their square footage to fund the organization’s efforts to encourage the growth of business, governmental services, and cultural entertainment “in the heart of” Topeka and Shawnee County through promotion, event underwriting (see events below), and general downtown maintenance and cleaning, among other items. The Downtown Topeka Foundation is the fundraising arm, raising and expending monies to preserve, restore and improve various aspects of downtown. The foundation raised, for example, on the order of \$3.8 million to help pay for pocket parks, pavilions, statues, etc., as part of the Kansas Avenue streetscape improvements.

Through about 2010, NOTO was not desirable by most. The art district notes that businesses other than bars and adult clubs didn’t want to be there and locals didn’t want to visit due to crime, etc. However, plans were being developed to turn that around. The Historic North Topeka Revitalization

Plan was in place in 1999, and 5-year strategic plan was developed by the North Topeka Business Alliance, Inc. in 2006, which outlined key strategies for the riverfront, Topeka Boulevard, and the North Kansas Avenue Corridor. In addition, private investment was slowly occurring. Buildings were being purchased by investors and the negative aspects of the area began to subside. Following the top request of a 2010 survey being “an arts district” and additional work, the NOTO Arts District was born in 2011 with three businesses getting started that year, and another twelve the following year. Today, it is home to local art galleries, shops, and restaurants. A North Topeka Arts District Revitalization Plan was completed last year that included design concepts for building and streetscape enhancements, sculpture gardens, public spaces, development sites, and small and large-scale placemaking and public art projects.

#### *Local Economic Development Tools*

There are many tools available for use in Topeka at the local, state, and federal level. Only local tools are summarized herein, as state and federal tools are not unique to Topeka.

Neighborhood Revitalization Program – the city’s planning department administers this program, which provides a 10-year tax rebate incentive up to 95% to property owners for making major improvements that raise the appraised value of residential property by 10% and of commercial property by 20%. A total of \$114 million has been invested downtown since the program’s inception in 1995.

Historic Preservation Grants - This monetary grant award is intended to benefit public heritage tourism and promote Topeka as a place to work and live by assisting in funding the restoration of key historic sites and promoting these projects through monies from the City of Topeka’s one-percent Transient Guest Tax Fund. Downtown projects that have utilized these grants include the Jayhawk Theater, Historic Constitution Hall, and the Great Overland Station, considered to be a catalytic project in NOTO.

Downtown Topeka Redevelopment Incentive Grant Program – designed to encourage residential and commercial improvements of buildings in the Capital City Business Improvement District. Funding is provided by the City of Topeka and administered by Downtown Topeka, Inc. The total amount of grant funding available is currently about \$300,000 per year, with a maximum of \$50,000 for any one project.

Fee Reductions and Waivers – The reduction and waiver amounts vary, but include reduced building permit fees, reduced plan review fees on building project reviews, reductions in sewer and water rates (up to 25%), and reductions in storm water fees (up to 40%). Such incentives do not appear to be common downtown.

Community Improvement District (CID) – Such a district is a discrete area of the City that taxes itself to provide services above those available to the city-at-large. The only CID in downtown Topeka is the Cyrus Hotel. A 1% sales tax on people who eat or stay there will help offset the cost of construction.

Citywide Half-Cent Street Sales Tax – a voter-approved half-cent sales tax is dedicated to street maintenance and repair (not just downtown) and cannot be used for new street construction. The tax sunsets in 2019 and collects approximately \$14.7 million per year. This helped finance eligible portions of the recently completed Kansas Avenue infrastructure/streetscape improvements.

The Topeka/Shawnee County Small Business Incentive (administered by GO Topeka) – this is a matching incentive program that assists with employee development, equipment purchases, as well as construction and marketing.

- Small Business Construction and Renovation Incentive - This incentive includes up to half of expenses up to \$5,000 for the enhancement of an existing business or the construction of a new property.
- Marketing Incentive - This is a one-time \$750 per business incentive to help promote small businesses through advertising/marketing (website, newspaper, magazine, radio, television, banners, signs, etc.)

Community Development Financing Institutions (CDFI) – The Topeka/Shawnee County First Opportunity Fund provides loans to entrepreneurs, especially low-income entrepreneurs and other business owners who do not have access to conventional financing due to business stage or size, insufficient or flawed credit history, use of proceeds or type of business, and location of the business. The maximum loan amount is \$10,000.

#### *Downtown Topeka Events*

Downtown Topeka, Inc. produced 28 different events in 2016 with over 100,000 attendees, according to their annual report. The list of events below is not exhaustive, but provides a summary of major downtown events, as well as the First Friday Artwalk in NOTO.

**Table 12**  
**Downtown Topeka Events**

<b>January</b>	<b>February</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>
First Friday Artwalk	First Friday Artwalk	First Friday Artwalk  St. Patrick's Day Parade	First Friday Artwalk  Bridge2Bridge 5k	First Friday Artwalk	First Friday Artwalk  Tap That - A Capital City Brew Festival  Second Saturday Concert Series  Brown Bag Concerts (every Wednesday)  Movie on the Lawn
<b>July</b>	<b>August</b>	<b>September</b>	<b>October</b>	<b>November</b>	<b>December</b>
First Friday Artwalk  Freedom Festival  Second Saturday Concert Series  Brown Bag Concerts (every Wednesday)	First Friday Artwalk  Cruisin' the Capitol Car Show  Second Saturday Concert Series  Brown Bag Concerts (every Wednesday)	First Friday Artwalk  TouchATruck a Celebration of Labor  Second Saturday Concert Series  Brown Bag Concerts (every Wednesday)  Movie on the Lawn	First Friday Artwalk  Capital City Jazz and Food Truck Festival  BOO IT Downtown Candy Crawl	First Friday Artwalk  Tower & TOUGH Tower Runs  Topeka Veteran's Day Parade  Small Business Saturday  Miracle on Kansas Avenue Parade & Activities	First Friday Artwalk

### *Downtown Topeka Businesses*

There are an estimated 800 businesses in the business improvement district. The percentage mix of business types is unknown.

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## IV. RESIDENTIAL MARKET ANALYSIS

Today, the most successful downtowns are diverse in terms of what they offer. Communities have reimagined their downtowns as multi-use, multi-functional places that offer specialty retail shops, restaurants, art, entertainment, recreation, offices, loft apartments and condos. They also attract multiple generations. Downtowns are **no longer** the retail hubs they once were.

The most successful downtowns have reinvented themselves in order to stand out and appeal to various market segments. They often appeal to different markets at different times of the day, week and even year. It is important for downtown and the market segments it attracts, to remain varied, flexible, and diverse into the future. The case studies previously profiled highlighted the diversity of services that downtowns offer and the potential diverse market segments it attracts.

Interviews with various stakeholders in Garden City indicated a strong nostalgia for what downtown Garden City once was. However, in order to move into the future, the downtown strategy will need to evolve to mirror changing times. The following section is an analysis of the residential market followed by an analysis of the commercial market potentials appropriate for downtown.

The 2015 American Community Survey estimated a supply of over 9,600 housing units in Garden City, as seen in Table 13. The very low 2015 vacancy rate suggests a tightening of the housing supply relative to demand.

### 4.1 Residential Supply

**Table 13**  
**Garden City Housing Occupancies**

	-- 2000 --		-- 2010 --		-- 2015 [1] --	
	Number	%	Number	%	Number	%
Owner-Occupied	5,751	62%	5,495	61%	5,584	60%
Renter-Occupied	3,587	38%	3,576	39%	3,699	40%
Total Occupied	9,338	100%	9,071	100%	9,283	100%
Vacant	569	6%	585	6%	360	4%
Total	9,907		9,656		9,643	

Source: U.S. Census Bureau

[1] ACS 5-year estimates

The vacancy rate is well below the 5% “equilibrium” rate for housing, which is the minimum rate at which households and families can move with relative ease within a market. This suggests that new construction is not keeping pace with demand.

Just over 4% of the City’s housing stock or 413 residential units was constructed in the years 2010 through 2016, as seen in Table 14. About 75% of these were single-family units, which includes about 90 duplex units. The other 25% were multi-family units.

**Table 14**  
**Garden City Construction Activity (2010-2016)**

Year	Single Family Units [1]	Multi-Family Units	Annual Total
2010	11	10	21
2011	11	35	46
2012	21	3	24
2013	67	48	115
2014	26	9	35
2015	127	0	127
2016	45	0	45
<b>Total</b>	<b>308</b>	<b>105</b>	<b>413</b>

Source: Draft Finney County CHAT Update, May 2017

[1] includes duplexes and manufactured units

Such figures may appear to represent relatively robust construction activity over the past seven years, particularly because activity in 2013 and 2015 outperformed activity in the early 2000s. The reality is that this only represents about 59 units constructed per year on average, which is far lower than what is demanded based on population projections in the updated CHAT report.

Supply issues are evident not only based on the figures above, but because the number of home listings has been very low, which reinforces the notion that those looking for housing are lacking sufficient choice in the market.

A variety of issues contribute to the underproduction of housing, which include the following:

- The inability of many to satisfy credit and underwriting standards are placing them in the rental market.
- The cost of public improvements, high land prices, and construction costs in general are a barrier to private investment.
- The 2010 Census undercount, which showed a shrinking population, may have indicated to developers that the Garden City market is too risky for large capital outlays.

## **4.2 Residential Demand**

The Finney County CHAT Update (2017) estimates that 1,030 units would be needed in Garden City from 2017 to 2025, and an additional 612 from 2025 to 2030 in order to meet housing needs. In total, the estimated demand for residential housing units is 1,643, or about 117 per year, through 2030. This estimate assumes a compound annual population growth rate of 0.75%, accounts for recent construction activity, assumes an increase in the vacancy rate over time, and makes assumptions about household income in the future. The previous CHAT completed in 2014 estimated that 97 residential units would be needed per year from 2015 to 2024.

Based on a review of income distributions relative to housing affordability ranges in the updated CHAT report, there is a relative shortage of for sale units above \$150,000 and rental units from \$1,250+ per month. Given that new construction costs are likely more than \$130,000 per unit, meeting

higher end housing demand will likely be addressed by the market. The larger challenge is meeting demand for units in the lower price or rental tiers, which represents a large number of units through 2030.

### 4.3 Downtown Residential Demand

As has been the case for a number of years, downtown residential is doing well, albeit somewhat limited. The CHAT study acknowledges that the continuing high occupancy of the Warren Building and other more recent projects demonstrate the market for quality, market-rate rental housing in downtown. Because downtown residential can achieve rents in the \$1-\$1.25 per square foot range, with incentives and gap financing, these projects are self-sustaining. The Warren Building has 21 units ranging in size from 325 to 1,100 square feet.

According to the CHAT, downtown property managers are convinced that a substantial number of additional units can potentially be absorbed in the downtown market. According to the City, however, all of the potential residential units (on second floors and above) that can be gleaned from the existing downtown buildings have been converted. The challenge is identifying new locations for downtown residential.

### 4.4 Current Downtown Residential Characteristics

**Table 15**  
**Downtown Area Residential Household Characteristics**

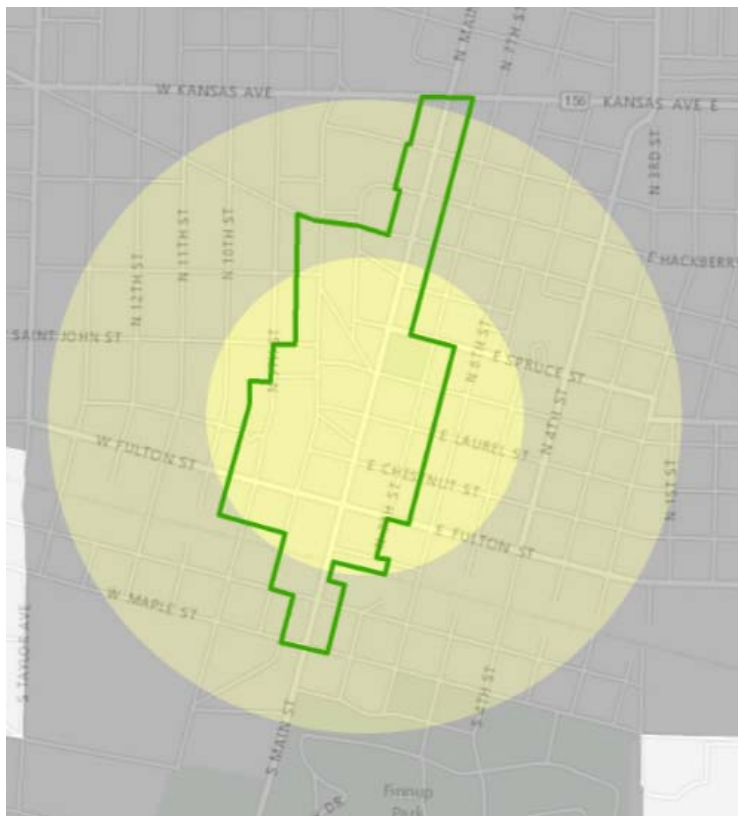
	Quarter Mile Radius	Half Mile Radius	Garden City
Persons	589	2,516	31,020
Households	137	587	10,750
Persons per Household	2.77	2.79	2.89
Educational Attainment			
High School Graduate or Higher (%)	66.6%	67.2%	71.3%
Bachelor's Degree or Higher (%)	12.8%	13.5%	18.7%
Housing Tenure			
Owner Occupied (%)	53.7%	53.7%	60.5%
Renter Occupied (%)	46.3%	46.3%	39.5%
Incomes			
Average Household Income	\$54,748	\$54,004	\$65,921
Median Household Income	\$42,134	\$41,487	\$49,033
Race/Ethnicity			
% of Population White	74.6%	74.1%	71.0%
% of Population Non-White	25.4%	25.9%	29.0%
% of Population Hispanic or Latino	61.7%	61.4%	49.7%

Source: Claritas, ArLand

Table 15 shows household characteristics of residents within a ¼ and ½ mile radius of the center of downtown (Main Street and Laurel). The population immediately adjacent to downtown is estimated to be just under 600 residents (1/4 mile radius). The area within a half mile radius of downtown has about 2,500 residents, or about 10% of the city's population. A map of the area covered is shown in Figure 11.

The population closer to downtown tends to have a higher percentage of Latino and Hispanic households, more likely to rent, have lower median household incomes than the City, and have smaller households than the rest of Garden City. Many live in the historic housing stock surrounding the downtown.

**Figure 11**  
**¼ and ½ Mile Radius from Downtown (Laurel and Main)**



Source: Claritas, ArLand

#### 4.5 Residential Summary

In general, the major housing issue in Garden City is that the private market is not constructing enough units to meet demand. Based on the need for 117 units per year on average through 2030, the market would need to double its average annual construction over the past seven years to meet estimated demand projections going forward. The CHAT notes the lack of Community Housing Development Organizations or nonprofit community development corporations in Finney County to assist in preventing deterioration of existing housing stock and to build new residences.

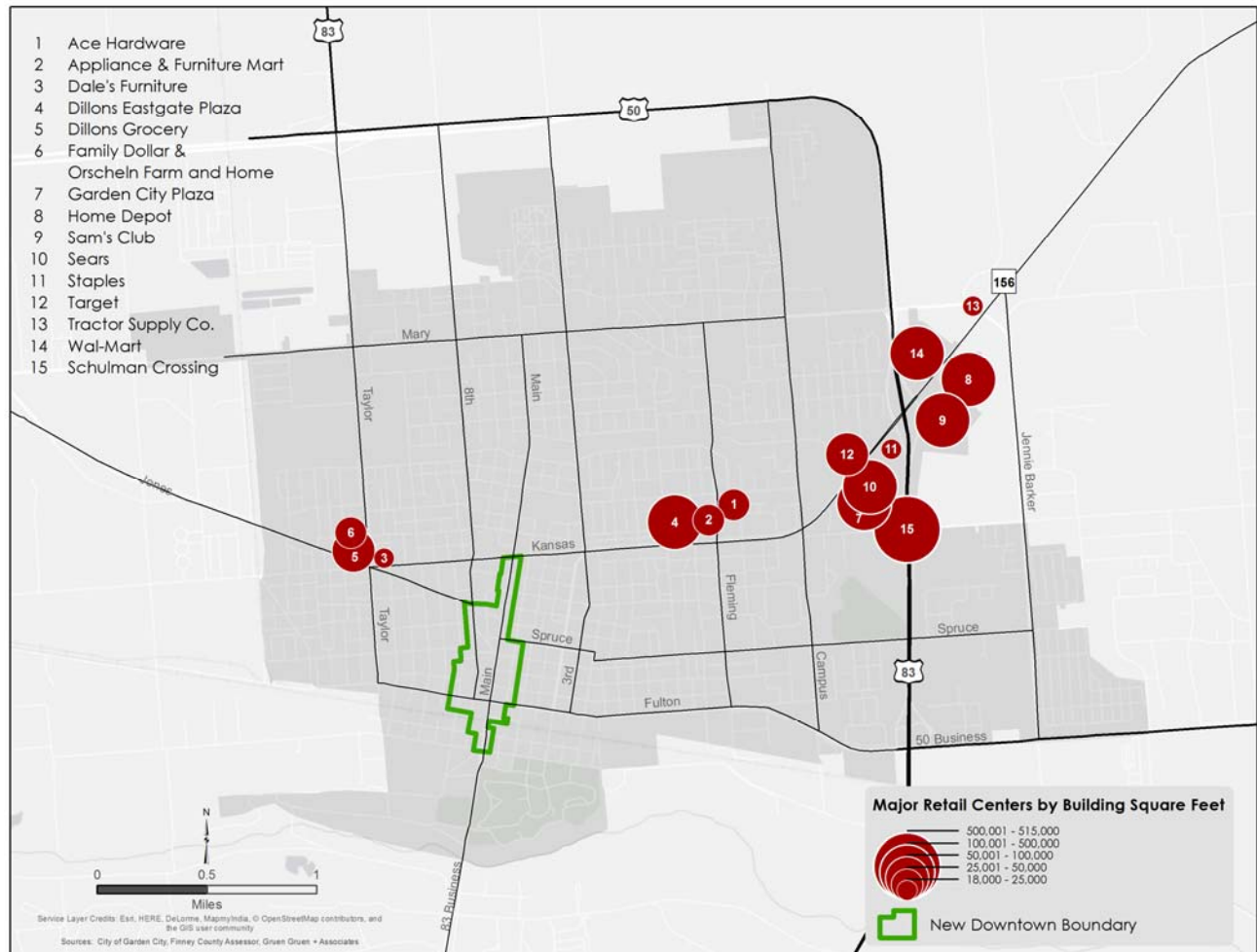
The CHAT has recommended that there be a continued focus on downtown, and on adaptive reuse and new construction around the Main Street core.

## V. COMMERCIAL MARKET ANALYSIS

### 5.1 Retail Supply

There is approximately 1.35 million square feet of major retail space in Garden City outside of downtown distributed as shown in Figure 12.

**Figure 12**  
**Major Retail Centers**



Source: City of Garden City, Gruen + Gruen, ArLand

Garden City has Wal-Mart, Target, Sam's Club, and Home Depot which brings in shoppers from outside of Garden City.

A relatively new retail addition to Garden City is Schulman Crossing, which is a 500,000 square feet retail hub located at the northeast corner of the U.S. Highway 83 Bypass and Schulman Avenue. The project brought in Menard's, Dick's, Hobby Lobby, TJ Maxx, Ross Dress for Less, Petco, ULTA, CATO Fashions, and Mattress Hub. There are restaurants, hotel and water park. All of this activity has helped solidify Garden City's broad Secondary Trade Area.

In the last five years, taxable retail sales in Garden City increased from \$396 million to \$486 million, an overall 20% increase in sales in categories shown in Table 16. The sporting goods category grew the most at 39.7% or at a consolidated average rate of 5.2% annually. The new Dick's Sporting Goods at Schulman Crossing was part of this increase. Health and personal care also grew by a substantial percentage. Food Service and Drinking Places grew by 12.1% on an average annual basis as did Building Materials and Garden Supplies.

**Table 16**  
**Taxable Sales in Garden City, 2012-2016**

	2012 Taxable Sales	2013 Taxable Sales	2014 Taxable Sales	2015 Taxable Sales	2016 Taxable Sales	2012-2016 CAGR
<i>Convenience Goods</i>						
Grocery Stores [1]	\$38,362,239	\$40,782,412	\$42,498,328	\$43,229,256	\$39,947,881	1.0%
Health & Personal Care Stores [1]	\$4,458,338	\$4,366,751	\$5,468,507	\$7,349,095	\$7,856,560	15.2%
<i>Shopper's Goods</i>						
General Merchandise Stores [1]	\$144,622,145	\$144,591,074	\$147,307,981	\$148,001,905	\$151,078,742	1.1%
Furniture & Home Furnishings Stores [1]	\$5,087,919	\$5,096,710	\$5,173,992	\$6,039,258	\$5,394,552	1.5%
Clothing and Clothing Accessories [1]	\$21,745,651	\$22,179,329	\$26,098,453	\$30,965,948	\$31,542,539	9.7%
Sport. Goods, Hobby, Book, & Music [2]	\$3,756,261	\$3,899,008	\$8,789,327	\$14,614,656	\$14,288,349	39.7%
Miscellaneous Store Retailers [2]	\$15,258,474	\$15,656,429	\$17,171,656	\$17,417,073	\$14,878,957	-0.6%
<i>Food Services &amp; Drinking Places</i>						
Food Service and Drinking Places [2]	\$36,703,382	\$49,617,039	\$53,996,648	\$56,874,627	\$58,012,485	12.1%
<i>Durable Goods</i>						
Motor Vehicles & Parts Dealers [2]	\$66,896,595	\$70,991,902	\$78,039,914	\$81,533,852	\$80,079,376	4.6%
Building Materials & Garden Supplies [1]	\$53,123,954	\$65,177,240	\$70,831,454	\$72,096,121	\$73,828,707	8.6%
Electronics & Appliance Stores [1]	\$6,945,251	\$9,527,683	\$9,231,503	\$8,895,497	\$9,129,607	7.1%
<b>Total</b>	<b>\$396,960,209</b>	<b>\$431,885,577</b>	<b>\$464,607,764</b>	<b>\$487,017,287</b>	<b>\$486,037,755</b>	<b>5.2%</b>

Source: Kansas Department of Revenue, ArLand

[1] estimates based on Garden City share of Finney County sales tax revenues

[2] actuals for Garden City

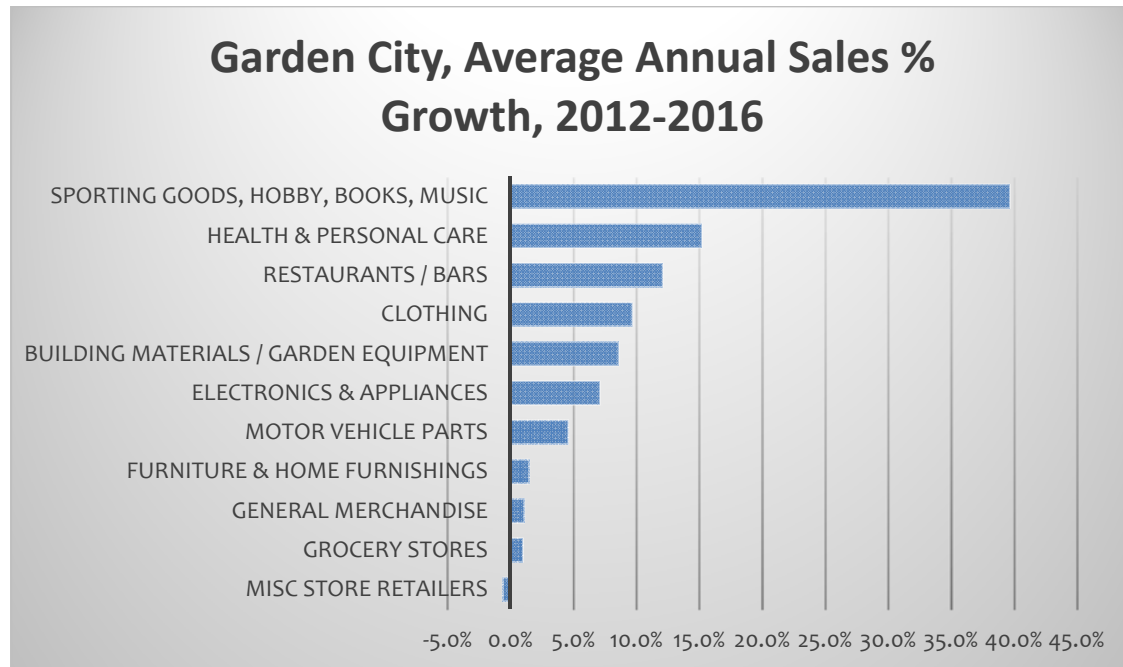
The most discernible increase is in those categories represented by new retail at Schulman Crossing.

Figure 13 shows the categories that have grown at the greatest rate in Garden City between 2012-2016 and then compares them to 2015-2016 trends in the US. While not a direct apples to apples comparison, it shows some interesting trends. Health and Personal Care is an area where growth is being seen both locally and nationally. Another interesting phenomenon is that sales at restaurant / bars in Garden City are greater than sales growth at grocery stores. In the US as a whole, this trend is also being seen.

While most categories are doing well in Garden City, the only category that didn't see growth is the Miscellaneous Retail category, which includes store types like gift shops, which are typically found in downtowns.



**Figure 13**  
**Garden City Annual Retail Sales Growth vs. the U.S., 2012-2016**



Source: City of Garden City, CBRE, ArLand

On a nationwide basis, the returning housing market is driving the sales of Building Materials and Garden Supplies, as well as Furniture and Furnishings. The greatest sales growth nationally is in e-commerce, which covers a wide number of categories. General merchandise and Electronic and Appliances are both categories which have seen recent decreases, due to the closing of department



stores, such as Sears. While there are stores that sell Electronics and Appliances, increasingly electronics sales are taking place over the internet.

While Garden City has seen increased sales, this hasn't resulted in greater synergy for downtown. If anything, the greater retail and restaurant offerings in other parts of the City have become even more compelling and attractive to out-of-town visitors.

## **5.2 Retail Demand**

In order to estimate retail potentials, we calculate an estimate of demand. Retail demand is calculated by:

- Estimating households and incomes in the trade area in order to derive the total household income potentially available for retail expenditures.
- Based on current expenditure patterns, calculating the income percentage spent in retail categories by residents within the trade area. This results in estimated dollar demand by retail category.
- By comparing estimated demand (both current and future) to Garden City sales by retail category, unmet retail demand is calculated by:
  - Subtracting supply from demand to obtain an estimate of unmet demand; and
  - Incorporating sales per square foot averages by retail category in order to estimate the approximate square footage of unmet retail demand.

Table 18 shows the estimated number of households in Garden City and indicates that approximately \$700 million of household incomes is generated currently in the City by Garden City households. In the Primary Trade Area, there is \$3.5 billion in household incomes. In the Secondary Trade Area (which also includes Garden City and the Primary Trade Area), there is \$5.4 billion in household incomes currently estimated. Incomes are conservatively forecast to grow based on forecast growth in population and households.

**Table 17**  
**Total Household Incomes in Garden City Trade Areas**

<b>Garden City</b>	<b>2017</b>	<b>2022</b>	<b>2027</b>	<b>10 Year Change</b>	<b>Average Annual Growth Rate</b>
Households	10,751	11,160	11,585	834	0.75%
Average Household Income	\$66,000	\$66,000	\$66,000		
Total Household Income (\$000s)	\$709,566	\$736,577	\$764,616		
<b>Primary Trade Area</b>	<b>2017</b>	<b>2022</b>	<b>2027</b>	<b>10 Year Change</b>	<b>Average Annual Growth Rate</b>
Households	51,688	52,145	52,593	905	0.17%
Average Household Income	\$68,000	\$68,000	\$68,000		
Total Household Income (\$000s)	\$3,514,784	\$3,545,877	\$3,576,330		
<b>Secondary Trade Area</b>	<b>2017</b>	<b>2022</b>	<b>2027</b>	<b>10 Year Change</b>	<b>Average Annual Growth Rate</b>
Households	78,872	79,608	80,197	1,325	0.17%
Average Household Income	\$68,000	\$68,000	\$68,000		
Total Household Income (\$000s)	\$5,363,296	\$5,413,361	\$5,453,402		

Source: ArLand, Claritas

**Table 18**  
**Garden City Retail Demand**

Category	% Retail Expenditures [1]	Demand (retail potential)	Est. Sales	Current Retail Void (\$)	Est. Sales / s.f. [2]	Current Retail Void (s.f.)	Additional Demand from Household Growth (s.f.) (Buildout)	Total Demand Buildout
<i>Convenience Goods</i>								
Grocery Stores, Specialty Foods, Beer	7.26%	\$51,488,969	\$39,947,881	\$11,541,088	\$450	25,647	0	25,647
Wine & Liquor								
Health & Personal Care Stores	3.11%	\$22,080,612	\$7,856,560	\$14,224,052	\$300	47,414	0	47,414
<i>Shopper's Goods</i>								
General Merchandise Stores	7.47%	\$53,003,965	\$151,078,742	(\$98,074,778)	\$450	--	0	--
Furniture & Home Furnishings Stores	1.01%	\$7,171,029	\$5,394,552	\$1,776,477	\$300	5,922	0	5,922
Clothing and Clothing Accessories	1.90%	\$13,463,111	\$31,542,539	(\$18,079,429)	\$300	--	0	--
Sport. Goods, Hobby, Book, & Music	1.05%	\$7,466,785	\$14,288,349	(\$6,821,564)	\$200	--	0	--
Miscellaneous Store Retailers	1.24%	\$8,774,699	\$14,878,957	(\$6,104,258)	\$200	--	0	--
<i>Food Services &amp; Drinking Places</i>								
Eating & Drinking Places	5.52%	\$39,192,948	\$58,012,485	(\$18,819,537)	\$350	--	0	--
<i>Durable Goods</i>								
Motor Vehicles & Parts Dealers	1.04%	\$7,402,690	\$80,079,376	(\$72,676,686)	\$300	--	0	--
Bldg Mater., Garden Equip. & Supply	5.07%	\$35,983,520	\$73,828,707	(\$37,845,187)	\$300	--	0	--
Electronics & Appliance Stores	0.98%	\$6,988,050	\$9,129,607	(\$2,141,557)	\$250	--	0	--
	<b>35.66%</b>	<b>\$253,016,378</b>	<b>\$486,037,755</b>	<b>(\$233,021,377)</b>		<b>78,982</b>	<b>0</b>	<b>78,982</b>

Source: Claritas, Census of Retail Trade for CO, ULI, ArLand, Gruen Gruen + Associates

[1] Demand percentages based on national and state averages

[2] National averages per Urban Land Institute, research and retailer interviews

Table 19 shows the retail demand model based on households and incomes in Garden City only. The demand column indicates the potential demand based on incomes and the percentage of incomes typically spent in these retail categories. In most categories, sales outpace demand, indicating the regional nature of retail sales in Garden City. The biggest category where there is an “inflow” of spending from outside of the Garden City area is the General Merchandise category which is typically represented by stores like Wal Mart and Target.

Locally, there is demand in the following categories:

- Grocery Stores, Specialty Foods, Beer, Wine and Liquor: 26,000 square feet
- Health and Personal Care: 47,000 square feet

The Building Materials and Garden Supply also generates significant dollars from outside of Garden City as does the Eating and Drinking Places category. It demonstrates that people come into the City, also, for Restaurants and Entertainment already.

The final column indicates the growth in demand over 10 years based on population and household growth. Based on the relatively low forecast growth rate, that number doesn’t grow in the next 10 years.

**Table 19**  
**Retail Demand in the Primary and Secondary Trade Areas**

Category	% Retail Expenditures [1]	Demand (retail potential)	Est. Sales	Current Retail Void (\$)	Est. Sales / s.f. [2]	Current Retail Void (s.f.)	Additional Demand from Household Growth (s.f.) (Buildout)	Total Demand Buildout
<i>Shopper's Goods</i>								
General Merchandise Stores	7.47%	\$151,124,412	\$151,078,742	\$45,669	\$450	101	0	101
Furniture & Home Furnishings Stores	1.01%	\$20,445,970	\$5,394,552	\$15,051,418	\$300	50,171	0	50,171
Clothing and Clothing Accessories	1.90%	\$38,385,896	\$31,542,539	\$6,843,356	\$300	22,811	0	22,811
Sport. Goods, Hobby, Book, & Music	1.05%	\$21,289,229	\$14,288,349	\$7,000,880	\$200	35,004	0	35,004
Miscellaneous Store Retailers	1.24%	\$25,018,340	\$14,878,957	\$10,139,383	\$200	50,697	0	50,697
<i>Food Services &amp; Drinking Places</i>								
Eating & Drinking Places	5.52%	\$111,746,570	\$58,012,485	\$53,734,085	\$350	153,526	0	153,526
<i>Durable Goods</i>								
Electronics & Appliance Stores	0.98%	\$19,924,263	\$9,129,607	\$10,794,657	\$250	43,179	0	43,179
		<b>\$387,934,680</b>	<b>\$284,325,231</b>	<b>\$103,609,448</b>		<b>355,388</b>	<b>0</b>	<b>355,388</b>

Source: Claritas, Census of Retail Trade for CO, ULI, ArLand, Gruen Gruen + Associates

[1] Demand percentages based on national and state averages

[2] National averages per Urban Land Institute, research and retailer interviews

Table 20 shows retail demand in the Primary and Secondary Trade Areas compared to estimated sales in Garden City, but only for those categories with regional demand characteristics. Building Materials have been deleted because the store types are exemplified by Home Depot and Menards which are large box stores. It shows that General Merchandise demand and supply at relative equilibrium. It shows available demand for the following categories:

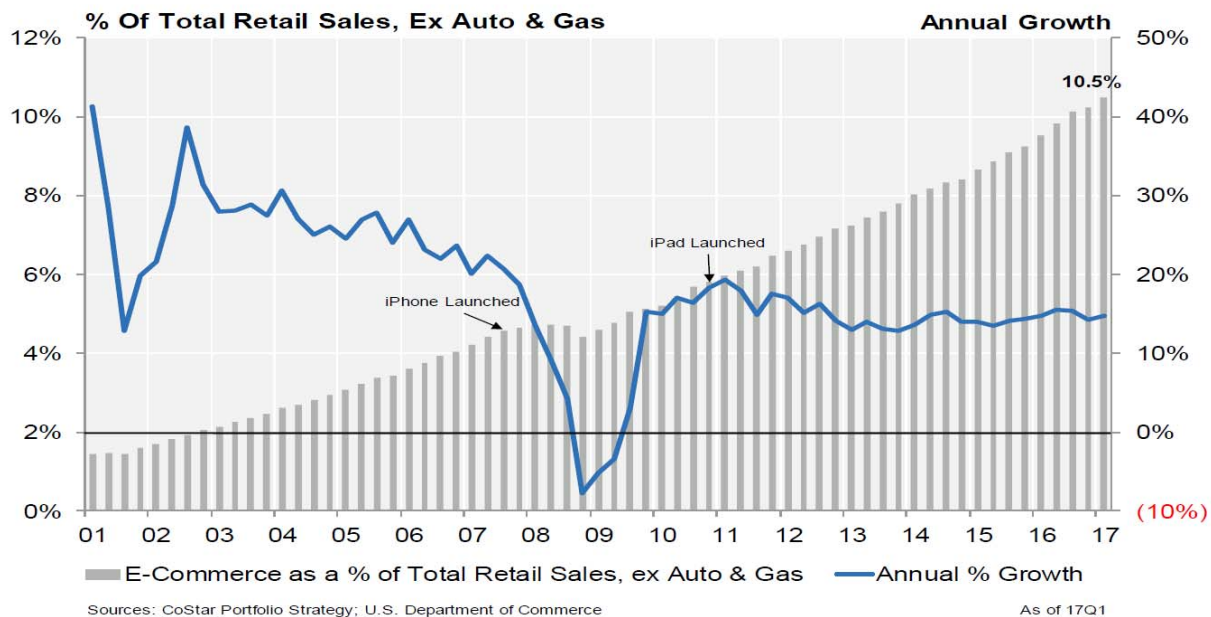
- Eating and Drinking Places: 154,000 square feet
- Electronics and Appliances: 43,000 square feet
- Miscellaneous: 51,000 square feet
- Furniture and Home Furnishings: 50,000 square feet
- Sporting Goods, Hobby: 35,000 square feet
- Clothing and Accessories: 23,000 square feet

Downtown can potentially help fill a portion of this demand, although the following caveats apply. The demand for electronics and appliances is more typically met at larger box stores. The local independent sporting goods store recently closed in downtown. The Dick's Sporting Goods at Schulman Crossing is a popular draw. While TJ Maxx and Ross at Schulman Crossing are both very competitive and popular clothing retailers for both women and men, there is reportedly a local women's clothing shop which relocated to Schulman Crossing from downtown and would like to come back downtown. Niche clothing stores, such as bridal boutiques, are also possibilities for downtown.

The internet is also increasingly a source of competition for both everyday and unique items. Retail is increasingly challenging in today's environment, because of nationwide trends including the

increased ease and popularity of e-commerce. It is estimated that 10.5% of all retail sales nationally take place via the internet and this percentage continues to increase. Restaurant spending is displacing retail spending as patrons desire “experiences” rather than “things”

**Figure 14**  
**E Commerce as a Percentage of Total Retail Sales**



Source: CoStar

E-commerce is growing. Downtown should refocus its efforts on uses that require a trip to the store or provide an “experience”. The popularity of experiential retail is increasing rapidly and includes categories such as dining, spas, fitness, services, and products that require a trip to the store such as furniture and home furnishing stores. Focusing on these types of uses is essential to creating an attractive tenant mix in the downtown area.

Downtown Garden City is already seeing this trend manifesting itself. Fitness services, pet services, juice bars, and a coffee shop (as of July 2017) have expressed a strong desire to be in a Downtown setting. Eating and drinking (restaurants and the like) are also very interested in a downtown location.

Retail and restaurant uses should reflect the lifestyle and shopping habits of the community. Garden City is transitioning. One of the most important economic considerations for downtown is the demographics of the area.

### 5.3 Hispanic Household Spending

A growing demographic group is the Hispanic households. In the quarter and half mile radius around Garden City, Hispanic households represent over 60% of the population. On average, household incomes may be lower than the larger population. On a national basis, however, these households spend a higher portion of their income on food, both at home and away from home, apparel, and personal care products and services.

**Table 20**  
**Hispanic Household Spending**

	<b>Hispanic or Latino Spending</b>	<b>Not Hispanic or Latino</b>
Consumer Unit		
Income before Taxes	\$54,746	\$71,855
Food at home	7.6%	5.6%
Food away from home	5.0%	4.2%
Alcoholic Beverages	0.6%	0.8%
Apparel and Services	3.7%	2.5%
Entertainment	3.2%	4.2%
Personal Care Products and Services	1.1%	1.0%

Source: BLS, ArLand

Table 20 shows average Hispanic household spending based on recent Bureau of Labor Statistics spending nationwide. The downtown market has already responded to this demographic trend. 8<sup>th</sup> Street has already seen a cluster of Hispanic stores at the edge of downtown.

#### **5.4 Retail Recommendations**

The popularity of experiential retail is increasing rapidly and includes such categories as dining, spas, fitness, services, and products that require a trip to the store such as furniture and home furnishing stores. Focusing on these types of uses is essential to creating an attractive tenant mix in the downtown area. The current tenant mix in downtown is shown in Table 22.

**Table 21**  
**Downtown Garden City Tenant Mix**

---

<b>Places to Eat/Drink</b>
Garcia Restaurant
La Espiga Bakery Inc.
Las Margaritas
Loving's Cakes
Ninja Steak & Sushi
Panaderia Alexis
Papa John's Pizza
Patrick Dugan's Coffee House
Traditions Soda & Sandwich Shop

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<b>Places to Shop</b>
Antique & Comic Shoppe
B&J's Collectibles
Botas Chihuahua
Brown's Shoe Fit
Chino's Fashions
Coleen's Trophies, Awards & Gifts
Davis Designs Home Décor Boutique
Escape the Clock
Family Bookhouse
Fashion Girl's Boutique
Gipson Diamond Jewelers
Harvest Pantry

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<b>Services</b>
A&A Body Shop
A-1 Locksmithing
Adams Real Estate
AJ Graphics
Allstate Insurance
American Family Insurance - Neil Hawley

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<b>Places to Shop</b>
Janet Doll Goldsmith
Kep's Menswear
Linenberger Jewelry
Little Britches/Moodz
Lorie's Alterations & Boutique
Lucy's Fashions
Mi Ilusion
Porter's
Regan Jewelers
RT's Sporting Goods
Stage ( <i>department store</i> )
The Bike Rack
The Corner on Main
The Good Sport

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<b>Services</b>
April Harmon Photography
Big Brothers/Big Sisters
Bors Law
Carizma Salon & Boutique
Catholic Social Services
Church of the Brethren

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**Services**

Classy Looks "The Modern Wig Boutique"  
Cliff's Barber Shop  
Coldwell Banker  
Commerce Bank  
Craig & Gaede Law Office Inc.  
Dean K. Ryan, Attorney at Law  
Doering & Grissell, PA  
Don Eves Individual/Family Therapy  
Edge Salon  
Emmy's Salon  
Exclusive Barber Shop & Spa  
Family Crisis Center  
Fansher Inc.  
Farm Bureau Financial Services  
Farmers Insurance - Rodrigo Ruvalcaba  
Finney County Economic Development Corp.  
Finney County Farm Bureau Association  
First Christian Church  
First National Bank  
G. Robertson Photography  
Garden City Arts  
Garden City Downtown Vision  
Garden City Monument Co.  
Garden Spot Rentals  
Garnand Funeral Home  
Generations Salon  
Gerber Commodities, LLC  
Girl Scouts of Kansas  
GMCN Architects  
Grant County Medical Services  
High Plains Public Radio  
Home Medical Services  
Ideal Weight Loss Center  
Illusions Salon  
Jackson Hewitt  
Juaritos Tire Shop  
Kansas Works  
KFSA Rutter/Cline/Associates

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**Services**

King's Portrait Studio  
Kinney Glass  
Knights of Columbus  
KOC at Sandhill  
L&L Floorcovering  
Ladd Welding & Machine Service  
Landmark National Bank  
Landson & Company, LLC  
Legends Salon  
Lopez Insurance - Mario Lopez  
Luxe Salon  
Main Street Salon & Spa  
Martial's Kenpo Karate  
MJ's Barber Shop  
Nstyle Salon  
Occupational Health Services  
Omega Internet Services  
Pete's Tires  
Plaza Medical  
Plaza Pharmacy  
Price & Sons Funeral Home  
Prick the Skin Body Piercing & Tattoo  
Pro-Tek Dent and Windshield Repair  
Prudential Financial / Insurance –  
Richard McNaugle  
Regan & Co. Real Estate  
RJ's Plumbing  
Robinson Alignment  
Rocking M Radio  
Roth Glass  
Rybak's Barber Shop  
Shear Style  
Sore Spot Massage Therapy  
St. Catherine Hospital  
St. Thomas Episcopal Church  
State Farm Insurance - Cynthia Warden  
Stenographic Services Inc.  
Streeter Cleaners



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**Services**

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Tammy & Company Salon

The Architect

The Bottom Line (Appraisals)

The Finnup Foundation

The Garden City Telegram

The Hot Spot

The Paraclete Group

The Room (salon)

The Salvation Army Thrift Shop

The Tinker Shop

Unger's Heating & Air Conditioning

United Capital Management

Weber Refrigeration Heating & Air

Wells Fargo Advisors

Western KS Community Foundation

Western State Bank

Womens Clinic

Xtreme Tanning

The strongest future demand for Downtown is in the Eating and Drinking category. Other categories showing demand on a regional basis include:

- Eating and Drinking:
- Miscellaneous Retail (Used merchandise, gift shops, florists, etc.)
- Furniture and Home Furnishings (Antiques)
- Electronics and Appliances
- Sporting Goods, Hobby
- Clothing and Accessories

There is local demand for:

- Groceries. In the downtown area, given the demographics of the surrounding area, any grocery store would need to stock items geared to Hispanic households and have price points appropriate for the local population
- Health and Personal Care.

## **5.5 Office**

There are at least 600 employees in the downtown area working in the city and county buildings. Downtown also includes banks, insurance, real estate and other office uses. Stakeholder interviews indicate that downtown is no longer the business draw it once was with service businesses preferring a Kansas Avenue location. At the same time, there are few businesses that like the downtown atmosphere and occupy about 1,500 square feet of downtown office space.

Office space provides daytime employment and activity. There is also a concern and desire that office uses occupy “noncore” areas of downtown. Side streets and other locations are preferable for these uses which is a relatively low percentage of total commercial space in downtown.

## VI. DOWNTOWN RECOMMENDATIONS

Downtown Garden City will never be, as most American downtowns, the retail center it once was. Many communities are reimagining their downtowns as multi-use, multi-functional places that offer specialty retail, shops, restaurants, art, entertainment, recreation, offices, loft apartments and condos and attract multiple generations.

Downtown has always been the City and region's "Civic Center". Broadening its brand to become more multi-use and multi-functional will enable it to serve the region for years to come.

### **Focus on Restaurants and Multifunctional Uses for Downtown Garden City**

Currently, there are a small handful of restaurants in the heart of downtown Garden City including Traditions, Las Margaritas, and Sushi Ninja. Patrick Dugan's is a popular coffee shop. There has long been talk of a microbrewery restaurant in Downtown, which could be very popular. Sushi Ninja opened in Garden City when it noticed that its original Dodge City restaurant was attracting Garden City patrons. Garden City also has a few food trucks. When comparing the tenant mix of downtown Garden City to other downtowns, it is obvious that eating and drinking venues as a percentage of total businesses is much lower than in the other comparable communities.

Unique culinary options would greatly enhance downtown's draw. While competition may be a concern to local restaurants, expanding the number of restaurant options would help brand the downtown as a restaurant destination. There are at least 600 employees in the downtown area daily who help provide daytime support for restaurants. Reaching out to locally owned successful restaurants in communities like Hays, Pueblo, and even Dodge City, for a restaurant expansion would help keep the locally owned flavor, yet entice experienced restauranteurs to the area.

Restaurant uses require convenient parking. A parking strategy in combination with an outreach / incentive restaurant strategy would be helpful to attracting restaurants.

### **Expand Nightlife**

With the exception of a few restaurants, downtown doesn't have much of a nightlife. Examples of store types that could help with this issue and help fulfill demand would include taverns, coffee shops, small music venues, comedy clubs, quick serve restaurants, organic restaurants, game stops, "cool" secondhand fashion stores, anything electronic. Many of these business types tend to stay open later in the evening

### **Continue and Enhance Downtown Vision Events**

Downtown Vision hosts a number of downtown events and activities which include the following:

- First Friday Events- The first Friday of every month
- Winter Sidewalk Sale- February
- Adult Easter Egg Hunt- March or April
- Summer Sidewalk Sale & Watermelon Feed- August
- Banner Art Walk- August
- Fall Fest- September
- Banner Art Auction- November
- Holiday Open House- November

- Small Business Saturday- November
- Downtown Christmas Parade- December

The number of events in downtown are similar to other downtown organizations and serve a purpose of broadening downtown's appeal to a wide ranging number of people. One of the goals of these events should be to serve different groups of people, perhaps at different times of the year to help address merchants' concerns about events not benefitting them. A couple of the case study communities hold weekly events during the summer.

### **Broaden the Downtown Market by Also Focusing Closer to Home**

Stakeholder interviews indicate that many of the downtown merchants focus on the regional trade area outside of Garden City which tends to be older and wealthier. While marketing to the regional area remains important, population and household forecasts indicate that the population in the City of Garden City is slated to grow at a slightly faster rate than the broader regional area, is younger and more diverse. Focusing on the younger and more diverse demographic in retail / restaurant offerings, special events, etc. can help broaden downtown's appeal. There has been a stated desire for a grocery store in the downtown area. Given the demographics of the immediately surrounding area and the local nature of grocery shopping, there would be the need to stock items geared for the Hispanic community.

### **Expand the Ideal Tenant Mix**

There is a strong desire for "retail", somewhat akin to what has been offered in downtown in the past. Retail has changed along with shopping habits and uses in the past are no longer relevant. Expanding the definition of the ideal tenant to include services such as fitness, pets, personal care should be considered. Many successful downtowns "curate" their tenants in cooperation with property owners, in order to ensure that there is an ideal mix of retail, restaurant, and services. Also, over time, given more traffic and activity in the downtown area, the more "niche" businesses such as the boutique retail have a better chance of surviving.

While downtown can accommodate a mix of uses, focusing active retail and restaurant uses near Laurel and Main (in the center / heart of downtown) would help maintain Main Street as downtown's center.

### **Refocus Redevelopment Efforts on the Windsor Hotel and the State Theater**

The Windsor Hotel is an especially prominent building within the Downtown. While there are ongoing efforts to rehabilitate the building, these efforts are slow because the costs of renovation are so high. There have also been discussions about reusing the upper floors as hotel rooms or for residential uses. Given the current nature of business in downtown Garden City, there is no market for a downtown hotel at this point in time. However, at a minimum, rehabbing the ground floor or reactivating its ground floor use would help activate this section of downtown and eliminate the perception of a stagnating downtown at the gateway to the Downtown area.

### **Expand Downtown Residential**

While the number of second story units in the downtown area may not significantly expand because all of those units that can be rehabbed have already been completed, exploring options to enhance and expand residential at the edges of downtown should be explored. As the CHAT mentioned, there is a huge housing need and some of this demand could be met with downtown area housing. Working in conjunction with the Housing Authority, potential nonprofit organizations, developers

who have been successful in other Kansas towns, and identifying potential locations for housing development could not only fulfill a housing need but help to support downtown. There is a residential neighborhood adjoining downtown Garden City with attractive and historic housing stock. Rehabilitation programs focused on these neighborhoods would help bolster demand for downtown services. Downtown Garden City recently expanded its boundary area to locations where additional housing could be accommodated.

### **Reexamine Incentive Programs**

There are a few programs which potentially should be reexamined.

- *Business Improvement District:* Downtown stakeholders have mentioned potential support for a Downtown Business Improvement District to raise money for all types of downtown related purposes. This should be further explored.
- *Incentive Programs:* Focus available funding on areas that the City Commission with Downtown Vision Board input agree on. For instance, if it's a goal to bring in restaurants / nightlife, consideration should be given to developing or redirecting programs to specifically accomplish that goal.

### **Reexamine Basics**

Basic issues such as store hours, customer service, parking, internet presence, the street environment all need to be addressed over and over again in many downtowns and should be emphasized with downtown merchants and the Downtown Vision board.

Because the wider trade area is so important to Garden City, consideration should be given to updating the license plate survey which surveys cars in parking lots of major regional shopping destinations such as Wal Mart, Home Depot, and Schulman Crossing. It was last updated in 2011. Regular updates (at a minimum, every 5 years) would be recommended to help inform direct mailing and other marketing and advertising efforts for downtown services and activities.



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Jennifer Cunningham, Assistant City Manager  
**DATE:** August 15, 2017  
**RE:** Golf Professional Agreement

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### **ISSUE:**

The Governing Body is asked to consider and approve a Golf Professional Agreement between the City of Garden City and Jason Hase.

### **BACKGROUND:**

Since the presentation of the Golf Professional Profile to the Commission on May 2, 2017 staff has completed the search. After running the profile for 30 days we received 13 applicants. Those 13 applicants were narrowed to 8 by a resume review committee. Those 8 applicants were given phone interviews by a panel interview committee of six.

The top four candidates were chosen to participate in an Assessment Center that took place here in Garden City on July 11-13th.

Staff received a high quantity of quality feedback from the community, staff and members of Buffalo Dunes. There was great participation from everyone and staff considered every piece of feedback we received. Staff made a conditional offer to Jason Hase from San Angelo Country Club in San Angelo, Texas. He brings a wealth of knowledge and desire to grow golf in our community and help mentor our staff.

City Attorney Grisell has put together the attached Golf Professional Agreement for your review. It has previously been approved and signed by Jason Hase.

### **ALTERNATIVES:**

1. Approve the Golf Professional Agreement.
2. Deny the Golf Professional Agreement and give staff direction on changes.

### **RECOMMENDATION:**

Staff recommends approving the Golf Professional Agreement.

### **FISCAL NOTE:**

The amounts included in the agreement are within the approved amount for the 2017 Budget and the projected Budget for 2018.

### **ATTACHMENTS:**

Description	Upload Date	Type
Golf Professional Agreement	8/8/2017	Backup Material



**AGREEMENT FOR GOLF PROFESSIONAL SERVICES  
BUFFALO DUNES GOLF COURSE**

THIS AGREEMENT FOR GOLF PROFESSIONAL SERVICES – BUFFALO DUNES GOLF COURSE (Agreement), made and entered into this 15th day of August, 2017, by and between the CITY OF GARDEN CITY, KANSAS, a municipal corporation (City), and JASON D. HASE (Hase).

WITNESSETH:

WHEREAS, the City is the owner of Buffalo Dunes Golf Course (golf course); and

WHEREAS, the City recognizes the advisability of securing competent professional management to assure optimum financial return from operation of the golf course and to secure for the public the availability of a first class recreational facility; and

WHEREAS, Hase is a PGA Class A golf professional of recognized ability who is capable of furnishing professional services to the patrons of the golf course and is competent in the area of business management required for the successful operation of the golf course.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the parties agree as follows:

1. Golf Professional. The City shall employ Hase as golf professional, and as an employee of the City, to manage and operate the golf course, as specified herein. Hase will begin employment with the City as a Grade 15 employee, with annual compensation of Seventy Thousand Dollars (\$70,000.00), and all benefits afforded other City employees. Hase shall be paid the specified compensation, in bi-weekly installments. As a City employee, Hase shall be subject to all City personnel policies and procedures. Notwithstanding any term specified in this Agreement, Hase shall be considered an "At-Will" employee. This Agreement should not be considered an employment contract requiring the City to employ Hase for any designated length of time, nor is Hase bound to be a City employee for any designated period of time.

2. Term. The term of this Agreement shall be for a period of one (1) year, commencing on September 1, 2017, and ending on August 31, 2018. This Agreement shall automatically renew each year thereafter, for an annual term, unless either party gives written notice to the other party of intent to terminate this Agreement, not less than sixty (60) days prior to the end of the original or any renewal term. The effective date of this Agreement shall be September 1, 2017, regardless of the date it is actually signed and approved by the parties.

3. Use of Clubhouse. During the term of this Agreement, Hase shall use and occupy the golf course clubhouse (clubhouse) and shall supply for retail sale to members of the public, golf clubs, equipment, clothing, shoes, and all other appropriate items consistent with the operation of a well-stocked golf course pro shop. Hase may also use the clubhouse in the renting, repairing, and storage of golf equipment. Any accounts maintained by Hase for purchase of pro shop merchandise, shall be solely in the name of Hase, and the City shall not be named as a responsible party or a guarantor on any such account.

4. Duties of Hase. The parties agree that the duties and responsibilities of Hase shall include, but not be limited to, the following:

- (a) Supervise and manage City clubhouse employees, and, in conjunction with the Golf Course Superintendent, supervise and manage the clubhouse and all activities to be scheduled therein, and provide to the public all professional services which are consonant with Hase's training and with those rendered and provided by golf professionals working at a well maintained and operated golf course. Hase may furnish golf instruction to members of the public at the golf course. Fees for golf instruction shall be established by Hase and shall be fair and reasonable for the regional market.



- (b) Manage, supervise, and market the practice driving range area and indoor practice facility at the golf course. The City shall provide balls and all necessary equipment needed in the operation of the practice driving range, and indoor practice facility, and be responsible for picking up range balls on the practice driving range.
- (c) Promote, schedule, and offer golf carts for use on the golf course. All golf carts shall be owned by the City and the City shall be responsible for all maintenance expenses, insurance, and property taxes, if any, for the golf carts. In addition, Hase shall order and schedule any additional golf carts that may be necessary to meet the needs of large tournaments. The City shall be responsible for the expense of any additional golf carts required.
- (d) Assist in collecting greens fees and annual memberships, and from private golf cart owners, golf cart trail user fees, the amounts of which shall be determined by the City. Hase shall assist in the keeping of proper records for all greens fees, annual memberships, golf cart rental, practice driving range balls, indoor practice facility usage fees, and golf cart trail user fees sold, subject to review at all times by the City. Hase shall maintain separate records for operation of his pro shop business and golf professional services and actions, from those maintained for the City.
- (e) Develop, promote and conduct a successful junior golf program.
- (f) Promote, manage, and assist with golf tournaments at the golf course, in cooperation with individuals or businesses, and charitable and public institutions desiring to hold golf tournaments at the golf course.

5. PGA Dues, Conferences and Seminars. The City shall be responsible for the payment of all national, sectional and state PGA dues for Hase. The City shall pay for Hase to annually attend state PGA training and other conferences or seminars, as allowed by the City's budget. The City shall pay for Hase to attend a national PGA training or other conference or seminar once every two (2) years, as provided for in the City's annual budget.

6. Range Balls. Hase shall be entitled to offer and provide range balls, for use during golf lessons, junior golf sessions/lessons, and promotion, marketing, and sale of golf equipment, at no cost to Hase or those using the range balls.

7. Personnel. The City shall employ all personnel deemed necessary by the City to assist Hase in the management and operation of the clubhouse and golf course.

8. Alterations. Hase shall make no structural changes or alterations, or install any permanent fixtures or equipment in the clubhouse without first obtaining the written consent of the City.

9. Advertising. Hase shall display no advertising outside the clubhouse, except as may be approved by the City.

10. Equipment. Hase shall have access to and use of all equipment owned by the City and installed in the clubhouse that would reasonably be associated with activities of a golf professional. Hase shall assist the City's Concessions Manager and Golf Course Superintendent on the proper use and care of City owned, vendor supplied and personally owned equipment, furniture, fixtures, and appliances located in the clubhouse and at the golf course, which are provided for the use and convenience of the public or the golf professional. The parties to this Agreement shall make an inventory of all equipment, furniture, fixtures, and appliances by ownership category, annually on or before February 1st of each year during the term of this Agreement.

11. Conformance with Rules, Regulations, and Laws. Hase shall manage the clubhouse in conformity with all ordinances of the City of Garden City, Kansas, and laws of the State of Kansas and of the United States. Hase shall enforce all rules and regulations adopted and promulgated by the City governing public use of the golf course. Hase shall consult and cooperate with members of the City Golf Advisory Board. The City shall maintain supervision and control of all golf course facilities and the management thereof, including advertising, displays, clubhouse personnel, prices, items, and character and quality of goods offered for sale at the golf course, and the maintenance, cleanliness, and condition of all clubhouse structures and grounds.

12. Alcoholic Beverages. Other than as specifically allowed by City ordinance or state statute, Hase shall not permit alcoholic liquors or cereal malt beverages to be kept or consumed on the golf course or in the clubhouse. Cereal malt beverages purchased or provided at the clubhouse may be consumed on the golf course or in the clubhouse as allowed by City ordinance. Hase shall not permit any members of the public to possess or consume at the golf course, cereal malt beverages or alcoholic liquors that have not been purchased in the clubhouse, on the golf course, or provided in conjunction with a tournament or event.

13. Utilities. The City shall furnish for Hase's use in the management and operation of the clubhouse, a reasonable quantity of water, natural gas, and electricity without cost to Hase. The City also agrees to provide local telephone service in the clubhouse and to furnish a building security alarm system for use by Hase. The City shall be responsible for all credit card transaction fees. The City shall furnish an Active Golf Point of Sale or similar system, to include, at the discretion of the City, two systems, and software and hardware system support and maintenance. The City shall also provide a computer to allow Hase to satisfy his responsibilities as a supervisor and employee under the personnel policies and procedures of the City.

14. Insurance. The City shall have no responsibility for any equipment, inventory or other personal property owned and brought upon the golf course or placed in the clubhouse by Hase due to any loss from fire, damage, or theft. Hase shall be responsible for insuring his equipment, inventory and other personal property.

15. Golf Course Income. Revenues from the operation of the golf course and clubhouse, subject to Paragraph 16, shall be paid or retained as follows:

- (a) All revenues received by Hase from the sale of green fees and annual memberships, club storage, cart rental, golf cart trail user fees, practice driving range, indoor practice facility usage, and rental of the clubhouse, subject to (d) below, shall be collected by Hase and paid to the City on a weekly basis. All revenues so collected and paid shall be retained by the City. Hase shall calculate, collect, and deposit the capital improvement fee included within the green fees and membership rates as set forth in Resolution No. 1488 of the City.
- (b) With the exception of the current merchandise in the golf course pro shop owned by the City, all revenues from the operation of the golf course pro shop, being more specifically defined as the sale of balls, golf clubs and equipment, club repair, golf clothing, shoes, and other apparel items, and other golf-related merchandise, shall be retained by Hase. These revenues shall flow through the City's accounting system and they shall be reimbursed to Hase on the 10<sup>th</sup> and 25<sup>th</sup> of each month. Hase shall be responsible for remitting to the State of Kansas, the sales tax collected from these revenues.

- (i) The City shall complete an inventory of all City owned merchandise in the golf course pro shop as of September 1, 2017. Proceeds from the sale of City owned merchandise from and after September 1, 2017, shall be distributed as follows: 30% to Hase and 70% to the City, with 30% of the City's share to be paid to the interim golf professional, pursuant to a previous agreement.
  - (ii) Hase shall have all accounts for golf-related merchandise set up in his individual name, or in the name of a business entity authorized to do business in the State of Kansas, on or before November 1, 2017.
  - (c) All revenues derived from sale of concessions/snack bar items such as cold drinks, candy, food items, cereal malt beverages, and packaged/unpackaged food products, shall be retained by the City.
  - (d) All revenues derived from golf instruction, fees for participation in junior golf programs, and fees collected for supervision of use of the indoor practice facility in excess of the normal rate charged for its use (for example, \$10 per hour for members and \$20 per hour for non-members), shall be retained by Hase.
  - (e) Credit card fees related to revenues to be paid to the City will be paid by the City. Credit card fees related to revenues to be paid to Hase will be paid by Hase.
16. Incentive Payments. In addition to the compensation paid to Hase in Paragraph 1, the City shall also pay to Hase the following:
- (a) Cart rental and trail fee revenues – 25% of any annual revenue in excess of \$110,000. The annual term shall be January 1 to December 31. The payment shall be made to Hase on or before March 1 of each subsequent year following an audit of cart rental and trail fee records by the City's auditors.
  - (b) Memberships – The City shall pay Hase \$20.00 for each new or renewal Buffalo Dunes membership. The payments shall be made on a monthly basis.
17. Merchandise Credits. Hase agrees that credits shall be required to be used during the calendar year in which they are acquired, or during a shorter period of time, pursuant to policy adopted by Hase and the City Golf Advisory Board, and publicized at the golf course and to participants in tournaments.
18. Activities as Professional. Hase is encouraged to foster positive public relations by participating in rounds of golf with golf course patrons. Subject to Paragraph 5, Hase shall be entitled to attend all PGA meetings and tournaments, which are necessary for the retention of his certification as a PGA Class A golf professional. Hase may participate in golf tournaments as long as such participation does not materially interfere with Hase's duties and responsibilities as a City employee.
19. Evaluations. Hase shall be evaluated in conformity with City personnel policies and procedures.
20. Default. If any default or breach is made in the performance of or compliance with any term or condition of this Agreement by Hase, this Agreement, at the option of the City, may be terminated and the City may re-enter the premises and remove all persons and property therefrom at the sole expense of Hase. Hase shall be given thirty (30) days written notice of any default or breach, and termination of this Agreement shall not result if, within thirty (30) days of receipt of the notice, Hase has corrected a default or breach or, in the opinion of the City, has taken action reasonably likely to correct the default or breach within a reasonable period of time.

21. Termination. Notwithstanding the term of this Agreement established pursuant to Paragraph 2, either party may terminate this Agreement, for any reason, by giving the other party written notice of not less than sixty (60) days. If Hase is terminated as an employee of the City, this Agreement shall terminate as of the last day Hase is a City employee.

22. Acquisition of Logo Items. Upon expiration or termination of this Agreement, the City agrees to purchase from Hase all items of merchandise bearing a Buffalo Dunes logo, located in the clubhouse and owned by Hase, at the cost paid by Hase to acquire the merchandise.

23. Surrender. Upon expiration or termination of this Agreement, Hase agrees to vacate and surrender the clubhouse and golf course premises, to remove his personal property therefrom, and to deliver possession of the same to the City, in as good condition as the premises are in at time of execution of this Agreement, subject to normal wear and tear.

24. Debts/Liens/Taxes. The City shall not be responsible for any debts or obligations of Hase. Hase shall not encumber any City real or personal property with any lien, security interest, or other obligation during the term of this Agreement. Hase shall be responsible for, and timely pay, all income tax, sales tax, and other lawful assessments or fees associated with and related to the operation of his pro shop business and golf professional activities and services. Hase shall indemnify the City against any claim made by a vendor, creditor or governmental or regulatory entity for any debt or obligation owed by Hase.

25. Nonappropriation of Funds. In the event sufficient funds shall not be appropriated by the City for the payments and obligations required under the terms and conditions of this Agreement, the City may terminate this Agreement pursuant to the notice requirements set forth herein. This Agreement is subject to the terms and provisions of the Cash Basis Law, K.S.A. 10-1101 et seq., and the Kansas Budget Law, K.S.A. 79-2925 et seq.

26. Discrimination. Hase shall not discriminate or permit discrimination against any persons or groups of persons in the use or occupancy of the golf course or clubhouse, or in the employment of any individual, on the grounds of race, color, sex, sexual orientation, age, religion, disability, or national origin.

27. General Covenants.

- (a) All notices which are required or which may be given hereunder shall be considered as properly given if delivered in writing, personally, or sent by certified mail, postage prepaid, and addressed as follows:

(1) If to the City: City Manager  
P. O. Box 998  
Garden City, Kansas 67846

(2) If to Hase: Jason D. Hase  
\_\_\_\_\_  
\_\_\_\_\_

Notices served by mail shall be deemed to be given on the date on which such notice is deposited in the United States mail.

- (b) This document incorporates all the obligations, agreements, and understandings of the parties hereto and there are no oral agreements or understandings between the parties hereto concerning the purpose covered by this Agreement.

- (c) This Agreement may be amended, changed, or modified, only upon the written consent of both parties.
- (d) This Agreement shall be binding upon and inure to the benefit of the parties.
- (e) This Agreement shall be construed in accordance with the laws of the State of Kansas.


IN WITNESS WHEREOF, the parties have subscribed their names the day and year first above written.

CITY OF GARDEN CITY, KANSAS

By \_\_\_\_\_  
Melvin L. Dale, Mayor

ATTEST:

\_\_\_\_\_  
Celyn N. Hurtado, City Clerk

  
\_\_\_\_\_  
Jason D. Hase

APPROVED AS TO FORM:

\_\_\_\_\_  
Randall D. Grisell, City Attorney



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Jennifer Cunningham, Assistant City Manager  
**DATE:** August 15, 2017  
**RE:** 306 N. 6th Street Purchase Agreement

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### **ISSUE:**

The Governing Body is asked to consider and approve a Purchase Agreement with Vivian Fankhauser for the property at 306 N. 6th Street.

### **BACKGROUND:**

On July 6, 2017 during the regularly scheduled City Commission Meeting, the Governing Body accepted a sealed bid process that resulted in one bid. That bid was before the Governing Body today and if accepted this is the corresponding purchase agreement.

City Attorney Grisell drafted the purchase agreement and Vivian Fankhauser has signed the agreement. It is attached for your review. This has been placed on the same agenda to accommodate a September 1, 2017 closing date.

### **ALTERNATIVES:**

1. Approve the attached purchase agreement.
2. Deny the attached purchase agreement.

### **RECOMMENDATION:**

Staff recommends the Governing Body approve the purchase agreement for 306 N. 6th Street.

### **FISCAL NOTE:**

Vivian Fankhauser will pay the City of Garden City \$63,525 for the property at 306 N. 6th Street. Those funds will go to the Community Trust Account - Fund 8.

### **ATTACHMENTS:**

Description	Upload Date	Type
PurchaseAgreement	8/9/2017	Backup Material

## **REAL ESTATE PURCHASE AGREEMENT**

**THIS REAL ESTATE PURCHASE AGREEMENT** (Agreement), made and entered the \_\_\_\_ day of August, 2017, by and between CITY OF GARDEN CITY, KANSAS, a municipal corporation (CITY), and VIVIAN F. FANKHAUSER, L.L.C. (BUYER).

WITNESSETH:

CITY agrees to sell and convey to BUYER and BUYER agrees to buy and pay for the following described real estate, including all improvements located thereon (Property), upon the following terms and conditions, to wit:

1. **PROPERTY.** The description of the Property is commonly known and numbered as 306 North Sixth Street in the City of Garden City, County of Finney, State of Kansas, legally described as follows:

Lot 2, Block 1, Lot Split of Lots 1-6, Block 11, Original Town Plat to the City of Garden City, Finney County, Kansas

2. **PURCHASE PRICE.** The total purchase price of Sixty-three Thousand Five Hundred Twenty-five Dollars (\$63,525) (Purchase Price) shall be due and paid by BUYER at closing.

3. **CLOSING AND POSSESSION.** This Agreement shall close on or before the 4th day of September, 2017, at First American Title, 417 North Eighth Street, Garden City, Kansas (Closing). BUYER shall be entitled to possession of the Property on the date of Closing. The date of Closing of this transaction may be extended only by consent of both parties to this Agreement.

4. **CLOSING AGENT.** The parties hereby designate and appoint First American Title, 417 North Eighth Street, Garden City, Kansas, as Closing Agent for this Agreement.

- (a) Prior to or at Closing, CITY shall execute and deposit with the Closing Agent a Warranty Deed, conveying marketable title to and in the name of BUYER, subject only to easements, restrictions, covenants, reservations and rights-of-way of record, if any.
- (b) Upon payment in full by BUYER of the total Purchase Price and upon full performance of each and every term and condition herein required to be performed by BUYER and CITY, the Closing Agent shall and is hereby instructed to release and deliver to BUYER the Warranty Deed executed by CITY. The Closing Agent shall simultaneously transmit to CITY that portion of the Purchase Price paid by BUYER in cash, less any sums required to be withheld from the Purchase Price.
- (c) The Closing Agent shall record all instruments and deliver all closing instruments to the appropriate parties. Any instruments recorded by the Closing Agent shall be mailed or delivered to the appropriate party promptly upon return to the Closing Agent by the recording agency.
- (d) Any fees paid to the Closing Agent for preparing closing documents and closing the transaction shall be paid one-half (1/2) by CITY and one-half (1/2) by BUYER. The Closing Agent fee shall not include recording fees or mortgage registration costs, which shall be paid by the parties in the manner hereinafter set forth.
- (e) The Closing Agent shall furnish to CITY an IRS approved 1099-S information reporting

form on or before January 31 of the year following Closing.

5. **TITLE EVIDENCE.** Within twenty (20) days of the execution of this Agreement, CITY shall obtain and deliver to BUYER a title commitment for an owner's title insurance policy in the amount of the Purchase Price, covering title to the Property, showing fee simple title vested in CITY, subject only to any mortgage encumbrances or other liens that are to be satisfied at Closing. The title commitment may also reflect utility easements, setbacks, protective and restrictive covenants and rights-of-way or record which do not render the Property unsuitable for use by BUYER. (Permitted Exceptions).

- (a) The title commitment shall be conclusive evidence of CITY's title as therein shown, subject only to the Permitted Exceptions.
- (b) BUYER shall have a period of twenty (20) days to examine the commitment and notify CITY in writing of BUYER's objections, if any, to the marketability of CITY's title. Any exception to title to which BUYER fails to timely object will be deemed a Permitted Exception.
- (c) If BUYER timely makes any objections to the marketability of title, CITY shall correct such defects or have the title insurer commit to insure against loss or damage that may be occasioned by such exceptions.
- (d) If CITY fails to have the exceptions removed or correct any defects, or in the alternative, to obtain the commitment of the title insurance specified above as to such exceptions or defects, BUYER may elect to terminate this Agreement.

6. **PROPERTY TAXES AND ASSESSMENTS.** All property taxes due for years prior to the year of Closing shall be paid by CITY. The property taxes due for the year of Closing shall be prorated to the date of Closing, based upon the taxes due for the year prior to Closing. The Property is not subject to special assessments.

7. **TRANSACTION COSTS.** The transaction costs associated with this transaction shall be paid as follows:

- (a) CITY shall pay for:
  - i. any legal fees incurred by CITY in connection with this transaction;
  - ii. any legal fees and expenses required to provide marketable title;
  - iii. the cost of the owner's title insurance policy; and
  - iv. one-half (1/2) of all fees charged by the Closing Agent.

- (b) BUYER shall pay for:



- i. any legal fees incurred by BUYER in connection with this transaction;
- ii. the cost of recording the Warranty Deed; and
- iii. one-half (1/2) of all fees charged by the Closing Agent.

8. **DEFAULT.** If any payment due hereunder is not paid, honored or tendered when due, or if any other obligation hereunder is not performed as herein provided, there shall be the following remedies:

(a) IF CITY IS IN DEFAULT

- i. BUYER may elect to treat this Agreement as terminated; or
- ii. BUYER may elect to treat this Agreement as being in full force and effect and BUYER shall have the right to an action for specific performance.

(b) IF BUYER IS IN DEFAULT

- i. CITY may elect to treat this Agreement as terminated; or
- ii. CITY may elect to treat this Agreement as being in full force and effect and CITY shall have the right to an action for specific performance.

9. **EXAMINATION OF PROPERTY/WARRANTIES.** BUYER has carefully examined the Property and warrants that the purchase was negotiated after consideration of any and all possible defects in the Property and takes the Property in an **AS IS** condition. **BOTH BUYER AND CITY ACKNOWLEDGE AND AGREE THAT THERE HAVE NOT BEEN ANY OTHER EXPRESS OR IMPLIED WARRANTIES MADE WITH RESPECT TO THE PROPERTY TO BE CONVEYED TO BUYER HEREUNDER.**

10. **MECHANICAL INSPECTIONS.** Prior to Closing, BUYER may obtain, at BUYER's expense, an inspection of the mechanical equipment and systems servicing the Property.

11. **TERMITE INSPECTION.** BUYER may obtain, at BUYER's expense, a current report by a licensed exterminating company reflecting that the Property is free and clear of visible evidence of termite infestation and visible evidence of termite damage.

12. **STRUCTURAL INSPECTIONS.** BUYER may conduct, at BUYER's expense, inspections of all structural aspects of the Property by qualified professionals to determine the existence of any structural defects.

13. **ENVIRONMENTAL OR HEALTH INSPECTIONS.** BUYER may conduct, at BUYER's expense, inspections to determine the presence of any environmental or health hazards affecting the Property.

EVERY BUYER OF RESIDENTIAL REAL PROPERTY IS NOTIFIED THAT THE

PROPERTY MAY PRESENT EXPOSURE TO DANGEROUS CONCENTRATIONS OF INDOOR RADON GAS THAT MAY PLACE OCCUPANTS AT RISK OF DEVELOPING RADON-INDUCED LUNG CANCER. RADON, A CLASS-A HUMAN CARCINOGEN, IS THE LEADING CAUSE OF LUNG CANCER IN NON-SMOKERS AND THE SECOND LEADING CAUSE OVERALL. KANSAS LAW REQUIRES CITY TO DISCLOSE ANY INFORMATION KNOWN TO CITY THAT SHOWS ELEVATED CONCENTRATIONS OF RADON GAS IN RESIDENTIAL REAL PROPERTY. THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT RECOMMENDS ALL HOME-BUYERS HAVE AN INDOOR RADON TEST PERFORMED PRIOR TO PURCHASING OR TAKING OCCUPANCY OF RESIDENTIAL REAL PROPERTY. ALL TESTING FOR RADON SHOULD BE CONDUCTED BY A RADON MEASUREMENT TECHNICIAN. ELEVATED RADON CONCENTRATIONS CAN BE EASILY REDUCED BY A RADON MITIGATION TECHNICIAN. FOR ADDITIONAL INFORMATION GO TO [www.kansasradonprogram.org](http://www.kansasradonprogram.org).

14. **REGISTERED SEX OFFENDER LIST.** Kansas law requires persons who are convicted of certain crimes, including certain sexually violent crimes, to register with the sheriff of the county in which they reside. If BUYER desires information regarding those registrants, it may find information on the homepage of the Kansas Bureau of Investigation (KBI) at <http://www.kansas.gov/kbi> or by contacting the local sheriff's office.

15. **LEAD-BASED PAINT.** CITY has no reports or records pertaining to lead-based paint or lead-based paint hazards with respect to the Property. Furthermore, BUYER acknowledges the following:

EVERY PURCHASER OF ANY INTEREST IN RESIDENTIAL REAL PROPERTY ON WHICH A RESIDENTIAL DWELLING WAS BUILT PRIOR TO 1978 IS NOTIFIED THAT SUCH PROPERTY MAY PRESENT EXPOSURE TO LEAD FROM LEAD-BASED PAINT THAT MAY PLACE YOUNG CHILDREN AT RISK OF DEVELOPING LEAD POISONING. LEAD POISONING IN YOUNG CHILDREN MAY PRODUCE PERMANENT NEUROLOGICAL DAMAGE INCLUDING LEARNING DISABILITIES, REDUCED INTELLIGENCE QUOTIENT, BEHAVIORAL PROBLEMS, AND IMPAIRED MEMORY. LEAD POISONING ALSO POSES A PARTICULAR RISK TO PREGNANT WOMEN. THE SELLER OF ANY INTEREST IN RESIDENTIAL REAL PROPERTY IS REQUIRED TO PROVIDE THE BUYERS WITH ANY INFORMATION ON LEAD-BASED PAINT HAZARDS. A RISK ASSESSMENT OR INSPECTION FOR POSSIBLE LEAD-BASED PAINT HAZARDS IS RECOMMENDED PRIOR TO PURCHASE.

16. **DESTRUCTION OF PROPERTY.**

- (a) In the event the Property shall be damaged by fire or other casualty prior to time of Closing, in an amount greater than ten percent (10%) of the total Purchase Price, this Agreement may be terminated at the option of BUYER and all payments received hereunder shall be returned to BUYER. BUYER may elect to carry out this Agreement despite such damage. In such event, BUYER shall be entitled to credit for the insurance

proceeds resulting from damage to the Property (plus the deductible), not exceeding,

however, the total Purchase Price. CITY agrees to maintain casualty insurance on the Property until Closing.

(b) In the event the Property shall be damaged by fire or other casualty prior to time of Closing, in an amount less than ten percent (10%) of the total Purchase Price, CITY shall repair any such loss or damage so as to restore the Property to as good a condition as they were at the date of this Agreement, and shall be given a reasonable time to make such repairs in order to close this Agreement. In such event, the proceeds of any insurance on the destroyed or damaged Property shall belong to CITY.

(c) CITY shall insure the Property against casualty, damage and loss prior to date of Closing.

17. **INTERIM MAINTENANCE.** Until BUYER takes possession, CITY agrees to maintain the Property.

18. **GENERAL COVENANTS.** The parties further agree as follows:

(a) Notices shall be in writing and shall be deemed to be given if delivered personally, sent via telefax, sent via email, sent via next-day delivery service, or mailed by registered or certified mail, postage prepaid to the parties at the following addresses:

i. If to CITY: Matthew C. Allen, City Manager  
301 North Eighth Street  
P. O. Box 998  
Garden City, Kansas 67846  
Matt.Allen@gardencityks.us  
(620) 276-1160

and

Randall D. Grisell  
DOERING, GRISELL & CUNNINGHAM, P.A.  
124 Grant Avenue  
Garden City, Kansas 67846  
randyg@gcnet.com  
(620) 275-8099

ii. If to BUYER: Vivian F. Fankhauser, L.L.C.  
1001 Center Street  
Garden City, Kansas 67846  
vivf33@gmail.com  
(620) 276-8767

Either party may change the name or addresses to which notices shall be sent by notifying the other party of such change, in writing.

(b) The terms and provisions of this Agreement shall be binding upon and inure to the

benefit of and be enforceable by the respective heirs, legal representatives, successors, and permitted assigns of the parties hereto.

- (c) BUYER shall not have any right to assign any or all of the rights and/or obligations herein without the prior written consent of CITY, which consent shall not be unreasonably withheld.
- (d) This Agreement shall be construed and enforced in accordance with the laws of the State of Kansas.
- (e) This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same Agreement.
- (f) One or more waivers of any breach of a covenant or requirement herein by CITY shall not be deemed a further waiver of the same.
- (g) This Agreement shall not be altered, amended, or modified, except in writing, signed by all parties hereto.
- (h) All representations, agreements, warranties, and covenants made by CITY and BUYER under this Agreement shall survive the closing of this transaction.
- (i) There are no oral or otherwise non-written representations which have been made by the parties concerning the Property or this transaction.

**IN WITNESS WHEREOF**, the undersigned CITY and BUYER have executed this Agreement on the dates set forth below.

CITY OF GARDEN CITY, KANSAS

\_\_\_\_\_  
Date

By \_\_\_\_\_  
Melvin L. Dale, Mayor

ATTEST:

\_\_\_\_\_  
Celyn N. Hurtado, City Clerk

VIVIAN F. FANKHAUSER, L.L.C.

\_\_\_\_\_  
Date

By \_\_\_\_\_  
Vivian F. Fankhauser



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Kaleb Kentner, Neighborhood & Development Services Director  
**DATE:** August 15, 2017  
**RE:** New and Renewed Contractor Licenses for August 15, 2017.

---

### **ISSUE:**

The Governing Body is asked to consider and approve the contractor licenses for August 15, 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	8/9/2017	Backup Material

# **CONTRACTOR LICENSE AGENDA**

**August 15, 2017**

## **2017 New**

### **CLASS B General**

Sunflower State Exteriors, LLC

### **CLASS E-SOC Arborist**

Israel Tree Scapes

### **CLASS D-R Roofing**

Victory Roofing

### **CLASS D-CO Concrete**

WT Contracting & Dirt Inc.

## **2017 Renewal**

### **CLASS B General**

Ron Warren Construction Inc.



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Celyn N. Hurtado, City Clerk  
**DATE:** August 15, 2017  
**RE:** Temporary CMB License -Garden City Recreation Commission

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### **ISSUE:**

The Governing Body is asked to consider and approve a temporary Cereal Malt Beverage license.

### **BACKGROUND:**

Attached is a list of businesses applying for or renewing a cereal malt beverage license. Businesses on this list have completed the requirements necessary to obtain their license.

### **ALTERNATIVES:**

1. Approve the licenses as presented.
2. Deny the licenses.

### **RECOMMENDATION:**

Staff recommends approval of the new and renewing applications.

### **FISCAL NOTE:**

Fees for a Temporary Cereal Malt Beverage license is \$50 per day.

### **ATTACHMENTS:**

Description	Upload Date	Type
08-15-17 Temporary CMB licenses	8/10/2017	Backup Material



# **LICENSE AGENDA**

**August 15, 2017**

**2017 NEW**

## **TEMPORARY CEREAL MALT BEVERAGES**

Garden City Recreation Commission



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Kaleb Kentner, Neighborhood and Development Services Director  
**DATE:** August 15, 2017  
**RE:** GCBZA Approved Minutes - June 13, 2017

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**ISSUE:**

Presentation of the June 2017 GCBZA approved minutes from the Neighborhood and Development Services Department.

**BACKGROUND:**

Attached are the approved minutes from the June 13, 2017 GCBZA meeting.

**ALTERNATIVES:**

None.

**RECOMMENDATION:**

None.

**FISCAL NOTE:**

None.

**ATTACHMENTS:**

Description	Upload Date	Type
GCBZA Approved Minutes June 13, 2017	8/9/2017	Backup Material

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

June 13, 2017

The Garden City Board of Zoning Appeals scheduled a Public Hearing at 9:00 a.m. Tuesday, June 13, 2017 in the City Commission Chambers at the City of Garden City Administrative Center located at 301 North 8<sup>th</sup> Street, Garden City, Kansas.

**I. CALL TO ORDER**

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

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

**II. APPROVAL OF MINUTES**

*Vice-Chairman Hoffman* made a motion to approve the minutes from May 9, 2017. *Member Lopez* seconded motion. Votes were taken by yeas and nays and recorded as follows:

Collins	Campbell	Hoffman	Glass	Lopez
Yea	Yea	Yea	Yea	Yea

Motion passed.

**III. SUBMITTAL OF EXHIBITS FOR THE RECORD**

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

**IV. NEW BUSINESS**

**GCBZA2017-06: Bruckner Truck Sales Inc has applied for a Conditional Use Permit to allow truck sales in the “C-2” General Commercial District, as outlined in the Garden City Zoning Regulations. This property is located at 2509 N. Taylor St., Garden City**

*Staff Larsen reads staff report.*

*Secretary Kentner* – As you know, a lot of times when we are dealing with existing facilities that are non-conforming, as we’ve outlined in the staff report, the goal is bringing a couple of those things into compliance, and over time bringing the rest of the property into compliance. When we looked at that, the number one thing we saw that should be first is the ADA issue being addressed, and then later on, or if you choose any other things to be added, whether it’s landscaping or additional paving – those are things that could be done with this application or an application for future expansions. With that, we have a representative of the Applicant here.

*Applicant Representative, Albert Fonseca* – My name’s Albert Fonseca, and I’m the Operations Manager here at the Garden City location. I know, according to Bruckner’s and Shawn Wasinger, the GM over both stores, they would be more than willing to do anything to be in compliance; anything that we need to do, just let us know.

**OPEN PUBLIC COMMENT**

**CLOSE PUBLIC COMMENT**

*Member Lopez* – I really don’t see anything wrong with what they want to do. It certainly fits the characteristics of the area. I see this as one of those situations where we have a genuine opportunity for it to be brought up to compliance. I notice with Staff’s recommendations, the only thing they didn’t address is the landscaping issue. It’s such a highly trafficked area, and if you look at the other three corners, they’ve been well taken care of and have come along nicely, and this would be an excellent opportunity to bring that last corner up closer in compliance with the landscaping, as well as the paving. I would like to hear everyone’s opinions on what we should do on the landscaping issue.

*Chairman Glass* – In conjunction with the landscaping would be the paving where the trucks for sale are parked. It didn't mention anything about paving that area. Honestly, for this type of facility and the number of cars they want to sell, two handicapped parking spaces seem way out of line to me. One seems appropriate for what they're doing.

*Discussion ensued regarding ADA parking and landscaping.*

*Member Campbell* – And with everything that's in front of us with the trucking industry in this location, it's good business on their part. And I think, from my experience with them, they're good corporate citizens. I think that it would be wise to look to it with a futuristic approach to this. However, I would like to mention to the Board, I agree with what Mario was saying about the landscaping; the last time we had a dealer sales in front of our board here, we did institute some paving requirements, so we've already set a precedent on that, and I think it's important for us to maintain continuity amongst our board here on paving standards. And with the new Walmart across the street, it's becoming a nice corridor and [the Applicant] has an opportunity there to make a nice impact and footprint for their business.

*Member Lopez* – I've watched this area over the years, and I didn't know for sure who owned it, but I know it's a lot nicer and neater than it has been in the past. They're definitely headed in the right direction. Like I said, I see this as an opportunity for them to start landscaping it as well, and start in that direction. Because I do consider this – it's a corner on a very heavily trafficked area – trucks are our business; we make everything here and we've gotta truck it out some way. Hopefully they'll be very successful at this.

*Member Campbell* – Do they have a preliminary site plan or anything for what they're looking at doing?

*Secretary Kentner* – No, because all they're asking for is to be able to expand to the sale of trucks – that is what the request is for. If you require them to add landscaping to meet the 10% requirement for landscaping and pave a certain portion of that, we would then work with them to get that accomplished through a site plan.

*Vice-Chairman Hoffman* – Similar to a past project out on Buffalo Jones, where we required the drive to be paved and have the parking area for the staff and customers to be paved, and then the sales area for the semis to be grated and graveled – that kind of thing.

*Secretary Kentner* – (Approached aerial map) I believe the office area is up here in the front (of the building), is that right?

*Applicant Representative, Albert Fonseca* – Right.

*Secretary Kentner* – So, the front, all along here, that would be the main parking area for customers coming in.

*Applicant Representative, Albert Fonseca* – Yes, even all of section nineteen (19), where all those trucks are, they're lot paying customers, they pay to park there. That's where frequent customers would park, it would just be designated for them.

*Secretary Kentner* – So, maybe the paving would be from the front of the building to Taylor Street and include where they would be allowed to park the trucks that they have for sale.

*Discussion ensued regarding landscaping and truck parking.*

*Member Lopez* – That east side, especially, I think will go a long way toward the general improvement that's been happening in the area.

*Secretary Kentner* – I know that for the previous owners of this property, this has been an issue of some contention with the city in past years. You may or may not know, but it's the responsibility of the owner – even though this isn't their property out in front between the right-of-ways, owners are responsible for mowing and maintaining that. They don't have to plant anything in that area, but they are responsible for mowing this area, just for your information. And what happened was the previous owners were disgruntled with the city and killed off all the grass on it, and there's actually an inlet there which caused it to clog with sand and dirt.

*Discussion ensued regarding the parking lot and landscaping.*

*Member Lopez* – There is my motion.

*Member Collins* – And it still stands as you stated it?

*Member Lopez* – Yes.

*Member Collins* – I will second.

*Chairman Glass* – Could you read that back?

*Secretary Kentner* – The motion is for the installation of one ADA parking spot, meeting the 10% landscaping requirement, minimum paving is from the front of the building to Taylor to the east, or from Taylor to the front of the building.

*Discussion ensued regarding drainage and what area is being paved.*

*Discussion ensued regarding the number of trucks and trailers for sale.*

*Member Campbell* – If it's got a title, then it counts as one (1). If it's a trailer, it's one (1). If it's a truck, it's one (1).

*Chairman Glass* – Still okay with ten (10)?

*Applicant Representative, Albert Fonseca – Yes, I think we'll be good with ten (10).*

*MEMBER LOPEZ MADE A MOTION TO APPROVE APPLICANT'S REQUEST. MEMBER COLLINS SECONDED MOTION.*

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

Collins	Campbell	Hoffman	Glass	Lopez
Yea	Yea	Yea	Yea	Yea

Motion passed.

*MEMBER COLLINS MAKES MOTION TO ADJOURN THE MEETING. MEMBER HOFFMAN SECONDS MOTION. MEETING ADJOURNED AT 9:36 A.M.*

  
Kaleb Kentner  
Carol Davidson  
Josh Larsen

Secretary

  
Bruce Glass  
Jared Hoffman

Chairman  
Vice- Chairman



## MEMORANDUM

**TO:** Governing Body  
**THRU:** Matthew C. Allen, City Manager  
**FROM:** Sam Curran, Public Works Director  
**DATE:** August 15, 2017  
**RE:** December 2016 Traffic Advisory Board Minutes

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**ISSUE:**

Presentation of the December 5, 2016 Traffic Advisory Board minutes.

**BACKGROUND:**

Attached is Traffic Advisory Board minutes from the December 5, 2016 meeting.

**ALTERNATIVES:**

None

**RECOMMENDATION:**

None

**FISCAL NOTE:**

None

**ATTACHMENTS:**

Description	Upload Date	Type
December 2016 Traffic Advisory Board Minutes	8/9/2017	Backup Material

**CITY OF GARDEN CITY**  
**Traffic Advisory Committee**  
**Minutes of Meeting**  
**Monday, December 5, 2016**  
**5:30 p.m.**

**A. Call Meeting to Order:** Vicki Germann called the meeting to order at 5:39 p.m.

**B. Members Present:** Gloria Allen, Gary Bennett, Keith Collins, Vicki Germann and MPO Troy Davis

**C. Members Absent:** Julie Christner

**D. Others Present:** Margaret Barry, Terry Batchelder and Lauri Allen

**E. Approval of Minutes:**

- Gloria motioned to approve the August 1, 2016 Minutes
- Gary 2<sup>nd</sup>
- Motion passed

**F. Construction Projects Update:**

- Kansas Avenue
- Trail on Kansas Avenue
- Center Street and Kansas Avenue Traffic Signal
- DFA Highway Project

**G. Old Business:**

- None

**H. New Business:**

**1. Review the request to re-evaluation the traffic control devices at the intersection of Pine Street and Sixth Street**

**Background:**

- City received a request from the public to turn this intersection into a 4-Way Stop Intersection or switch the stop sign from Sixth Street to Pine Street. They felt the current situation creates unreasonable delay in the traffic flow caused by the drainage dip
- Staff has included an aerial of the intersection for your review and comments

### Discussion:

- Staff identified no sight distance issues for the intersection
- Traffic accident report identified zero accidents in the past six years at this intersection
- Staff felt the current stop signs act as a traffic calming device for the intersection. It controls the speed of the vehicles along Sixth Street. Without this traffic control device the 85<sup>th</sup> percentile speed in front of the post office could reach speeds between 34 to 37 mph. This could have an impact on the safety of the pedestrian traffic around the post office
- Four-way stop intersection would increase traffic delays because of the nature of this type of traffic control device

### Options:

- Deny the request to change the current stop sign location from north/southbound to east/westbound traffic
- Deny the request for the four-way stop installation since the traffic has to slow down to go through the dip as they cross the intersection.
- Approve the request to change the current stop sign location from north/southbound to east/westbound traffic
- Approve the request for the four-way stop installation

### Recommendation:

- Gloria motioned to deny the request to have the intersection of Pine Street and Sixth Street into a 4-Way Stop Intersection or switch the stop sign from Sixth Street to Pine Street
- Gary 2<sup>nd</sup>
- Motion passed

## **2. Review the request to close the alley section between 2711 Belmont Place and 2803 Belmont Place**

### Background:

- The request is from 2803 Belmont Place. They have asked the City to investigate the increased traffic volume and speeds of vehicles using an alleyway between the two properties
- They mentioned that some drivers have a difficult time stopping before entering the street because their speeds are too high
- They feel there is a safety issue involving pedestrians crossing the sidewalk at the alleyway
- The City has installed a temp stop sign to assist in reminding drivers to stop before entering onto Belmont Place
- There are a number of apartments west of this location with a parking lot attached to the alley
- Staff has included two aerials of the area for your review



Discussion:

- Staff identified some possible sight distance issues with the entrance of the alley when entering on to Belmont Place
- The traffic accident report identified zero accidents in the past five years at the entrance of the alley. However, there has been property damage to both properties
- Speeds are high ranging between 30 to 50 mph as well as the volume of traffic is high caused by the number of apartments located in the area
- Alley appears to be used as a street
- Bernadine Sitts School is approximately 1390 feet north of the alley

The Board at this time did not want to close the alley, but they did acknowledge the use of the alleyway as a thru street. They feel the use of speed dips could change the traffic patten and/or speeds of the drivers. There is a need to increase police enforcement in this alley. By ordinance, the speeds for alleys are 15 mph in the city.

Options:

- Deny the request to close the alleyway from Belmont Place
- Approve the request to close the alleyway from Belmont Place
- Approve the installation of three speed dips in the alleyway with signage
- Deny the installation of three speed dips in the alleyway with signage

Recommendation:

- Gloria motioned to install three speed dips with signage in conjunction with police enforcement
- Gary 2<sup>nd</sup>
- Motion passed

**I. Discussion Items Only:**

- Honey Bee Alley Closure Status

**J. Other Business:**

- None

**K. Committee Member Observations:**

1. Vicki Germann - Chairperson:
2. Gary Bennett – Vice-Chairperson:

3. Gloria Allen:
4. Julie Christener:
5. Keith Collins:
6. MPO Troy Davis:

**L. Adjourn Meeting**

- Gloria motioned to adjourn meeting
- Keith 2<sup>nd</sup>
- Motion passed
- Meeting adjourned at 6:43 p.m.