

EXHIBIT J
MEETINGS AND MINUTES
(SEE ATTACHED)

CITY OF SALINA, KANSAS
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
May 18, 2015
4:00 p.m.

Consolidated-Salina EPNI11155

The City Commission convened at 2:30 p.m. for Community Engagement and at 3:45 p.m. for Citizens Forum.

The Regular Meeting of the Board of Commissioners was called to order at 4:00 p.m. in Room 107, City-County Building. Roll call was taken followed by the Pledge of Allegiance and a moment of silence.

Those present and comprising a quorum: Mayor Jon R. Blanchard (presiding), Commissioners Kaye Crawford, Trent Davis, Randall Hardy, and Karl Ryan.

Also present: Jason. Gage, City Manager; Michael Schrage, Deputy City Manager; Greg Bengtson, City Attorney; and Shandi Wicks, City Clerk.

AWARDS AND PROCLAMATIONS

- (3.1) The day of May 21, 2015 as "Red Nose Day" in the city of Salina. Amanda Michaelis, Salina Area United Way Executive Director, read the proclamation and announced events associated with Red Nose Day.
- (3.2) The day of May 23, 2015 as "Poppy Day" in the city of Salina. Sue Herrman, Vice-President, American Legion Auxiliary, read the proclamation and announced upcoming events.
- (3.3) The week of May 17-23, 2015 as "National Public Works Week" in the city of Salina. John Smutz with the Public Works Department, read the proclamation and announced upcoming events.
- (3.4) The month of May, 2015 as "Allie's Month of Remembrance" in the city of Salina. Megan Kappelman read the proclamation. Mayor Blanchard thanked the youth of Salina for coming together following this tragedy.

CITIZEN FORUM

None.

PUBLIC HEARINGS AND ITEMS SCHEDULED FOR A CERTAIN TIME

- (5.1) Public hearing on the 2014 special assessment projects.
 - (5.1a) Second reading Ordinance No. 15-10772 levying special assessments for infrastructure improvements.

Commissioner Ryan recused himself due to a conflict of interest

Mayor Blanchard opened the public hearing.

Dan Stack, City Engineer, explained the projects, total costs and funding.

Mayor Blanchard asked if the warranty on the street improvements had expired and if so, was the developer intending to fix the cracks. Mr. Stack responded by stating that the warranty had expired and staff contacted the developer to repair the cracks within the

streets prior to expiration of the warranty.

Mayor Blanchard asked when the warranty permit started. Mr. Stack responded by stating that the warranty starts upon the substantial completion date of the project and the official acceptance of the improvement.

Mayor Blanchard asked if the repairs occurred prior to the acceptance of the improvements, would the repair cost be added to the allocation of specials. Jason Gage, City Manager, responded by stating that the cost of the repair would be paid by the developer.

Ray Hruska, 235 N. Santa Fe, stated he was confused about the context of the matter and would like additional information. Mayor Blanchard read a portion of the blue sheet to Mr. Hruska explaining what the agenda item was about.

There being no further comments the public hearing was closed.

15-0191

Moved by Commissioner Crawford, seconded by Commissioner Davis, to adopt Ordinance No. 15-10772 levying special assessments for infrastructure improvements on second reading. A roll call vote was taken. Aye: (4) Crawford, Davis, Hardy, Blanchard. Nay: (0). Motion carried.

Commissioner Ryan returned.

(5.2) Public hearing on the Sales Tax Revenue (STAR) Bond District.

(5.2a) First reading Ordinance No. 15-10775.

Mayor Blanchard opened the public hearing.

Michael Schrage, Deputy City Manager, explained the district, project and the letter received from the Kansas Department of Commerce.

Gary Anderson, Gilmore & Bell, reviewed the process of the district formation, and approval of the project plan.

Commissioner Crawford asked when step two was planned to come back to the City Commission. Mr. Anderson stated that it was currently up in the air.

Commissioner Davis asked where the money for the costs incurred so far was coming from in the budget. Mr. Schrage responded by stating that the money was coming from the general fund.

Commissioner Davis asked if the sales tax base would still be going into the general fund. Mr. Schrage responded by stating that the sales tax base would continue to go into the general fund and the increment increase would go into a special fund. Jason Gage, City Manager, stated that there would not be an increase to the mill levy which would affect the entire city.

John Peterson, Polsinelli Law Group, Overland Park, on behalf of Salina, 2020, Inc., introduced a few members of the Salina 2020, Inc. and provided information on the formation of the project.

Commissioner Hardy asked if the Polsinelli Law Group had been involved in STAR/TIF Bond projects prior to this project. Mr. Peterson provided a list of projects his law firm had worked on in the past.

Ray Hruska, 235 N. Santa Fe, congratulated the elected and re-elected members of the City Commission and provided his thoughts on the creation of the district.

Andrew Braum, 207 S. Third, asked how it was going to affect the low income individuals that live within the district. Mr. Gage responded by stating that just because the property was within the district did not mean that the property was going to be developed.

Mr. Braum also asked if he would receive additional mailings in the future regarding this project. Mr. Gage stated that the property owners and tenants within the district would continue to receive additional mailings regarding the project.

William Hall, USD No. 305, stated that the presentation provided by Mr. Gage and Salina 2020, Inc. to the School Board was appreciated and thanked them for answering all the questions of the board.

There being no further comments the public hearing was closed.

Mayor Blanchard stated that it was his understanding that STAR Bond Districts were active for a twenty year period. Mr. Anderson responded by stating that once the district was formed, the maximum district timeframe was twenty years but could be shorted depending on the project.

Mayor Blanchard asked if the district size was typical. Mr. Anderson responded by stating that there were two types of districts and continued to explain the district types.

Mayor Blanchard asked if STAR Bond funds were eligible for needed maintenance and up keeping. Mr. Anderson, responded by stating that the initial construction was the only thing that was eligible for use of the STAR Bond funds.

Mayor Blanchard asked if there were typical downsides to the formation of the district. Mr. Anderson responded by stating that properties could be added or removed from the district but notice mailings would need to be mailed for properties added to the district.

Mayor Blanchard asked how the sales tax base was formed. Mr. Anderson responded by stating that the base was formed upon the formation of the district.

Mayor Blanchard asked if public input process would be anticipated at the time of the project plan. Mr. Peterson responded by stating that there would be individual public hearing times set for the project plans.

Mayor Blanchard asked if design and engineering fees would be covered under the STAR Bond District. Mr. Anderson responded by stating that design and engineering fees would be covered by the district funds.

Mr. Schrage noted that the \$50,000-\$100,000 amounts listed in the blue sheet were estimated review costs.

15-0192

Moved by Commissioner Hardy, seconded by Commissioner Crawford, to pass Ordinance No. 15-10775 on first reading. Aye: (5). Nay: (0). Motion carried.

(5.3) Public hearing on the Tax Increment Financing (TIF) District.

(5.3a) First reading Ordinance No. 15-10776.

Mayor Blanchard opened the public hearing.

Michael Schrage, Deputy City Manager, explained the district and project.

Jason Gage, City Manager, explained that the City Commission had choices and flexibility for the TIF District.

Mayor Blanchard asked if the property values for the residential properties within the district would change. Mr. Gage responded by stating that it would be hard to tell if the property values would change.

A conversation ensued between Mayor Blanchard and Mr. Gage regarding the marketing aspect of the district and the changes of the property values within the district.

There being no further comments the public hearing was closed.

15-0193

Moved by Commissioner Hardy, seconded by Commissioner Davis, to pass Ordinance No. 15-10776 on first reading. Aye: (5). Nay: (0). Motion carried.

CONSENT AGENDA

(6.1) Approve the minutes of April 11, 2015.

(6.2) Approve Change Order No. 3 for the following Specialty Contractor Agreements: Drilling Support-Site Wide Remedial Investigation to Environmental Priority Services, Inc., in the amount of \$5,820.00 (Revised Agreement Amount \$165,297.00); and Drilling Support-Site Wide Remedial Investigation to GeoCore, Inc., in the amount of \$4,056.20 (Revised Agreement Amount \$115,357.60)

15-0194

Moved by Commissioner Crawford, seconded by Commissioner Ryan, to approve the consent agenda as presented. Aye: (5). Nay: (0). Motion carried.

ADMINISTRATION

(7.1) Award of contract for the Ohio Street Improvements, Elm Street to North Street, Project No. 14-3039.

Greg Bengtson, City Attorney, requested that the Commission recess into an executive session to discuss the project.

15-0195

Moved by Commissioner Ryan, seconded by Commissioner Hardy, to recess into executive session for 15 minutes to discuss matters pertaining to the acquisition of real estate for the reason that public discussion of the matter would adversely affect the City's position in relation to acquisition of the real estate and reconvene at 5:45 p.m.

The City Commission recessed into executive session at 5:30 p.m. and reconvened at 5:45 p.m. No action was taken.

Dan Stack, City Engineer, explained the bids received, the project scope and project budget.

Commissioner Hardy asked if there was an allowance for inclement weather with the completion project being on December 18, 2015. Mr. Stack responded by stating that there were portions of the job that could be done during the colder weather season. The contractor projected that a majority of the project would be completed by Thanksgiving.

Commissioner Hardy asked if the completion date was established by staff or the contractor. Mr. Stack responded by stating that staff established the completion date.

Commissioner Davis asked if school district staff had notified the parents of the project. Mr. Stack responded by stating that once the project was awarded and the phases of the project were determined, staff would notify the school district.

Mayor Blanchard asked if the box culvert would accommodate for a trail underneath. Mr.

Stack responded by stating that the culvert would be too narrow and would contain water. Jason Gage, City Manager, asked Mr. Stack for clarification of the funding of the project. Mr. Stack responded by stating that the remaining \$250,000 would come out of Gas Tax funds.

15-0186

Moved by Commissioner Ryan, seconded by Commissioner Davis, to award the contract for Ohio Street Improvements, Elm Street to North Street, Project No. 14-3039 to Pavers, Inc. in the amount of \$1,935,107.04 with a 4.3% contingency (\$83,000). Aye: (5). Nay: (0). Motion carried.

(7.2) Resolution No. 15-7239 setting the date for public hearing to consider whether a certain structure shall be condemned and ordered demolished or repaired.

Jim Brown, Building Official, explained the building official report and the background for the need to start the process over on this property.

Commissioner Hardy asked if the court documents filed in Butler County would automatically be forwarded to Saline County. Greg Bengtson, City Attorney, stated that the court documents from Butler County typically would need to be filed in Saline County.

Commissioner Crawford asked if the son would be notified of the new public hearing date as well. Mr. Brown stated that all three children would be notified.

Mayor Blanchard asked if staff had addresses for the daughters. Mr. Brown responded by stating that staff did have the mailing addresses for all three children.

Mayor Blanchard asked what would happen to the original resolution adopted. Mr. Bengtson stated that it would be more appropriate to bring the original resolution back after the public hearing on July 6, 2015 for action.

Mr. Gage stated that from a staff perspective, staff would not follow through with the demolition due to the new action that took place today.

Mr. Bengtson stated that the Commission could suspend the original Resolution No. 15-7200 today with a separate motion.

15-0197

Moved by Commissioner Davis, seconded by Commissioner Hardy, to adopt Resolution No. 15-7239 setting July 6, 2015 as the public hearing date for the dangerous structure located at 120 N. 2nd. Aye: (5). Nay: (0). Motion carried.

15-0198

Moved by Commissioner Davis, seconded by Commissioner Ryan, to suspend Resolution No. 15-7200 regarding property located at 120 N. 2nd. Aye: (5). Nay: (0). Motion carried.

(7.3) Resolution No. 15-7238 amending Resolution No. 15-7186 and repealing Resolution No. 15-7232 allowing for an additional 17 days for completion of the permitted demolition work at 500 E. Pacific.

Gary Hobbie, Director of Development Services, explained the request.

15-0199

Moved by Commissioner Davis, seconded by Commissioner Hardy, to adopt Resolution No. 15-7238 amending Resolution No. 15-7186 and repealing Resolution No. 15-7232 allowing for an additional 17 days for the completion of permitted work at 500 East Pacific until June 1, 2015. Aye: (5). Nay: (0). Motion carried.

- (7.4) First reading Ordinance No. 15-10771 adopting the new Chapter 13 of the Salina Code pertaining to equal opportunity and repealing the existing Chapter 13.

Gina McDonald, Director of Community Relations, explained the changes to Chapter 13.

Commissioner Davis asked if one of the three Human Relations commissioners reviewing cases requested legal counsel and the director did not feel it was needed, would it still be provided. Ms. McDonald responded by stating that a commissioner could request the need for legal counsel.

Commissioner Crawford stated that she went through the changes extensively and felt that addition of the third commissioner reviewing cases would be a big benefit.

15-0200

Moved by Commissioner Davis, seconded by Commissioner Crawford, to pass Ordinance No. 15-10771 on first reading adopting the new Chapter 13 of the Salina Code pertaining to equal opportunity and repealing the existing Chapter 13.

Commissioner Crawford asked if the ordinance had been sent to HUD for approval. Ms. McDonald responded by stating that the ordinance would be sent to HUD for approval. Greg Bengtson, City Attorney, provided information regarding the need for HUD's approval.

Aye: (5). Nay: (0). Motion carried.

DEVELOPMENT BUSINESS

- (8.1) Application #P15-1/1A to consider acceptance of offered easement and access control dedications on a final plat of an unplatted 31,920 sq. ft tract of land on the west side of South Broadway Boulevard (to be platted and known as the Broadway Addition) with the subject property located on the west side of Broadway Boulevard between Walnut Street and South Street and is addressed as 230 South Broadway Boulevard.

Dean Andrew, Director of Planning, explained the request, easement and dedications and Planning Commission recommendation.

Commissioner Hardy asked if the Commission would need to look at the land use plan today or at a later date. Mr. Andrew stated that it could be looked at today if the Commission wished.

Mayor Blanchard stated that there were a lot of issues going on, but the action today was to look at the easement. Mr. Andrew responded by stating that the action today was to accept the offered easement and access control dedications on the final plat.

Michael Schrage, Deputy City Manager, stated that the ten properties would need to be down zoned to another classification which would make the properties non-conforming to the zoning district.

A conversation ensued between the Commission, Mr. Andrew and Jason Gage, City Manager, regarding the designation of urban residential and the individual categories of urban residential.

Mayor Blanchard asked if Broadway Boulevard was considered an impact street. Mr. Andrew responded by stating that the intersection of Broadway and Crawford was an impact intersection but State Street was not designated as a designated road to enter into

Salina.

A conversation ensued between the Commission and Mr. Andrew regarding the zoning of Broadway Boulevard and uses within the district.

Mr. Schrage stated that Broadway was an impact street but State Street was not designated as a gateway area.

Mayor Blanchard asked if there was a possibility to have a gateway overlay district created requiring properties to have paved driveways and front yard landscaping. Mr. Andrew responded by stating that the creation was possible.

Warren Ediger, 631 E. Crawford, Suite 211, stated that the item before the Commission was for acceptance of the easement, explained the plan for the development of the lot and challenged the Commission to drive the area to look at the properties in the area.

Mayor Blanchard asked what the situation was that happened at the north end of the lot. Mr. Ediger stated that the entrance would be off of Broadway and there was not a plan to connect it to Cedar Street.

Mayor Blanchard asked if the applicant had applied for a building permit. Mr. Ediger stated that the building permit was waiting on today's action.

Mayor Blanchard asked if the applicant would consider front yard landscaping. Mr. Ediger stated that he would talk to the property owner, but noted that it was an option in I-2 zoning.

A conversation ensued between the City Commission and Mr. Andrew regarding the vision of the corridor and the zoning of the area.

Mr. Gage stated that the Salina Code Section 36-55 "Review by the board of commissioners" would need to be updated in accordance with the Kansas Statutes.

Commissioner Hardy asked if down zoning after approving the easement would cause problems in the future. Mr. Gage responded by stating that the issue would need to be looked at closely before down zoning took place.

15-0201

Moved by Commissioner Ryan, seconded by Commissioner Crawford, to authorize the Mayor to sign the Broadway Addition plat and to accept the easement and restricted access dedications on behalf of the City including the following four conditions: 1.) Access to Lot One (1) shall be limited to one curb cut on Broadway Boulevard depicted on the final plat. Restricted access shall be dedicated and shown along the remaining Broadway Boulevard frontage; 2.) The street along the north boundary of Lot One (1) shall be labeled as Cedar Street; 3.) A final site plan and Zoning Certificate shall be approved for Lot One (1) prior to commencing construction of any site improvements; 4.) All technical corrections in staff's corrections punch-list, including the addition of a drainage easement for the proposed detention basin, shall be made to the final plat drawing prior to City Commission consideration of the final plat. Aye: (5). Nay: (0). Motion carried.

(8.2) Application #A15-1 (filed by Bill Cooke on behalf of Webster Conference Center) requesting annexation of the Webster Conference Center site in order to allow the conference center to connect to the City of Salina's sanitary sewer collection system with the subject property located on the west side of North Ohio Street north of I-70 and contains 70 acres.

(8.2a) First reading Ordinance No. 15-10774.

Dean Andrew, Director of Planning, explained the request.

Commissioner Davis asked if only part of the property was requested for annexation and how would the fire services be handled. Mr. Andrew stated that only a portion of the property was requested for annexation and stated that a portion of the property would be serviced by the Salina Fire Department and the other portion serviced by the Rural Fire District.

Commissioner Davis asked if there was a negative impact to annexing the property. Mr. Andrew stated that the negative would be the inability to service the property unlike properties within the city proper. Martha Tasker, Director of Utilities, stated that there would be a connection fee to connect and a monthly service fee.

Mayor Blanchard asked if there were other private lines connected into the City's sewer line. Ms. Tasker responded by stating that there were additional properties connected.

Mayor Blanchard asked if the line would be metered and if the meter would notify if a breach would happen. Ms. Tasker stated that a meter would be installed and the line would dump into the pump station located by the truck stop. Staff would be able to determine where the breach was by the use of the timed meters installed.

Mayor Blanchard asked if KDHE offered other alternatives. Ms. Tasker responded by stating that they do have additional options but they are a more expensive option.

Mayor Blanchard asked if there would be an RV dump area. Ms. Tasker stated that staff and the applicant had not discussed that yet.

Bill Cooke, Executive Director for Webster Conference Center, explained that he had looked at the options available and thanked staff for all their work.

15-0202 Moved by Commissioner Hardy, seconded by Commissioner Davis, to decide this 17.03 acre portion of Webster Conference Center should not be annexed but that a public health and safety policy exception be granted which would allow Webster Conference Center property to connect to the City's sanitary sewer system through an "Outside the City Sewer Connection Agreement." Aye: (5). Nay: (0). Motion carried.

Greg Bengtson, City Attorney, asked that a motion be made for the ordinance.

15-0203 Moved by Commissioner Hardy, seconded by Commissioner Davis, to pass Ordinance No. 15-10774 on first reading. Aye: (0). Nay: (5). Motion failed.

OTHER BUSINESS

(9.1) Request for executive session (real estate).

15-0204 Moved by Commissioner Ryan, seconded by Commissioner Hardy, to recess into executive session for 30 minutes to discuss matters pertaining to the acquisition of real estate for the reason that public discussion of the matter would adversely affect the City's position in relation to acquisition of the real estate and reconvene at 8:15 p.m.

The City Commission recessed into executive session at 7:45 p.m. and reconvened at 8:15 p.m. No action was taken.

15-0205 Moved by Commissioner Davis, seconded by Commissioner Hardy, to extend the current executive session for an additional 15 minutes. Aye: (5). Nay: (0). Motion carried.

The City Commission recessed into executive session at 8:15 p.m. and reconvened at 8:30 p.m. No action was taken.

ADJOURNMENT

Moved by Commissioner Hardy, seconded by Commissioner Ryan, that the regular meeting of the Board of City Commissioners be adjourned. Aye: (5). Nay: (0). Motion carried. The meeting adjourned at 8:35 p.m.



Jon R. Blanchard, Mayor

[SEAL]

ATTEST:



Shandi Wicks, CMC, City Clerk

Consolidated-Sailing EPN111155

15-0206

CITY OF SALINA, KANSAS
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
June 1, 2015
4:00 p.m.

The City Commission convened at 3:45 p.m. for Citizens Forum.

The Regular Meeting of the Board of Commissioners was called to order at 4:00 p.m. in Room 107, City-County Building. Roll call was taken followed by the Pledge of Allegiance and a moment of silence.

Those present and comprising a quorum: Mayor Jon R. Blanchard (presiding), Commissioners Kaye Crawford, Trent Davis, Randall Hardy, and Karl Ryan.

Also present: Jason. Gage, City Manager; Michael Schrage, Deputy City Manager; Greg Bengtson, City Attorney; and Shandi Wicks, City Clerk.

AWARDS AND PROCLAMATIONS

- (3.1) The month of June 2015 as "LGBT Pride Month" in the city of Salina. Gary Martens, North Central Chapter of Equality Kansas Chair, read the proclamation and announced events.

CITIZEN FORUM

Janie Marcotte, 102 S. College, provided information regarding the overgrown trees used for a screening at a bed and breakfast located at 100 S. College.

PUBLIC HEARINGS AND ITEMS SCHEDULED FOR A CERTAIN TIME

None.

CONSENT AGENDA

- (6.1) Approve the minutes of April 18, 2015.
- (6.2) Resolution No. 15-7242 appointing members to the Business Improvement District No. 1 Advisory Board and the Business Improvement District No. 1 Design Review Board.

15-0207 Moved by Commissioner Davis, seconded by Commissioner Hardy, to approve the consent agenda as presented. Aye: (5). Nay: (0). Motion carried.

ADMINISTRATION

- (7.1) Second reading Ordinance No. 15-10771 adopting the new Chapter 13 of the Salina Code pertaining to equal opportunity and repealing the existing Chapter 13.

Mayor Blanchard noted that Ordinance No. 15-10771 was passed on first reading on May 18, 2015 and since that time no comments have been received.

Commissioner Crawford provided her thoughts on the adoption of the new Chapter 13.

15-0208

Moved by Commissioner Crawford, seconded by Commissioner Ryan, to adopt Ordinance No. 15-10771 on second reading. A roll call vote was taken. Aye: (5) Crawford, Davis, Hardy, Ryan, Blanchard. Nay: (0). Motion carried.

(7.2) Second reading Ordinance No. 15-10775 establishing a STAR bond project district within the city and making certain findings in conjunction therewith.

Mayor Blanchard noted that Ordinance No. 15-10775 was passed on first reading on May 18, 2015 and since that time no comments have been received.

15-0209

Moved by Commissioner Hardy, seconded by Commissioner Davis, to adopt Ordinance No. 15-10775 on second reading. A roll call vote was taken. Aye: (5) Crawford, Davis, Hardy, Ryan, Blanchard. Nay: (0). Motion carried.

(7.3) Second reading Ordinance No. 15-10776 making findings and establishing a redevelopment district pursuant to K.S.A. 12-1770 et seq., and amendments thereto.

Mayor Blanchard noted that Ordinance No. 15-10776 was passed on first reading on May 18, 2015 and since that time no comments have been received.

15-0210

Moved by Commissioner Ryan, seconded by Commissioner Davis, to adopt Ordinance No. 15-10776 on second reading. A roll call vote was taken. Aye: (5) Crawford, Davis, Hardy, Ryan, Blanchard. Nay: (0). Motion carried.

(7.4) Award of contract for the Water Main Replacement Project - Phase VII, Project No. 10-2842F.

Martha Tasker, Director of Utilities, explained the project, funding and bids received.

Commissioner Hardy asked how many miles the \$4 million would cover per year. Ms. Tasker responded by stating that the yearly amount would cover eight miles.

Commissioner Hardy asked if the Utilities Department worked with the Streets Division to combine projects if able. Ms. Tasker responded that Utilities and Public Works work together to determine if the work could be combined.

Commissioner Crawford asked if the construction contingency percentage was always 5%. Ms. Tasker responded by stating that the contingency percentage typically was 5% but noted that the contingency had not been spent on past projects.

Mayor Blanchard asked what the process was to determine when a water main would need to be replaced. Ms. Tasker responded by stating that staff tracks the water quality calls and water main breaks to determine when an area needed replaced.

Mayor Blanchard asked if the water quality and water flow was improved upon replacement. Ms. Tasker responded by stating that the water quality and water flow was improved once replaced.

Ray Hruska, 235 N. Santa Fe, asked if the City of Salina used ultra violet in any part of the water system. Ms. Tasker responded by stating that the City of Salina does not use ultra violet but uses chlorine disinfection. Jason Gage, City Manager, provided information regarding the use of ultra violet light versus chlorine. Ms. Tasker continued to explain the use of ultra violet light and the value of the use of chlorine disinfection.

15-0211

Consolidated-Salina EPN111155

Moved by Commissioner Crawford, seconded by Commissioner Hardy, to award the contract for the Water Main Replacement Project - Phase VII, Project No. 10-2842F to BRB Contractors, Inc. of Topeka, Kansas in the amount of \$1,998,524.80 (Authorized Amount with 5% Construction Contingency, \$2,098,450). Aye: (5). Nay: (0). Motion carried.

(7.5) Resolution No. 15-7240 initiating proceedings for street and intersection improvements in the City of Salina, Kansas.

Rod Franz, Director of Finance and Administration, explained the project and financing.

Commissioner Crawford provided her thoughts on the cost of the project.

15-0212

Moved by Commissioner Hardy, seconded by Commissioner Ryan, to adopt Resolution No. 15-7240 initiating proceedings for street and intersection improvements in the City of Salina, Kansas. Aye: (5). Nay: (0). Motion carried.

(7.6) First reading Ordinance No. 15-10778 amending Chapter 30 of the Salina Code by establishing Article III pertaining to alarm systems designed to summon a police response within the City of Salina, Kansas.

Chief Brad Nelson explained the code amendments and effective date.

Commissioner Davis asked what a double call was. Chief Nelson responded by stating that if a business was owned by two individuals, both business owners would be called. Chief Nelson also stated that the Police would still respond to the call but the owners would be notified.

Commissioner Davis asked about the systems with the one plus alarm. Chief Nelson responded by stating that the one plus alarm was the system that have the most false alarm calls.

Commissioner Ryan asked if fees would be established. Jason Gage, City Manager, stated that a recommended fee schedule would be brought back to the City Commission for approval.

Commissioner Ryan asked if there was an appeal process. Chief Nelson responded by stating that he was the final appeal process. Aaron Martin, Clark, Mize & Linville, stated that the third party alarm administrator would send correspondence regarding an appeal to the property owner.

Commissioner Hardy asked what the process was to communicate the new ordinance to the citizens affected. Chief Nelson responded by stating that staff would forward a letter to the ten alarm companies and those companies would forward the letter to each of the affected citizens.

Commissioner Davis asked if the alarm installation companies were required to obtain a license with the City of Salina. Mr. Martin responded by stating that there was not a business license for the alarm installation company but the alarm system would have to be registered with the city.

Mayor Blanchard asked if there were habitual properties that officers were reporting to. Chief Nelson responded by stating that there were habitual properties.

Mayor Blanchard asked if staff had heard from the alarm companies regarding the new ordinance. Chief Nelson responded by stating that staff had not heard from the alarm

companies regarding the new changes.

Gary Hobbie, Director of Development Services, stated that there was a contractor license to install security alarm systems in the City of Salina.

Ray Hruska, 235 N. Santa Fe, asked how much the City paid Clark, Mize & Linville to put together the ordinance. Mr. Gage responded by stating that the City did receive itemize bills from Clark, Mize & Linville and Mr. Hruska could request that information through an open records request.

Mr. Hruska asked how much the City paid the attorney for work on the ordinance. Greg Bengtson, City Attorney, provided the fees charged by Clark, Mize & Linville.

Mr. Gage provided information on the use of the City's attorneys on the creation of ordinances, resolutions and agreements.

15-0213 Moved by Commissioner Davis, seconded by Commissioner Crawford, to pass Ordinance No. 15-10778 amending Chapter 30 of the Salina Code by establishing Article III pertaining to alarm systems designed to summon a police response within the City of Salina, Kansas on first reading. Aye: (5). Nay: (0). Motion carried.

(7.7) First reading Ordinance No. 15-10779 amending Chapter 14 of the Salina Code by establishing Article IV pertaining to alarm systems designed to summon a fire department response within the City of Salina, Kansas.

Chief Larry Mullikin & Roger Williams, Fire Marshal, explained the code amendments and the effective date of the new ordinance.

Commissioner Hardy asked if the ordinance pertained to commercial customers. Chief Mullikin responded by stating that the ordinance pertained to commercial customers only.

Commissioner Hardy asked if there would be an additional ordinance for residential customers. Chief Mullikin responded by stating that the ordinance for the Police false alarm ordinances would cover the residential customers for fire alarms as well.

15-0214 Moved by Commissioner Hardy, seconded by Commissioner Davis, to pass Ordinance No. 15-10779 amending Chapter 14 of the Salina Code by establishing Article IV pertaining to alarm systems designed to summon a fire department response within the City of Salina, Kansas on first reading. Aye: (5). Nay: (0). Motion carried.

Mayor Blanchard asked if the false alarm ordinance items were part of the continuous process improvement program. Jason Gage, City Manager, responded by stating that it was not part of that program.

(7.8) Review hearing for abatement costs incurred at 500 E. Pacific Ave.

Mayor Blanchard asked for time for the Commission to review the information just provided.

Gary Hobbie, Director of Development Services, explained the abatement, costs and cleanup process.

Commissioner Hardy asked if it was the normal procedure for the contractor to include the receipts for items purchased for the project. Mr. Hobbie responded by stating that if the equipment was purchased for the use on the project, staff asked for receipts to be submitted.

Michael Schrage, Deputy City Manager, stated that due to the search warrant and the need to expedite the completion of the work, the contractor may need to obtain additional equipment in order to perform the work.

Mayor Blanchard asked if the list of the work required was provided to the property owner. Mr. Hobbie responded by stating that the required work was provided to the property owner.

Commissioner Davis asked if the hourly fee was determined by staff. Mr. Hobbie responded by stating that the hourly fee was determined by the contract with the contractor.

Mayor Blanchard asked for clarification on the contractor fees for this bill. Martin Luther, Loux Home Repair, responded by stating that the charge was \$70 per truck at ten hours each and two trailers at \$70 per trailer for ten hours.

Commissioner Crawford asked what a VMT report was. Mr. Hobbie responded by stating that the report was provided by the engineering firm hired to determine if the center building was stable.

Mayor Blanchard asked what the issue of dispute was on the cost of the bill. Jason Gage, City Manager, responded by stating that the amount of time, use of equipment and the scope of the project were the items he discussed with staff regarding the dispute of the cost.

Greg Bengtson, City Attorney, stated that the hourly rates were established by the bid process and approval of the contract.

Joseph R. Borich III, 4408 W. 110th Street, Leawood, Kansas, Attorney for Ben & LaVelle Frick, asked for a continuance of the Commission and explained the approved extensions, the scope of work and then provided information regarding points within the contract that the property owner questioned. Mr. Borich continued to explain the damages caused by the contractor on the property, questioned the insurance coverage of the contractor and would like a continuance to July 6, 2015.

Commissioner Davis asked if requesting information on the legal ramifications for this item be best addressed in an executive session or in an open session. Mr. Bengtson responded by stating that addressing the legal ramifications in executive session would be the best option.

Mr. Gage stated that the Commission might be interested in knowing why the item was placed on the agenda today when the legal counsel of the Frick's have requested the item be continued to July 6, 2015. Mr. Bengtson responded by stating that his office had handled communication with Mr. Borich and had hoped that the item could be discussed and resolved today.

Mayor Blanchard asked for information pertaining to the payroll records for the contractor's employees. Mr. Gage responded by stating that the payroll hours would not specifically provide the job the employee worked on.

Mr. Borich stated that the two things that needed to be examined were if the cost was reasonable and necessary.

Mr. Schrage stated that the Frick's were served with the Building Officials Findings & Orders which stated what the next steps were.

Commissioner Davis asked Mr. Borich if it was the first time he had received the bill within

the packet. Mr. Borich responded by stating that he received the two page bill last week but did not have it at the time the appeal was requested.

Commissioner Hardy asked if it was correct that Mr. Borich's representation had cut the Frick's off in obtaining future requests regarding this item. Mr. Borich responded by stating that he was not aware that the Frick's were not able to obtain additional information regarding this item due to his representation. Mr. Bengtson responded by stating that there were multiple communications going on between the parties and it was customary once the attorney for the client was established, the communication was to be handled through the attorneys.

Aaron Martin, Clark, Mize & Linville, stated that he had conversations with Mr. Borich on May 13, 2015. The detailed bill was sent to Mr. Borich and the date of the appeal hearing was determined during that conversation.

LaVelle Frick, 120 Overhill Road, provided information on the packet received today regarding the pictures taken. Mrs. Frick continued to talk about specifics of the contract particularly the contractor's insurance coverage, damage to the property by the contractor, the time the contractor could start the job and the receipts for the disposal of the materials.

Mr. Gage responded by stating that the staff had verified that the contractor had insurance and provided a copy to Mrs. Frick and the City Commission.

Commissioner Davis asked if there was a claim filed for the damage. Mrs. Frick responded by stating that she submitted a letter to the insurance company requesting to meet with an adjustor regarding the damages performed but had not received a call back from the insurance company.

Mrs. Frick stated that the fill sand that was delivered by the contractor she hired was removed along with the other material by the city's contractor.

Mr. Bengtson stated that a search warrant simply means that the property owner would not allow someone onto the property.

Mr. Hobbie provided information to the Commission regarding the fire at the location and the potential cause of the damage to the water or sewer lines by the fire and noted that the City was in the process of bidding for the new nuisance abatement contract at the time the work was performed.

Mr. Bengtson stated that if the Governing Body had the information needed to make a determination today, the Governing Body could act on the item. Mr. Bengtson continued to state that once a decision had been made, if the property owner did not pay the amount owed, a judgment could be filed or the amount could be added to the property taxes for the property.

Commissioner Davis stated that the contention of Mrs. Frick was that the contractor did not have the number of employees or equipment on site for the job, did Mr. Luther have a response on that contention. Mr. Luther responded by stating that if the truck was not on the site at the time, it was on the clock and traveled back and forth from the job site.

Mayor Blanchard and Commissioner Ryan provided their thoughts on the item.

Moved by Commissioner Ryan, seconded by Commissioner Hardy, to deny the appeal of charges for abatement of nuisances from 500 E. Pacific, as requested by Mr. Joseph Borich, attorney for Ben

and Lavelle Frick, and order the Fricks to pay full restitution of the outstanding charges. Aye: (5). Nay: (0). Motion carried.

Mayor Blanchard requested a five minute recess at 6:47 p.m. and reconvened at 6:52 p.m.

DEVELOPMENT BUSINESS

(8.1) Resolution No. 15-7241 considering a request for an exception to Section 42-63(a) of the Zoning Ordinance to allow placement of a permanent above ground swimming pool in a public utility easement at 1225 Sierra Drive.

Dean Andrew, Director of Planning, explained the request, location of the swimming pool and affected easements.

Commissioner Davis asked if the pool would need to have an enclosure around it. Mr. Andrew responded by stating that the yard was enclosed by a six foot fence which met the code requirements.

Commissioner Hardy asked if all of the lots on Sierra Drive had the same easement issue as the property discussed today. Mr. Andrew responded by stating that all of the lots on Sierra Drive had double frontages but the other lots within the subdivision only had one frontage.

Commissioner Hardy asked if this item was approved would it lead to future similar requests. Mr. Andrew responded by stating that each item would be weighed on its own merit and this item was weighed on the four findings established for this case.

Commissioner Hardy asked if the resolution would allow for the possibility to perform an emergency removal if needed. Mr. Andrew responded by stating that the resolution does not affect the rights of utility providers to access their lines.

Jason Gage, City Manager, stated that the utility companies could go onto the property to perform any work needed without the consent of the property owner. Mr. Andrew concurred.

Mayor Blanchard asked if the setbacks were the same as they would be on any accessory shed. Mr. Andrew responded by stating that pools were subject to setbacks but could not be located in the front yard.

Mayor Blanchard asked if there would be a permanent deck around the pool. Mr. Andrew responded that there would not be a permanent deck around the pool.

Mayor Blanchard asked if the swimming pool was replaced would the resolution still be valid. Mr. Andrew responded by stating that if the replacement pool was of the same size, the pool could be replaced under the resolution.

Mitch Johnson, 1225 Sierra Drive, provided information on the placement of the pool.

15-0216

Moved by Commissioner Ryan, seconded by Commissioner Crawford, to adopt Resolution No. 15-7241 authorizing the placement of an 18 ft. diameter above ground pool in a 10 ft. utility easement at 1223-1225 Sierra Drive and the following findings: 1. The property at 1223-1225 Sierra Drive is unique due to 40 ft. of the 50 ft. rear yard being covered by utility easements which severely limits the useable area of the backyard; 2. Due to the 30 ft. sanitary sewer easement and existing structures on the property it is not physically possible to reroute the electric line away from proposed pool location.; 3. There are no alternate locations on the property where an above ground pool could be located outside of the 40 ft. utility easement; 4. Although the proposed above ground

pool would be located over a live electric line, Westar Energy does not object to the pool location because their line is encased in a rigid metal conduit at a depth of 42 inches and Westar can access their line from either side of the pool. Aye: (5). Nay: (0). Motion carried.

Commissioner Hardy asked if the approval of this item would be an exception to the rule and others would want the same approval. Mayor Blanchard stated that he felt the four findings included would limit the potential for future cases.

Mayor Blanchard thanked Mr. Johnson for working with staff on the item.

Aye: (5). Nay: (0). Motion carried.

(8.2) Application #Z15-4 (filed by the Salina City Planning Commission) requesting the amendment of Article XI Off-Street Parking and Loading, Division 2, by amending Section 42-552 (e)(6) and amending Section 42-553(3).

Dean Andrew, Director of Planning, explained the amendment, Planning Commission action and recommended action.

Commissioner Davis asked Mr. Andrew to explain the inadequate parking at South Middle School. Mr. Andrew responded by stating that South Middle School was constructed in 1957 before there were parking requirements for schools.

Mayor Blanchard asked if there was consideration to on-street parking. Mr. Andrew responded by stating that staff recognizes that it exists but it does not count for the number of spaces required.

Mayor Blanchard provided his thoughts on the parking and asked for the calculation of on-street parking to be included in the count. Mr. Andrew responded by stating that not allowing the on-street parking pushes the parking onto other streets.

A conversation ensued between the Commission and Mr. Andrew regarding the adequate parking and the amendment.

Kris Upson, USD #305, stated that he would like to get the project completed and school staff followed the ordinances but it was hard to do so when there were different interpretations of the ordinance. Mr. Upson continued to state that with the ordinance as it was, the School District would be okay today.

Commissioner Davis asked how many seats the current gym could hold. Mr. Upson responded by stating that the current gym could hold 200 to 300 and stated that with the addition to the gym, they would not have enough spaces.

Mayor Blanchard asked how the current parking situation was. Mr. Upson responded by stating that regardless of the amount of off-street parking provided, citizens would park where they want to park.

Mayor Blanchard asked if the item returning to the Planning Commission would put a burden on the School District. Mr. Upson responded by stating that he thought any new applications filed by the School District would be approved and the School District would be willing to help with the review of the text amendment.

Jason Gage, City Manager, stated that if the South Middle School project was completed today prior to the text amendment coming back to the City Commission, the site would become a legally non-conforming use.

Mayor Blanchard asked how far apart the City of Salina was from the School District. Mr. Gage responded by stating that if the text amendment were adopted as proposed, the School District would have to provide one (1) space for every three (3) seats in the gym, over 300 parking spaces.

Mr. Gage asked how many parking spaces would be added under the current plan. Mr. Schrage responded by stating that there would be 61 new parking spaces added.

Mr. Andrew provided the Commission with their action options.

Mr. Bengtson stated that the School District would need to exhaust their options to provide additional parking spaces for the project. Mr. Andrew noted that based on the current code interpretation, if the School District added any parking spaces, they would be doing this voluntarily, it would not be required.

Commissioner Ryan provided his thoughts on the project and the parking spaces needed.

15-0217 Moved by Commissioner Ryan, seconded by Commissioner Davis, to send Application #Z15-4 back to the Planning Commission and direct staff and the Planning Commission to perform additional research and develop alternative approaches to the proposed text amendment. Aye: (5). Nay: (0). Motion carried.

OTHER BUSINESS

Commissioner Hardy passed out to the City Commission a portion of the current fireworks ordinance that he felt was hard to enforce and hoped to add something to the ordinance to help make it more enforceable.

A conversation ensued between the Commission and Jason Gage, City Manager regarding the hours, the types of fireworks approved and the possible changes needed to the ordinance.

Mr. Gage asked how important it was to the Commission to put a message out to the citizens and fireworks stands. The Commissioners provided their thoughts on the message they would like to get out. Mayor Blanchard stated that a member of the Commission would write up the message and provide it back at the next City Commission meeting for discussion.

Mayor Blanchard noted that the North Salina Community Development Hog Roast would be held on June 6, 2015 at Thomas Park.

(9.1) Request for executive session (real estate).

15-0218 Moved by Commissioner Ryan, seconded by Commissioner Hardy, to recess into executive session for 15 minutes to discuss matters pertaining to the acquisition of real estate for the reason that public discussion of the matter would adversely affect the City's position in relation to acquisition of the real estate and reconvene at 8:45 p.m.

The City Commission recessed into executive session at 8:30 p.m. and reconvened at 8:45 p.m. No action was taken.

15-0219 Moved by Commissioner Ryan, seconded by Commissioner Davis, to extend the current executive session for an additional 15 minutes. Aye: (5). Nay: (0). Motion carried.

The City Commission recessed into executive session at 8:45 p.m. and reconvened at 9:00 p.m. No action was taken.

15-0220

Moved by Commissioner Ryan, seconded by Commissioner Crawford, to extend the current executive session for an additional 15 minutes. Aye: (5). Nay: (0). Motion carried.

The City Commission recessed into executive session at 9:00 p.m. and reconvened at 9:15 p.m. No action was taken.

ADJOURNMENT

15-0221

Moved by Commissioner Davis, seconded by Commissioner Ryan, that the regular meeting of the Board of City Commissioners be adjourned. Aye: (5). Nay: (0). Motion carried. The meeting adjourned at 9:15 p.m.

[SEAL]



Jon R. Blanchard, Mayor

ATTEST:



Shandi Wicks, CMC, City Clerk

Consolidated Agenda EPN111155

