

RECORD OF PROCEEDINGS OF THE GOVERNING BODY CITY OF GARDNER, KANSAS

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May 20, 2024

The City Council of the City of Gardner, Kansas met in regular session on May 20, 2024, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with Mayor Todd Winters presiding. Present were Councilmembers Mark Baldwin, Mark Wiehn, Steve Shute and Steve McNeer. City staff present were City Administrator Jim Pruetting; Finance Director Matt Wolff; Police Chief Pam Waldeck; Utilities Director Gonz Garcia; Parks Director Jason Bruce; Community Development Director Dave Knopick; Public Works Director Kellen Headlee; City Attorney Ryan Denk; City Clerk Renee Rich. Others present included those listed on the sign-in sheet and others who did not sign in. Councilmember Kacy Deaton was absent.

There being a quorum of Councilmembers present, Mayor Winters called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Winters led those present in the Pledge of Allegiance.

PRESENTATIONS

1. Electric Master Plan

Kiewit presented the 2024 Master Plan including Long Term Planning and operation of the City's electric system.

PUBLIC HEARING

1. Hold a public hearing for the purpose of receiving comments to a request for a Waiver of the Distance Limitation to allow for the sale and consumption of Cereal Malt Beverages for consumption within 200 feet of a school, church or library during the Abdallah Shriners event weekend at the Johnson County Fairground.

Councilmember Shute made a motion to open a public hearing for the purpose of receiving comments to a request for a Waiver of the Distance Limitation to allow for the sale and consumption of Cereal Malt Beverages for consumption within 200 feet of a school, church or library during the Abdallah Shriners event weekend at the Johnson County Fairground.

Councilmember Baldwin Seconded.

With a majority of the Councilmembers voting in favor of the motion, the motion carried. (4-0-1 Absent)

No members of the public came forward.

Councilmember McNeer made a motion to close the public hearing.

Councilmember Baldwin Seconded.

With a majority of the Councilmembers voting in favor of the motion, the motion carried. (4-0-1 Absent)

PUBLIC COMMENTS

Katy Hoffman, 8456 Maurer Rd. Lenexa. Katy moved from Gardner in 2016 but lived here for 30 years. I came to share information about the Kansas Silver-Haired Legislature. It was formed in 1982 and created by an Act of Congress in 1969. It's a unicameral legislature composed of 125 representatives which is basically one per county in Kansas, however the more populated counties have six representatives. I am the chairman of the local area and we are elected every two years. The election is in March and you must be 60 years of age to become a member. We cover the entire state, so we ask for issues to present to the legislature each session. In July, we will be deciding on the issues for the 2025 session. We select the issues we feel will best help the people of Kansas. We meet in October in the state house, similar to the regular legislature, but we are all volunteers. During this time, we decide on the issues we will present to the legislature. We have our own representative that goes to the meetings to testify. We do some fundraising at our session in October by silent auction and offer a nursing scholarship preferably someone going into geriatric nursing. We are currently trying to get new suggestions for

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issues to present. If anyone has issues they would like us to consider, please let us know. As a reminder, these are only for state issues only.

CONSENT AGENDA

1. **Standing approval of the minutes as written for the regular meeting on May 6, 2024.**
2. **Standing approval of City expenditures prepared May 3, 2024 in the amount of \$410,797.22; and May 8, 2024 in the amount of \$666,342.44.**
3. **Consider appointments to the vacancies on Boards and Commissions.**
4. **Consider authorizing the execution of an agreement for professional services with Revize for the development of the City of Gardner’s website.**
5. **Consider authorizing the purchase of a Street Sweeper through the Sourcewell Cooperative Purchasing Program under the City’s Vehicle and Equipment Replacement Policy.**
6. **Consider authorizing the purchase and training of a dual-purpose K-9 and a 12-week course for K-9 / handler Training using the Special Law Enforcement Trust Fund.**
7. **Consider authorizing an agreement with KDOT for the Gardner Traffic Signal Interconnect Project.**

Councilmember Shute made a motion to approve the Consent Agenda.

Councilmember McNeer Seconded.

With a majority of the Councilmembers voting in favor of the motion, the motion carried. (4-0-1 Absent)

PLANNING & ZONING CONSENT AGENDA

COMMITTEE RECOMMENDATIONS

OLD BUSINESS

NEW BUSINESS

1. **Consider a petition for the formation of a special benefit district for the Lone Star Prairie development.**

Finance Director Matt Wolff advised the owner and developer of the Lone Star Prairie Development has petitioned the city for the creation of a special benefit district for the construction of a lift station and offsite sanitary sewer improvements. This is a multi-phase residential development. They will have approximately 188 single family homes at full buildout. The maximum costs of the improvements for the improvement district is \$1.15M including the cost of issuance of temporary notes, long-term bonds and the interest expense on the temporary notes. The cost of the improvements will be assessed 100% against the improvement district and 0% against the city at large. The proposed term of the improvement district is 20 years.

Councilmember Shute asked if they have furnished a letter of credit of some other instrument to back the creation of the district. Wolff said he doesn’t believe we are requiring a letter of credit because this is only for offsite improvements. This is also a lower dollar amount compared to some of our other benefit districts.

Councilmember McNeer made a motion to adopt Resolution No. 2140, determining the advisability of certain internal improvements in the City of Gardner, Kansas, and authorizing and providing for the making of such improvements in accordance with the findings of the Governing Body and K.S.A. 12-6a01 et seq. (Lone Star Prairie Special Benefit District)

Councilmember Baldwin Seconded.

With a majority of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2140.

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McNeer: Yes
Baldwin: Yes
Deaton: Absent
Wiehn: Yes
Shute: Yes

2. Consider adopting a resolution authorizing the adoption and execution of an amended and restated benefit plan of the City of Gardner, Kansas.

Human Resources Manager Shannon Templeton discussed the changes to the benefit plan year for a January 1 renewal schedule. As part of this adjustment, all of the city's current offerings will renew July 1, 2024, for six months of coverage and renew again on January 1, 2025, for a full twelve-month period. As part of this transition, Flex Made Easy, the city's provider for flexible spending accounts requires the governing body pass a resolution authorizing staff to amend the plan year and continue the administration of these FSA services.

Councilmember Baldwin made a motion to adopt Resolution No. 2141, a resolution authorizing the adoption and execution of an amended and restated welfare benefit plan of the City of Gardner, Kansas.

Councilmember Shute Seconded.

With a majority of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2141.

Baldwin: Yes
Deaton: Absent
Wiehn: Yes
Shute: Yes
McNeer: Yes

3. Consider authorizing the City Administrator to execute a contract with Olsson for Substation 4 final design, equipment and construction specifications, bid review and recommendation, and project management, CIP Project EL4005.

Utilities Director Gonz Garcia said due to a series of voluntary annexations over the last several years, the need for a new substation was identified. In 2022, Olsson was selected for land acquisition and preliminary design of a new substation. Originally, we had the substation construction planned for 2032. Due to our growth and lead time for electrical equipment, it is imperative to begin the design now in order to have this substation operational by 2027. On November 20, 2023, Council authorized staff to request a scope of work proposal from Olsson that would include the final design, equipment and construction specifications bid review recommendation, and project management. We received their proposal and compared it to other similar projects we have, and their pricing is comparable to other projects.

Councilmember Shute asked if this is going to be a design build. Garcia said this will be conventional construction because we have three years to do the construction. What needs to be done and has already started is the requisition of transformers and circuit breakers.

Councilmember McNeer made a motion to authorize the City Administrator to execute a contract with Olsson in the amount of \$646,500 plus applicable sales taxes for Substation 4 final design, equipment and construction specifications, bid review and recommendation, and project management, CIP Project No. EL4005

Councilmember Wiehn Seconded.

4. Consider a request for a Waiver of the Distance Limitation and a "General Retailer" Special Event permit to allow for the sale of cereal malt beverages for consumption within 200 feet of a school, church, or library during the Abdallah Shriners event weekend at the Johnson County Fairground.

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City Clerk Rich explained this is a yearly event of the Abdallah Shriners which requires a waiver of the distance for serving cereal malt beverages during the event. The police department has already completed their investigation and find nothing that would prohibit the license being issued.

Councilmember Shute made a motion to approve a request for a Waiver of the Distance Limitation and a General Retailer Special Event temporary permit to allow for the sale and consumption of Cereal Malt Beverages within 200 feet of a school, church or library during the Abdallah Shriners Rodeo & Demo Derby to be held June 13 through June 15, 2024 at the Johnson County Fairgrounds, 136 E. Washington St.

Councilmember Baldwin Seconded.

COUNCIL UPDATES

Chief Waldeck said the department is working with emergency management on assessing the storm. We put the drone in the air to get an idea of damage. Officers were out overnight assisting as well. There were a few residents displaced from one apartment complex. Public works and Utilities have been out today working on some of the damage. Emergency Management and the National Weather Service were out today to assess what type of storm we had and expect a determination tomorrow morning.

Utilities Director Garcia said there were no outages during the storm last night. We did have some minor damage to fence posts.

Community Development Director Knopick reminded everyone there is a Planning Commission on Tuesday night due to the Monday holiday.

Councilmember Shute said both Fire and Police Department were in my neighborhood. It looks like southeastern Gardner seemed to get hit the worst. There were trees snapped at the base which fell on cars and houses. It looks like the damage started about Horizon Trails Apartment Complex and went northeast through Aspen Creek, Willow Springs and into Cottage Creek and Wildcat Run, towards Walmart. It looks like a 300-foot-wide channel with significant tree damage, fences blown down and some damage to houses. It appears something spun up in that area. I want to commend Public Safety and Utilities because we never lost power for more than two seconds during the storm.

Councilmember McNeer gave a shout out to Utilities for keeping the power on.

Councilmember Wiehn wants to congratulate all of the graduates from the past weekend. Also, thank you to Officer Jolly for spending the early morning with our graduates at Project Graduation.

Mayor Winters received a phone call about assistance with cleanup for limbs from the storm. It is not typically our policy to do anything on private property. In the past, we have utilized a common area for residents to bring items to and set up a day or two to do chipping and shredding. I told the caller I would bring it to council to see if there was anything that the city could help with. If we had space and a location, I wouldn't be opposed to trying to offer this. Discussion continued of locations on city property that would have space for drop off. Baldwin said it would take time to get this set up and if the amount of limbs is large, individuals may not even be able to get it there to drop off. McNeer agreed that it may be difficult to get set up quickly, plus some of this may be addressed with homeowners making insurance claims. The consensus is we are not readily set up with a facility or equipment to handle this right now, but we can look into it for the future.

EXECUTIVE SESSION

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember McNeer and seconded by Councilmember McNeer the meeting adjourned at 8:09 pm.

City Clerk

City of Gardner, KS

Council Actions

May 20, 2024

The City Council took the following actions at the May 20, 2024, meeting:

1. Held a public hearing for the purpose of receiving comments to a request for a Waiver of the Distance Limitation to allow for the sale and consumption of Cereal Malt Beverages for consumption within 200 feet of a school, church or library during the Abdallah Shriners event weekend at the Johnson County Fairground. (Passed 4-0-1 Absent)
2. Approved the minutes as written for the regular meeting on May 6, 2024. (Passed 4-0-1 Absent)
3. Approved City expenditures prepared May 3, 2024 in the amount of \$410,797.22; and May 8, 2024 in the amount of \$666,342.44. (Passed 4-0-1 Absent)
4. Appointed new members to the vacancies on Boards and Commissions. (Passed 4-0-1 Absent)
5. Authorized the execution of an agreement for professional services with Revize for the development of the City of Gardner's website. (Passed 4-0-1 Absent)
6. Authorized the purchase of a Street Sweeper through the Sourcewell Cooperative Purchasing Program under the City's Vehicle and Equipment Replacement Policy. (Passed 4-0-1 Absent)
7. Authorized the purchase and training of a dual-purpose K-9 and a 12-week course for K-9 / handler Training using the Special Law Enforcement Trust Fund. (Passed 4-0-1 Absent)
8. Authorized an agreement with KDOT for the Gardner Traffic Signal Interconnect Project. (Passed 4-0-1 Absent)
9. Adopted a resolution for the formation of a special benefit district for the Lone Star Prairie development. (Passed 4-0-1 Absent)
10. Adopted a resolution authorizing the adoption and execution of an amended and restated benefit plan of the City of Gardner, Kansas. (Passed 4-0-1 Absent)
11. Authorized the City Administrator to execute a contract with Olsson for Substation 4 final design, equipment and construction specifications, bid review and recommendation, and project management, CIP Project EL4005. (Passed 4-0-1 Absent)
12. Approved a request for a Waiver of the Distance Limitation and a "General Retailer" Special Event permit to allow for the sale of cereal malt beverages for consumption within 200 feet of a school, church, or library during the Abdallah Shriners event weekend at the Johnson County Fairground. (Passed 4-0-1 Absent)