

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

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August 5, 2024

The City Council of the City of Gardner, Kansas met in regular session on August 5, 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, Kacy Deaton, Mark Wiehn, and Steve Shute. 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 Steve McNeer 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

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 Santa Fe Disco Y Rodeo event at the Johnson County Fairground.**

Councilmember Deaton 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 Santa Fe Disco Y Rodeo event on August 18, 2024, at the Johnson County Fairgrounds, 136 E. Washington St.

Councilmember Shute 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 Deaton made a motion to close the public hearing.

Councilmember Shute Seconded.

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

PUBLIC COMMENTS

No members of the public came forward

CONSENT AGENDA

- 1. Standing approval of the minutes as written for the regular meeting on July 15, 2024.**
- 2. Standing approval of City expenditures prepared July 11, 2024 in the amount of \$496,078.54; July 11, 2024 in the amount of \$32,698.16; July 18, 2024 in the amount of \$995,405.89; July 19, 2024 in the amount of \$41,208.11; and July 25, 2024 in the amount of \$888,691.29.**
- 3. Consider a recommendation to appoint a City of Gardner representative to the Kansas Municipal Gas Agency Board of Directors.**
- 4. Consider authorizing the execution of a contract with USD 231 for four (4) School Resource Officers for the 2024-2025 school year.**
- 5. Consider a recommendation to the City Council to purchase transformers for Substation 1 and Substation 4.**

- 6. Consider authorizing the execution of a contract with Freeman Concrete Construction, LLC for the 2024 Pavement Management Project.**
- 7. Consider authorizing the purchase of Network and Endpoint Security Management services from SilverSky.**

Councilmember Deaton made a motion to approve the Consent Agenda.

Councilmember Baldwin 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 adopting an ordinance authorizing the issuance and delivery of \$1,545,000 principal amount of General Obligation Bonds, Series 2024A, of the City of Gardner, Kansas.**

This presentation covers New Business 1,2 and 3.

Finance Director Matt Wolff said at the July 15, 2024 council meeting, the governing body approved Resolution 2146 authorizing the offer for sale of General Obligation Bonds series 2024A and series 2024B Temporary Notes. The bonds will be used to pay off series 2023A General Obligation Temporary Notes and provide permanent financing for the Hilltop Ridge Special Benefit Districts and the 2024B Temporary Notes will be used to finance improvements related to the Lone Star Prairie Special Benefit District.

Tom Kaleko from Baker Tilly shared they were originally scheduled to sell \$1,545,000 in bonds and received a premium bid, so the amount was reduced to borrowing \$1,435,000. They are still 20-year bonds and funding the same amount of projects. The notes are 2-year notes and originally scheduled for \$1,090,000 and was reduced to \$1,055,000 again because of a premium bid. Both obligations are General Obligation and they will be paid first from special assessments then paid from the unlimited property tax pledge. We took bids today at 11:00 and received two bids from investment banks on the bonds. The winner was Robert W. Baird at a true interest cost of 3.613%. The notes received one bid from D.A. Davidson. The winning true interest cost was 3.496%.

The city was the beneficiary of entering the market on a very favorable day. If you have been following the market, there was a big shift in U.S. Treasuries on Friday which had positive results and brought down Municipal Bond rates today. It was a very busy day in Municipal Finance particularly in Kansas. The interest rate on the bonds was a full ½% lower than what was originally estimated in July and the notes ¼% lower than what was estimated in July.

We did pursue a rating through S&P and they assigned a rating of AA- to the bonds and affirmed this rating. It's an affirmation of the existing rating on the outstanding general obligation debt. The notes were assigned a rating of SP1+ which is the highest rating that S&P awards to temporary debt. In their report, they cited strengths of the city government that it serves a rapidly growing and strong local economy. There is sophisticated management and financial policies with a strong budget performance, generally producing a surplus budget and ample reserves.

He recommended awarding the General Obligation Bonds to Robert W. Baird and the notes to D.A. Davidson. He also noted the excellent work of the finance staff and bond counsel with Kutak Rock.

Councilmember Deaton made a motion to Adopt Ordinance No. 2807, an ordinance authorizing the issuance and delivery of \$1,435,000 principal amount of General Obligation Bonds, Series 2024A, of the City of Gardner, Kansas.

Councilmember Shute Seconded.

With a majority of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned number 2807.

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

2. Consider a resolution prescribing the form and details of and authorizing the delivery of \$1,435,000 principal amount of General Obligation Bonds, Series 2024A, of the City of Gardner, Kansas, previously authorized by an ordinance of the City.

Discussion under New Business 1.

Councilmember Deaton made a motion to adopt Resolution No. 2148, a resolution prescribing the form and details of and authorizing the delivery of \$1,435,000 principal amount of General Obligation Bonds, Series 2024A, of the City of Gardner, Kansas, previously authorized by an ordinance of the City.

Councilmember Wiehn Seconded.

With a majority of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned number 2148.

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

3. Consider adopting a resolution authorizing the issuance and delivery of \$1,090,000 principal amount of General Obligation Temporary Notes, Series 2024B, of the City of Gardner, Kansas.

Discussion under New Business 1.

Councilmember Deaton made a motion to adopt Resolution No. 2149, a resolution authorizing the issuance and delivery of \$1,055,000 principal amount of General Obligation Temporary Notes, Series 2024B, of the City of Gardner, Kansas.

Councilmember Baldwin Seconded.

With a majority of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned number 2149.

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

4. Consider appointing Harrison Hall as Deputy City Clerk for the City of Gardner and administer the Oath of Office.

Councilmember Deaton made a motion to appoint Harrison Hall as City of Gardner Deputy City Clerk, effective August 5, 2024 and direct the City Clerk to administer the Oath of Office.

Councilmember Shute Seconded.

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

City Clerk Renee Rich administered the Oath of Office to Harrison Hall.

5. Consider a request for a Waiver of the Distance Limitation and a Temporary Permit to allow for the sale of cereal malt beverages for consumption within 200 feet of a school, church, or library during an event at the Johnson County Fairground.

City Clerk Rich stated this is a second request from the same group who held an event on June 30th. This time, they have asked for the waiver of distance and temporary permit for August 18th from 2:00 pm to 9:00 pm. They have hired private security and contacted the police for additional security. If the council approves the waiver and permit, it would not be issued until after the state approves the temporary liquor license.

Councilmember Deaton would like to hear comments from the police department about how this event went last time. Chief Waldeck said the last time this event was held, they suffered blackout and had seven officers on during the overlap period. They were all handling calls for service stemming from the events at the fairgrounds including two DUIs from patrons and a disturbance, as well as multiple calls for service regarding noise complaints. Some of those were able to be handled over the phone explaining where the noise was coming from. There were also some issues with the way alcohol was being distributed and if this is approved, we will reach out to ABC for assistance. We found out after the fact that officers were seeing alcohol sold by the six pack instead of by the drink which is believed to be a violation. There were verbal disturbances, loud noise and lots of complaints from the event. Councilmember Shute said he had heard some of the same concerns and people called the non-emergency number to make complaints. Waldeck confirmed there were a lot of calls into the station which supervisors took as well as some of the officers. They also described people walking from the event, being in the streets very highly intoxicated, obviously people overserved and wandering off the beaten path from where they were going and getting into the neighborhoods. Mayor Winters asked what the term blackout means. Waldeck explained that all officers were tied up and not available for other calls for services. There were only three other calls that were not related to this event, but if something emergent happened, PD would not have had anyone to respond and would have had to ask another agency to handle it. Shute asked if they had private security at the event in June. Waldeck said it is believed they did have a private security company there. They have been advised if they host this event, it would be required for them to have six officers and double their private security. Of note, only two officers have signed up for this extra duty event, so if this is approved, we'll probably have to reach out to the county to assist. Councilmember Baldwin said the fairgrounds is on our city limit, so that is probably why we have jurisdiction, but since this is the county fairgrounds, why is the sheriff not the primary on this? Waldeck is not sure other than this would be considered off-duty employment and they contacted us since it's our city limits. During fair time and fair related events, it is the county's responsibility.

Deaton said it sounds like the last event was handled irresponsibly and maybe not allowing alcohol is the way to go. Councilmember Wiehn said this is the first time he has heard these types of issues at the fairgrounds because there have not been issues at other events there. Deaton said we approved this last time and this group was not responsible with the alcohol which creates a danger for our citizens and she could not vote for this. Wiehn said he would need to see a better plan from the organizers. Shute said the fact that they violated the law in serving alcohol in six packs, having people drunk and disorderly conduct happening outside the event due to overserving, he would not be able to vote for it. Councilmember Baldwin feels like they have lost the privilege due to not being responsible.

Councilmember Deaton made a motion to deny 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 Santa Fe Disco Y Rodeo to be held August 18, 2024, at the Johnson County Fairgrounds, 136 E. Washington St.

Councilmember Deaton Seconded.

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

COUNCIL UPDATES

Chief Waldeck said they held the First Annual Cram the Cruiser event this weekend at Walmart. They partnered with Hope Market and it was very successful. Officer Jolly had the idea for this event. School supplies and food were collected. Hope Market said it was the largest single donation day with over 3100 pounds of food and school supplies which will help the citizens of Gardner. Some of the school supplies will be given to the SRO's so they have items to give kids in need. National Night Out was last Tuesday night at the fair and we gave out about 400 hot dogs. The US Attorney's Victim Advocate Group joined for the event as well.

Utilities Director Garcia said Crossland will be breaking ground next week as part of the Kill Creek expansion.

City Administrator Pruetting said the city has a policy for selling city property which dictates the council must deem the property surplus for us to sell it. There have been several inquiries on the police lot. I would like it deemed surplus so we can bring a sales contract back to council. We are also meeting with Representative Davids a couple times this week.

Councilmember Shute made a motion to deem the police lot as surplus property for potential sale.

Councilmember Deaton Seconded.

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

Councilmember Shute said the fair was a great success and had good weather. Friday and Saturday went well and a lot of people came out. Thanks to Johnson County Sheriff and the complement of the Gardner Police Department for keeping the peace. Thank you to all the folks that work the event. I love having the fair in Gardner and hope we can keep it here. I would like to discuss how we can help the fair get more room to grow.

Councilmember Deaton thanked the citizens that stopped by the booth Mayor had set up to share feedback. Thanks to Officer Jolly for helping at the fair and then immediately doing the Cram the Cruiser event. If the rodeo event still happens at the fairgrounds even without the alcohol, what would be some options about noise. Do we have a noise ordinance, what are the times, and what can we do if a citizen asks about it. Waldeck says we can do some education on noise. If it rises to the level of disorderly, we could talk about citing the organizer, but we can have that discussion. We can discuss shortening the hours they serve alcohol, stop serving towards the end of the event and asking them to lower the volume. Mayor asks if the officer requirement will stay the same if they continue with the event with no alcohol. Waldeck said that will have to be discussed because it is unclear what the requirements are.

EXECUTIVE SESSION

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Deaton and seconded by Councilmember Shute the meeting adjourned at 7:32 pm.

City Clerk

City of Gardner, KS

Council Actions

August 5, 2024

The City Council took the following actions at the August 5, 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 Santa Fe Disco Y Rodeo event at the Johnson County Fairground.
2. Approved the minutes as written for the regular meeting on July 15, 2024. (Passed 4-0-1 Absent)
3. Approved City expenditures prepared July 11, 2024 in the amount of \$496,078.54; July 11, 2024 in the amount of \$32,698.16; July 18, 2024 in the amount of \$995,405.89; July 19, 2024 in the amount of \$41,208.11; and July 25, 2024 in the amount of \$888,691.29. (Passed 4-0-1 Absent)
4. Appointed a City of Gardner representative to the Kansas Municipal Gas Agency Board of Directors. (Passed 4-0-1 Absent)
5. Authorized the execution of a contract with USD 231 for four (4) School Resource Officers for the 2024-2025 school year. (Passed 4-0-1 Absent)
6. Approved purchase of transformers for Substation 1 and Substation 4. (Passed 4-0-1 Absent)
7. Authorized the execution of a contract with Freeman Concrete Construction, LLC for the 2024 Pavement Management Project. (Passed 4-0-1 Absent)
8. Authorized the purchase of Network and Endpoint Security Management services from SilverSky. (Passed 4-0-1 Absent)
9. Adopted an ordinance authorizing the issuance and delivery of \$1,435,000 principal amount of General Obligation Bonds, Series 2024A, of the City of Gardner, Kansas. (Passed 4-0-1 Absent)
10. Adopted a resolution prescribing the form and details of and authorizing the delivery of \$1,435,000 principal amount of General Obligation Bonds, Series 2024A, of the City of Gardner, Kansas, previously authorized by an ordinance of the City. (Passed 4-0-1 Absent)
11. Adopted a resolution authorizing the issuance and delivery of \$1,055,000 principal amount of General Obligation Temporary Notes, Series 2024B, of the City of Gardner, Kansas. (Passed 4-0-1 Absent)
12. Appointed Harrison Hall as Deputy City Clerk for the City of Gardner and administered the Oath of Office. (Passed 4-0-1 Absent)
13. Denied a request for a Waiver of the Distance Limitation and a Temporary Permit to allow for the sale of cereal malt beverages for consumption within 200 feet of a school, church, or library during an event at the Johnson County Fairground. (Passed 4-0-1 Absent)