

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

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October 21, 2024

The City Council of the City of Gardner, Kansas met in regular session on October 21, 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 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. Steve Shute 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. Proclaim October 16, 2024, as Support Your Local Chamber of Commerce Day in the City of Gardner.

Mayor Winters read into record a proclamation that October 16, 2024 be known as Support Your Local Chamber of Commerce Day in the City of Gardner.

2. Proclaim October 24, 2024, as World Polio Day in the City of Gardner.

Mayor Winters read into record a proclamation that October 24, 2024 be known as World Polio Day in the City of Gardner.

3. Fire District 1 2025 Budget Overview.

Commissioner Allenbrand, Fire Board Commissioner Dave Drovetta and Fire Chief Trig Morley discussed the Fire District 1 2025 Budget. This budget will include a modest mill increase. Prior to this year, there was no capital improvement plan or strategic plan. Unlike other Johnson County Fire Departments, there were no wellness checks or education reimbursement for firefighters. All these items have been added to the 2025 budget. This budget attempted to address pay equity, although this agency remains seventh out of eight departments. For the 2025 budget year, Fire District 1 has adopted a 17.156 mill levy. That is an increase of .0874 over the 2024 mill levy. The final mill levy is forecasted to be 16.902, which is .62 higher than last year. The total budget authority for 2025 is about \$13.9M. Fire District 1 operates six crews out of five stations. It is a full-service fire district providing all hazard response services including advanced life support, fire prevention services, code services, public education and public relations. In 2023, they handled 4,903 calls for service and are on track this year for a 9.5% increase on that call volume. September 2023 through September 2024 had 5,239 calls for service, 2,722 of those calls were within the city limits of Gardner. The average turnout time for calls to Gardner is 53 seconds, which is the time the alarm drops until the crews are on the road and responding, with an average on-scene time of 5 minutes 3 seconds. There has been a 10.6% loss of employees due to low pay and benefits over the last 24 months. It is a young department with 20 of the 66 employees having been with the organization for less than 5 years. In 2021, there were 12.5 administrative positions which has dropped to 6.5. Raises are included in the 2025 budget, but still leaves them as one of the lowest paid in Johnson County. Fire District 1 provides services to Fire District 2 because they don't have any employees, and they contract District 1 to fulfill those services.

Mayor Winters asked about the warehouses in Edgerton rolling off the tax roles in the next few years and how that forecasts into the budget. Mark Dapp, Budget and Financial Planning, said at the flat mill levy for the district, about \$4M of assessed valuation ad valorem dollars that would be projected to come online in the next five years as a result of those abatements returning to the full value. Winter asked about budgeting in the future or if they are for capital expenses. Dapp said they will manually add those properties back in so they can see when they're coming back onto the tax roll and be able to assess what's going to be necessary from a mill levy perspective based off the total value of the tax roll with those properties being included.

PUBLIC HEARINGS

PUBLIC COMMENTS

No members of the public came forward.

CONSENT AGENDA

1. **Standing approval of the minutes as written for the regular meeting on October 7, 2024.**
2. **Standing approval of City expenditures prepared October 3, 2024 in the amount of \$392,280.53 and October 10, 2024 in the amount of \$417,704.45.**

Councilmember McNeer made a motion to approve the Consent Agenda

Councilmember Deaton 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 a resolution approving the execution and delivery of a developer contribution agreement in connection with a rental townhome project within the City (Flint Trails)**

Finance Director Matt Wolff said the developer has agreed to contribute to the costs of improving 167th Street adjacent to the proposed rental townhome development. The project is generally located at the northeast corner of 167th Street and White Drive. The developer shall pay the developer contribution in two separate payments. The first payment of approximately \$251,000 is to be paid prior to the date on which the plat is recorded with the Johnson County Register of Deeds' office. The second payment of approximately \$931,000 is to be paid within 30 days from the date the City notifies the developer that the City has accepted the completed internal infrastructure improvements. The developer's first payment shall be credited against the excise tax calculated for the development.

Councilmember Deaton made a motion to adopt Resolution No. 2153, a resolution authorizing the execution and delivery of a developer contribution agreement in connection with a rental townhome project within the City (Flint Trails)

Councilmember Baldwin Seconded.

With a majority of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned number 2153.

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

2. **Consider adopting an ordinance to authorize a special sales tax election.**

Finance Director Matt Wolff said the Governing Body held a Work Session on October 7, 2024 to review information prepared by the Public Works Department regarding the current infrastructure special sales tax and existing infrastructure conditions. At the Work Session, the Governing Body directed staff to prepare for a ½ cent special sales tax for the purpose of constructing and maintaining streets, sidewalks, pedestrian bridges and trails and schedule the election for February. As directed, staff has prepared an ordinance calling for an election to be held on February 11, 2025, to renew the ½ cent special sales tax to be used for funding the city's infrastructure. If approved by the voters, the tax would take effect on January 1, 2026 or as soon thereafter as permitted by law. The tax would sunset at the end of ten years.

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Councilmember Wiehn asked what the current total sales tax is that Gardner receives. Wolff said it depends on the area, but the city's general sales tax is a 1% base sales tax and the ½ cent infrastructure tax. Wiehn confirms this would keep it the same.

Councilmember McNeer made a motion to adopt Ordinance No. 2814 calling for an election to be held on February 11, 2025, for the purpose of voting on a proposition to authorize the City of Gardner, Kansas, to renew the levy of a Special Purpose Citywide Retailers' Sales Tax of one-half of one percent (0.5%) to be used to fund city infrastructure, including the construction of or repairing, rebuilding, rehabilitating, upgrading and improvement of streets, curbs, sidewalks, pedestrian bridges, and walking, jogging and biking trails in the City of Gardner, with such tax to take effect on January 1, 2026 or as soon thereafter as permitted by law, and end ten years after such effective date.

Councilmember Deaton Seconded.

With a majority of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned number 2814.

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

COUNCIL UPDATES

Parks & Recreation Director Bruce said the 28th annual Boo Bash is Thursday at Celebration Park. The low sensory portion of the event will run from 5:30 to 6:00 and the other portion will be from 6:00 to 8:30 pm. So far, the weather looks pretty good, but if for some reason we have to cancel, the reschedule date is a week from tonight.

Community Development Director Knopick said there is Planning Commission on Monday at 7:00 pm. Council will receive a link to the packet in the Friday Minute Memo.

City Administrator Pruetting said we were notified by KDOT they are delaying the Gardner Bridge to May 2025. They are pinning the delay on the realignment of 191st Street. They were in private negotiations with the property owner on the southeast corner at 191st Street which followed the offramp. It's going to be further south and split the property so it can be developed into a commercial property. It was outside the original planning area, so they had to go back and redo a couple things. Now they are in the process of right-of-way acquisition. They have gone to condemnation on a couple properties so the target date is now in May. We are going to push to have them start construction as part of the contract in 2025, as part of the notice to proceed to the company that wins the bid. Public Works Director Headlee said the intention is to build out the new bridge before closure. They're trying to minimize the closure as much as possible. Mayor asks whether there should be concern or if there should be active investigation on the bridge now. Headlee said the bridge is being looked at regularly by both KDOT and the city. The city will get with KDOT to see if there's a way to make some patch work improvements until we have a new bridge. Councilmember McNeer asked if they have provided an estimate for the length of the project. Pruetting said he believes 18 months. McNeer asks if this is calculated using daytime hours. Pruetting said we can ask for incentives for early completion or extended hours. We are in discussion now about aesthetic improvements now and may have to come back to make alternate selections. We are asking them to bid the package as we have it and see where it comes in, but we may have to come back to council if it comes out higher than what we have already discussed and see what everyone wants to do. McNeer asks if we can get any additional leverage on this project. Pruetting said as prices increased, they have not asked for our contribution to increase so we need to find the balance of negotiations.

EXECUTIVE SESSION

- 1. Consider entering into executive session to discuss matters of attorney/client privilege related to a potential development project.**

Councilmember McNeer made a motion to recess into executive session for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship pursuant to K.S.A. 75-4319(b)(2) beginning at 7:45 pm; returning to regular session at 7:55 pm.

Councilmember Deaton Seconded.

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

Councilmember Deaton made a motion to resume regular session at 7:55 pm

Councilmember McNeer Seconded.

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

2. Consider entering into executive session to discuss matters of attorney/client privilege related to a potential development project.

Councilmember Deaton made a motion to recess into executive session for consultation with an attorney for the public body or agency which would be deemed privileged in the attorney-client relationship pursuant to K.S.A. 75-4319(b)(2) beginning at 7:57 pm; returning to regular session at 8:14 pm.

Councilmember McNeer Seconded.

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

Councilmember McNeer made a motion to resume regular session at 8:14 pm

Councilmember Deaton Seconded.

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

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember McNeer and seconded by Councilmember Deaton the meeting adjourned at 8:15 pm.

City Clerk

City of Gardner, KS

Council Actions

October 21, 2024

The City Council took the following actions at the October 21, 2024, meeting:

1. Proclaimed October 16, 2024, as Support Your Local Chamber of Commerce Day in the City of Gardner.
2. Proclaimed October 24, 2024, as World Polio Day in the City of Gardner.
3. Heard a presentation about the Fire District 1 Budget.
4. Approved the minutes as written for the regular meeting on October 7, 2024. (Passed 4-0-1 Absent)
5. Approved City expenditures prepared October 3, 2024 in the amount of \$392,280.53 and October 10, 2024 in the amount of \$417,704.45. (Passed 4-0-1 Absent)
6. Adopted a resolution approving the execution and delivery of a developer contribution agreement in connection with a rental townhome project within the City (Flint Trails) (Passed 4-0-1 Absent)
7. Adopted an ordinance to authorize a special sales tax election. (Passed 4-0-1 Absent)
8. Recessed into executive session to discuss matters of attorney/client privilege related to potential development for 10 minutes. (Passed 4-0-1 Absent)
9. Recessed into executive session to discuss matters of attorney/client privilege related to potential development for 17 minutes. (Passed 4-0-1 Absent)