

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

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February 19, 2024

The City Council of the City of Gardner, Kansas met in regular session on February 19, 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, 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.

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 HEARINGS

PUBLIC COMMENTS

CONSENT AGENDA

1. **Standing approval of the minutes as written for the regular meeting on February 5, 2024.**
2. **Standing approval of City expenditures prepared February 1, 2024 in the amount of \$540,910.21; February 5, 2024 in the amount of \$1,987.00; and February 8, 2024 in the amount of \$555,131.08.**
3. **Consider an appointment to the Planning Commission.**

Councilmember McNeer made a motion to approve the Consent Agenda.

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

PLANNING & ZONING CONSENT AGENDA

None

COMMITTEE RECOMMENDATIONS

1. **Consider adopting ordinance approving a rezoning from County RUR (Rural) District to CP-3 (Planned Commercial), RP-3 (Planned Garden Apartment) and RP-5 (Planned Apartment) Districts; for potential commercial and residential development of 58.21 acres located at the southeast intersection of W 175th Street and Clare Road.**

Community Development Director David Knopick says this is a proposal for development at the southeast corner of the intersection of 175th Street and Clare. It is approximately 58 acres. The proposal is to divide the area into three zoning districts: 22 acres of planned commercial CP-3 for commercial development; 6.8 acres to RP-3 for either single family or duplex housing; and 17.5 acres to RP-5 for apartments. That is per the associated development plan included in the packet. This is being rezoned because when it was annexed, it retained it's county zoning of RUR (Rural Residential). The rezoning is done when there is a development proposal. It is converted into the city districts at that time. On Jan 18, the Planning Commission held a public hearing at which the applicant and staff spoke. The Planning Commission is recommending approval with four conditions. Condition number 4 is that this proposal has to go to the Johnson County Airport Commission, as well as the Board of County Commissioners. If you approve this ordinance, the publication will be held until we after the report from those agencies.

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Councilmember Deaton made a motion to accept the recommendation of the Planning Commission and approve Ordinance No. 2793, an ordinance changing the zoning classification or districts of certain lands located in the City of Gardner, Kansas, under the authority granted by Title 17 of the Municipal Code of the City of Gardner, Kansas.

Councilmember Shute Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2793.

McNeer:	Yes
Baldwin:	Yes
Deaton:	Yes
Wiehn:	Yes
Shute	Yes
Winters	Yes

NEW BUSINESS

1. Consider accepting a voluntary annexation with landowner consent.

Administrator Jim Pruetting said this is a voluntary annexation with landowner consent. The property is adjacent to the current city boundary on the west end of 199th Street at I-35. The agreement outlines the terms agreed upon by the City and the property owners. The terms are consistent with the direction of the governing body regarding annexation of rural property in the City's planning and growth area east of Interstate 35.

Councilmember Shute made a motion to accept the Voluntary Consent Annexation Agreement from the property owners identified within and adopt Ordinance No. 2794, an ordinance annexing land to the City of Gardner, Kansas. Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2794.

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

2. Consider accepting a voluntary annexation with landowner consent.

Administrator Jim Pruetting says this is similar to the previous business item. This is adjacent to the previous property immediately to the west with the same terms and conditions. Staff recommends that you accept the voluntary annexation agreements from the property owners and adopt the ordinances as listed.

Councilmember Shute made a motion to accept the Voluntary Consent Annexation Agreement from the property owners identified within and adopt Ordinance No. 2795, an ordinance annexing land to the City of Gardner, Kansas.

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2795.

Deaton:	Yes
Wiehn:	Yes

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Shute	Yes
McNeer:	Yes
Baldwin:	Yes

3. Consider adopting a resolution dissolving the Citizen Advisory Committees

Administrator Jim Pruetting said there was discussion last month about the committees not meeting on a consistent basis and the governing body discussed dissolving the committees and reached consensus to do so. Instead creating an ad-hoc committee to perform specific tasks as needed. Current advisory committee members as well as other Gardner residents wishing to volunteer will be given an opportunity to volunteer to serve on the ad-hoc committees in the future. The proposed resolution dissolves the Citizen Advisory Committees with the possibility of reforming either in their present or some other form on a project-by-project basis.

Councilmember Shute says this will make it easier to have project-related committees so people can have more relevant input and impact with things going on in the city. Councilmember Deaton thanks anyone who has served on any committee over the last several years and hopes that those people will stay involved. Councilmember McNeer says this is a great way to start getting involved in city government by participating in different committees.

Councilmember McNeer made a motion to adopt Resolution No. 2136, a resolution dissolving the Citizen Advisory Committees.

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2136.

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

4. Consider approving a contract to purchase real property.

Administrator Jim Pruetting said in May 2020, the city adopted the Gardner Destination Downtown Plan. The plan outlines a vision for the desired look and feel of the downtown area through development and public open spaces. The acquisition of this property is the first step in that process. Staff continues to seek out opportunities to acquire additional properties to further advance the plan. Staff seeks approval to authorize the city administrator to execute the contract to purchase the property at 111 and 115 N. Center Street. This is a single residential property that has been divided into two parcels.

Councilmember Shute made a motion to authorize the city administrator to execute the contract to purchase the properties at and close on the properties.

Councilmember McNeer Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

COUNCIL UPDATES

Community Development Director Knopick said there will be no Planning Commission in February as there were no items for the agenda. There will be a meeting in March as regularly scheduled.

Captain Hayes said the three officers promoted to sergeants started their assignments this week. The police department is excited to get them all started on training. We are one week away from the new external candidate coming on as a sergeant.

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City Administrator Pruetting said he has had communications with several council members about the fiber companies working in easements. This work is no different than other utilities working in easements by state statute. Statute dictates that they must return the ground to the functional equivalent of its original state, but the fiber companies have been great when we reach out to them about fixing things we find as deficiencies. When a complaint comes in, we send out an inspector and when we see something that could be fixed in a reasonable manner, we reach out to the fiber company, and they have been very responsive. Wiehn asked who people should contact if there is an issue. Pruetting says to contact the company and then come to the city if their issue is not resolved. Kellen said they can contact public works if they need contact info and if they have already tried to contact, then we can mediate. The utility easement is not always between the sidewalk and the street.

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 Deaton the meeting adjourned at 7:16 pm.

City Clerk