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April 15, 2024

The City Council of the City of Gardner, Kansas met in regular session on April 15, 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 7:01 p.m.

PLEDGE OF ALLEGIANCE

Mayor Winters led those present in the Pledge of Allegiance.

PRESENTATIONS

1. Proclaim April 22, 2024, as Earth Day in the City of Gardner

Mayor Winters read into the record a proclamation that April 22, 2024, be known as Earth Day in the City of Gardner. On April 20th, there is an Annual Earth Day celebration at Winwood Park.

2. Proclaim April 26, 2024, as Arbor Day in the City of Gardner

Mayor Winters read into the record a proclamation that April 26, 2024, be known as Arbor Day in the City of Gardner.

3. Proclaim April 21-27, 2024, as Crime Victims' Rights Week in the City of Gardner

Mayor Winters read into the record a proclamation designating April 21-27, 2024, as Crime Victims' Rights Week in the City of Gardner.

4. Public Meeting regarding Wastewater Treatment Plan Improvements.

Finance Director Matt Wolff said this meeting is a requirement for applying for a KDHE Loan. The city is applying for a KDHE Loan for the improvements to the Kill Creek Water Resource Recovery Facility. The city's intent is to fund the \$37M project with a \$37M loan from KDHE. Jeff LeMire, Utilities Manager along with Joe Barnes from Crossland and Nathan Grahl from Black & Veatch presented information regarding the expansion. Jeff LeMire explained the Wastewater Master Plan started in 2016 and was finished in 2017. This plan determined that Kill Creek was reaching its capacity limits requiring the city to start looking at designing a new treatment facility. In 2020, staff looked at alternate locations with GBA and we were looking at the southeast growth area because that was where the majority of growth was projected to be in our community. This process led us to meetings with KDHE and the creation of a South Johnson County Wastewater group. KDHE is currently conducting a study on how wastewater would affect Hillsdale Lake, which supplies drinking water for multiple water providers. We were told they would not allow us to discharge to Hillsdale Lake, so we are back with the expansion of Kill Creek. In 2023, we put out an RFQ and selected Crossland Heavy Contractors and Black & Veatch to be the design team for the project. Nathan from Black & Veatch showed a map of the project as well as a list of the major improvements to the infrastructure. The map shows a new treatment system essentially doubling the existing treatments system in place currently which would allow for reaching improved capacities. There are also increased regulations with KDHE and permit requirements, so this treatment train will allow the city to achieve those goals. Other facilities being recommended are also going to assist with increased pumping, but we are looking to make operations more flexible and safer for plant staff. We are also working to bring things into code compliance. We have been working together as a project team since 2023. We have included KDHE in the preliminary steps and have worked on looking at tech memos and basin design reports where we evaluate alternatives and look at different treatment processes, as well as ways to improve and achieve our goals. We are trying to find the most feasible solution for the money being spent on the life of the plant. We have been meeting and corresponding with KDHE to assure we are aligning our recommendations with their expectations so there are no hiccups in the long run. We have conducted site visits with staff so they can see local facilities and equipment and be able to talk with the maintenance personnel from those plants. This allows everyone to see what this is and get hands-on experience, so they are aligned with the recommendations. Joe Barnes from Crossland Heavy Contractors explained this is in a preconstruction phase going through a process called Value

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Engineering. The project team is working together to look at how this is being designed, what the structures look like, what type of equipment is being recommended and making decisions as a team. We did soil borings to get the rock profile to optimize at what elevation the basin is and how high it can be raised so we're not removing a bunch of rock at an extra expense. We have done thorough cost estimating looking at hydraulics on the treatment plant, can the water flow by gravity and preferences from operations and maintenance staff. We have been collaborating with all major vendors for equipment trying to open the specifications as much as possible, so we are getting good numbers and multiple bids on equipment. We are working with city staff to ensure this plant is something that's going to be easy to maintain in the future and easy to operate, as well as built so it is prepped for the next phase when you have to expand again. We have also included some redundancies in the design including a backup generator on site that could keep the plant going if the power goes down. Pumping capacity has been increased so it hits peak wet weather. We are working with manufacturers to find out if these units will work at the expanded plant capacity. Moving forward, the plan is to wrap up the 30% design next month, finish cost estimating; get a finalized number called the guaranteed maximum price and then we are going to turn it into the city. We plan to come back before the Council in June to request that the guaranteed maximum price is acceptable, and we can move forward with construction. If it is awarded to us, then we would immediately start doing excavations and concrete work. There are long lead times on major equipment, so by the time we're done with these concrete basins and structures, the equipment will be arriving, and we can seamlessly keep the project going. KDHE is dictating the plant be completed in early 2026 so this design build effort is speeding up the process.

Councilmember Shute asked about cost escalation even with a guaranteed price, are we expecting a 15% contingency? Barnes said they are going to bid out major equipment early in the project to lock in prices. There is also going to be a contingency on top of that so the city is covered, and no additional funding would be needed. LeMire advised that the transformer needed for this project has already been purchased by Electric so it is already at the yard and will not have to be bid out.

5. Gardner Chamber of Commerce Update

Jason Leib shared an update of the Chamber. In 2023 they had 15 ribbon cutting ceremonies. The morning coffees have been popular and are well attended. There was a groundbreaking for Kwikom and the chamber hosted several other yearly events. The Leadership Gardner Program was implemented. The class of twelve people met with other Johnson County Chambers in Topeka to meet with legislators and hear presentations from various organizations. We also participated in a regionalism session so we heard from a mayoral panel from both sides of the state line and other regional organizations. We visited the wastewater treatment plant and those participants got a great tour of the facility. We have a significant web page presence and have grown our membership numbers over the last year. We partnered with a couple organizations and helped raise money for our community partners. We have increased distribution of our magazine and one of the things from our work plan last year was to do a community profile page so we are starting stories for next year. New resident bags has been very successful. We partnered with community policing and when someone signs up for new utilities, they can opt in to receive a new resident bag. This could include swag items or information on local businesses. All of our members have an opportunity to put something in there. We've gotten a lot of positive feedback on this program. Last year we created a relocation guide. We had a list of rental properties, but we've formalized and increased the design so it's a nicer looking production. It is available on our website, or if someone calls we can send it out. Another event discussed in 2023 was a Community Foundation and we are in the progress of getting the bylaws written and submitting forms to create the Foundation. We are a member of regional and statewide organizations that promote both businesses and events happening in Gardner. The State of the City luncheon is scheduled for May 14. The feasibility study discussed last time I was here will wrap up in about three weeks, but we did put together a draft prospectus. We looked at future population growth and what we want the community to look like, and how we manage that growth over the next fifteen years. We developed a number of strategies and four goals. The number one thing the board was interested in, is continuing to move forward on Downtown Development. We know the city has purchased additional properties, so we want to partner with you. One of the strategies is

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creating a formal organization of downtown business owners. At the state level, there is a program called Main Street program, we would be looking into putting in an application and hopefully getting approved for the program. There are a variety of resources, but they approve a maximum of three communities a year. There's also an affiliate program that you can get into as well, but it does not have the same level of resources. Workforce Development comes from our membership as they have challenges such as finding people to work and whether there is adequate housing. Another item that gets brought up a lot is childcare. There are some statewide programs and other chambers that have worked to create capacity and fund a non-profit childcare facility. The chamber and the school district have worked on a Real World Learning program. The district just got approved for a grant through the Kaufman Foundation to expand the program. Through a corporate partner, we have started offering membership a hiring management system as a resource for businesses with job placement and retention. Entrepreneurship and small business development is one of the strategies. We have had requests for office space. Outside of large buildings, there is not a lot of small office space, so is there an opportunity to do some co-working office space, shared resources, etc? And can we put a small business resource center in there to take advantage of some of the resources that are available through the metro but bring them here locally. With the Southwest Johnson County EDC winding down operations, the chamber has started having conversation about bringing someone in to take on the role that organization was doing. In early May, we will get the results of this full study back and what a potential capital campaign might be able to raise. After that, the board and staff will review it and bring it back to talk about what it decide if it's something we can pursue as a fundraising opportunity. In some cases, it may be appropriate to partner with the city.

Councilmember Shute discussed workforce and entrepreneurial development in this community. He would like to see the city supporting small business "garage to Garmin." We know Garmin started in a garage somewhere and I'm sure we have businesses here in Gardner that have also started in garages. However, there is not a lot above garage size here for a business to move into. He asks about the co-working space, is this a place for small business funding and resources or is it just office space for co-working. Leib says part of this study is to get additional information to find what those needs are.

6. Outside Agency Budget Requests

Finance Director Wolff said the city contributes funding to several organizations that provide services to Gardner residents. This summarizes the 2025 requests and includes a brief update on the Economic Development Fund and the Special Drug and Alcohol Fund which provide funding for most of these outside agencies. Included are requests for 2023, 2024, and 2025, some have not changed. Last year, Johnson County asked for rental assistance for the first time and there may have been an error on whether there was agreement to fund. I'm seeking direction on your intention to fund this program. Johnson County Outreach Services Manager is seeking direction on what amount is appropriate to set for assistance for rental households. For example, setting \$300 could help a lot of households and \$500 could help less households, but have a more meaningful impact. The Economic Development Fund which main funding is transient guest tax, has expenditures in 2024 of \$250,000 and 2025 funding requests stay at \$250,000. The Special Alcohol and Drug Fund is sourced from one-third of the special alcohol tax revenues. The 2024 budget was \$30,000 and the 2025 funding requests total \$34,000. Wolff asked for feedback regarding rental assistance. Councilmember Deaton recommended starting with \$300 to maximize the number of people we could help and if we realize it's not actually helpful, then revisit. Councilmember McNeer asked if this program was to give \$300 monthly or one time per month. It was confirmed that \$300 is per year. Baldwin agreed to start with \$300. Mayor Winters asked about the Alcohol and Drug Fund. Wolff said the fund is growing and there are several ways to look at using it. The police department has used it in the past because it can fund certain types of equipment or increased contributions to charitable organizations could be considered. Councilmember Shute asked about UCS because there are portions that may be considered valid under drug treatment and mental health. Wolff confirmed about half goes to the drug and alcohol council. Shute thinks we may want to bump up the number to UCS and asks if the tax is statutorily required. Wolff confirmed that statute requires one-third to general fund, one-third to special parks and recreation fund and one-

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third to the special alcohol and drug fund. There was discussion about whether the fund could be used for a new K-9 for the police department or mental health co-responder.

7. 2025-2029 Capital Improvement Program

Finance Director Matt Wolff presented the 5-year CIP is approximately \$110M and includes approximately \$48M in grants. A few of the projects have preconstruction costs that may have occurred in 2024 or earlier. This highlights major capital projects and some small utility system projects. The major project for streets is the Gardner Road Bridge over I-35. This has been an ongoing project for years and construction is expected to begin in 2025. Also, in 2025 is to rehab West City Limits to Center Street and the signal interconnect project. 2026 includes the I-35 and US-56 Interchange improvements and mill and overlay of Old 56. 2027 includes 175th Street from Osage to Waverly. 2028 includes Gardner Rd 188th Street to BNSF and 167th Street from Center to Moonlight reconstruction. And 2029 is 167th Street from Kill Creek to Waverly. The funding source for all these improvements is the Special Highway Fund that includes gas tax, county sales tax, and grants. The spike of revenues and expenditures in 2025 is related to the Gardner Road Bridge project and associated bond and grant proceeds. The 2028 spike is related to the reconstruction of 167th from Center to Moonlight. The fund balance is projected to drop to approximately \$600,000 in 2027 primarily due to the timing of proceeds and expenditures for 167th reconstruction as expenses are expected to occur in one year and debt proceeds will follow. There is a structural deficit in this fund and we expect the balance to go down due to the debt services payments for major road improvements. This is a capital project fund and it is not necessary to carry a balance. This fund can afford the 5-year CIP as there will not be another major arterial project until 2032. There will be some capacity to provide local matches for smaller street preservation projects.

For the Airport, Tract E acquisition should occur this year with demolition and removal scheduled for 2025. The fuel facility and Terminal Building are expected to be replaced in 2026. Reconstruction of the West apron should occur in 2027 and the end of this CIP will start the design of the reconstruction of the East apron. These projects are funded by hangar rent, fuel sales and grants. The airport capital improvements are funded primarily through FAA and KDOT grants with a small local contribution. The spike in 2026 in both revenues and expenditures is related to the new airport terminal project, replacing the fuel facility and anticipated grant proceeds. The airport is subsidized by the general fund. The airport generates enough revenue to offset operating expenditures. The airport fund balance goes negative in 2026. The airport has several large capital improvement projects that are needed. We expect grant funding to be available and generally cover 85 to 90% of the project cost, but the airport cannot afford the local match. In order to fund the planned 5-year CIP, the airport is going to need either direct support from the general fund in the form of \$350,000 or a no interest interfund loan with at least a 10-year payback. We increased hangar rates this year to adjust for inflation from 2018 to 2022. The airport study recommended looking at rates every five years, however, I'm going to recommend we look at them every three years moving forward. When evaluating rates, we may have to give consideration for inflation and how to generate enough revenue to provide local matches on capital projects.

Park improvements include Veterans Park restroom rehab in 2025, Stone Creek Park replacement in 2026 and Celebration Park playground replacement in 2028. These are funded by park improvement fees driven by development. We have a fund balance of \$366,000 and the estimated revenue is \$160,000 which can vary wildly depending on development activity. A slowdown in development could delay planned park improvements. The city may also choose to waive some the projected park impact fees if developers build other park and recreational improvements that are of greater value in alignment with the parks and recreation master plan.

Electric improvements for 2025 include South Clare Road to 191st Overhead Power Line along with Substation #1 T2 upgrade, Clare Road Substation and Unit 2 upgrade. Unit 1 upgrade is scheduled to occur in 2027. There are other CIP projects through electric utility. We just completed a new master plan that outlines all the identified capital projects and implemented some rate and fee reductions in the electric utility last year. With these new identified capital projects, we plan to take another look at the rate study and update it this year.

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Water Improvements include a new transmission line. This is a large preliminary design with costs that will occur in 2024 at an estimated cost of \$1.1M. We plan to issue debt to cover both the preliminary design in 2024 and the new water transmission line that's being constructed starting in 2025. The planned increases were approved for the water fund for 3.7% each year through 2030. That's to help fund the Hillsdale Water Treatment Plan Expansion that occurred a couple years ago and the planned CIP.

Waste Improvements include the Nike Lift Station and Forcemain Improvements, KCWRRF Advanced Nutrient Removal and Kill Creek Interceptor Improvements. We have planned increases for the wastewater utility of 4.2% through 2031. These planned rate increases are to support the expansion on KCWRRF and planed CIP. In addition to the \$10M you see in sewer improvements, we have approximately \$50M in sewer improvements starting this year.

We will present the CIP to Planning Commission in May. In June, the county will calculate the revenue neutral rate and we will have a budget presentation. We will have to consider a resolution regarding the revenue neutral rate on July 1. The budget adoption process will vary depending on what the council wants to do with the revenue neutral rate.

PUBLIC HEARING

None

PUBLIC COMMENTS

No members of the public came forward

CONSENT AGENDA

1. **Standing approval of the minutes as written for the regular meeting on April 1, 2024.**
2. **Standing approval of City expenditures prepared March 28, 2024 in the amount of \$1,971,417.38 and April 4, 2024 in the amount of \$896,486.98.**
3. **Consider authorizing the City Administrator to enter into a contract with Sands Construction Company for construction of the South Center Street Trail Project.**
4. **Consider authorizing the City Administrator to execute a contract with KC Wholesale Carpet for the replacement of carpet in City Hall.**
5. **Consider authorizing the purchase of six new vehicles through the Mid-America Council of Public Purchasing (MACPP) fleet program and associated collateral equipment under the City's Vehicle and Equipment Replacement Policy.**
6. **Consider approving new reorder point and quantity stock levels and authorizing the implementation of the 2024 Electric Distribution Purchasing Program.**
7. **Consider an appointment to the Utility Advisory Commission.**

Mayor Winters removed Item 7 from the Consent Agenda.

Councilmember Shute requested to remove Item 3 from the Consent Agenda.

Councilmember Shute made a motion to approve Items 1, 2, 4, 5, and 6 on the Consent Agenda.

Councilmember Deaton Seconded.

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

Discussion of Item 3, *Consider authorizing the City Administrator to enter into a contract with Sands Construction Company for construction of the South Center Street Trail Project.*

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Councilmember Shute asked if this is the asphalt trail along the southside all the way to the Olathe Health Gardner Edgerton office and being replaced by concrete 7 feet wide? Director Bruce confirmed this is the trail and is 10 feet wide. Shute asked how long the project is expected to take since it is heavily traveled and is used for schools? Bruce said he would get a timeline and send it out in a Friday memo.

Councilmember Shute made a motion to approve Item 3 on the Consent Agenda Items.

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 ACP-2 (Activity Center Planned General Business) District to ACP-2 (Activity Center Planned General Business) District; for potential commercial development of 1.44 acres located at the northeast corner of S Gardner Rd and W 187th Terrace.**

Community Development Director Knopick said this is a revised preliminary development plan at 187th Ter & Gardner Rd for a portion of the Plaza South Development. This is lot three and was originally platted and planned as a single lot. This plan proposes to split that lot into two parcels. The zoning stays the same, but because it is a revised plan, it is technically a rezoning. There are two private roads for access. This is between the existing car wash and credit union. It was originally intended to be a fast-food restaurant. This is the south lot and it would be for a fast-food restaurant with a drive-thru. It has a final development plan associated with it noted as a Taco Bell because that is what went through the final development process. The north lot use has not been determined or released for final development but is anticipated to be a restaurant or food service. The applicant for this south lot is present.

Shute confirmed this is similar to a subdivision where we are splitting a lot, and we don't know what the use is going to be on the other lot.

Councilmember McNeer made a motion to accept the recommendation of the Planning Commission and approve Ordinance No. 2798, 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 Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2798.

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

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OLD BUSINESS

None

NEW BUSINESS

1. Consider authorizing the City Administrator to execute an agreement with Gravie and for approving the city's contributions to health, vision, dental, and life insurance programs.

Finance Director Wolff said there was a presentation on April 1, 2024 during a worksession to discuss health insurance. The current insurance carrier is leaving the group health insurance market and all medical carriers declined to quote on providing traditional fully insured group insurance or a self-insured approach that included individual or aggregate stop-loss. After evaluation of the options, the city recommends partnering with Gravie on an Individual Coverage Health Reimbursement Arrangement (ICHRA). The packet includes a chart showing a proposed contribution strategy showing what the city's contribution into a HRA to help offset costs for employee health plans broken into age-bands. Costs will vary based upon employee selections. Gravie will administer the ICHRA and provide onsite and telephone enrollment services for employees. The current proposal is estimated to have a total cost of \$60,600 for two days of on-site presence. For an additional \$5,000, we could go from two to four days onsite. The city's total estimated cost for Gravie fees, health, vision, dental and life insurance programs on an annual basis is \$2,330,238 and represents an \$800,000 decrease from the previous plan year. This projection assumes employees will opt to take similar health insurance to their current selection. Actual costs and savings will vary depending on plan selections.

Councilmember Shute thinks the \$5,000 makes sense to have more experts on site. Councilmember Baldwin asks if this is something we can decide on after getting started. Maggie from CBIZ said they would need to know as soon as possible to coordinate having counselors on site. The plan was to have two the first week and then have two dates the following week. Councilmember Deaton asked if these would be personal scheduled appointments where the employee as well as family members could attend to work on selecting a plan. Maggie confirmed there will be two weeks for open enrollment. The first week would have two days in person with a scheduler link going out. The same thing for the following week. Then, Gravie will provide two days of virtual assistance. There will be a call center for someone to speak with a counselor during the entire open enrollment. The call center is available from 7:00 am to 7:00 pm. Baldwin said we go ahead and add the \$5000 for the first time and see how everyone uses it.

Shute asked about Medicare and whether the funding could be utilized to fund premiums and supplementals. Maggie confirmed the HRA funding can be used to cover both premiums and supplementals. Councilmember McNeer asked if that would cover both supplemental and advantage plans. Maggie said she would have to confirm but does believe it would cover. We will have Medicare experts on site to answer questions. Councilmember Wiehn asks if this plan goes through June 2025. Maggie says this proposal is for 2024 and will renew January 2025. The individual market sees an average 8% increase every year which would be effective January 2025, so it should be a discussion in the fall as we go through the same process to see if the city wants to increase contributions. We would need to revisit this fall when we get ready to enroll again for January. McNeer asked if inflation would increase it further. Maggie says the individual market seems to stay stable with 8% increase. Wiehn verifies that we are looking at six months right now. Wolff says the numbers show what it would look like for a year. We are not approving the dollar amount, instead the contribution rates.

Councilmember Deaton made a motion to authorize the City Administrator to execute an agreement with Gravie and the city's contribution to a health reimbursement arrangement (HRA), Health Savings Accounts (HSA), vision, dental, and life insurance programs.

Councilmember McNeer Seconded.

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

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COUNCIL UPDATES

Utilities Director Garcia said last Monday, April 7 we had an oil spill from gas turbine 1. The gas turbines have a mechanism to rotate the shaft and prevent bowing. We have a hydraulic system and the tubing that provides the hydraulic oil pressure to the piston that pushes the ratchet broke. That spilled oil to the turbine floor, into the cable trough and eventually to the sump that we use for collecting rainwater. That pumps into the stormwater drains. The drains discharge to a small creek behind TradeNet. We don't know how much got into the creek, but it went about 300 or 400 yards. We hired a contractor to do cleanup oil that got into the creek. That was completed in one day. They did most of the containment and cleanup then returned twice to make sure there was no additional seeping of oil into the creek. I will send pictures in the Friday memo. Mayor Winters asked if we have any insurance to cover this. Garcia has asked the Risk Coordinator and she will check with the insurance company. After thirty years in power plants, I have never seen anything like this before.

Community Development Director Knopick advised there is a Planning Commission meeting on Monday. A new Building Inspector started today.

Chief Waldeck says they expect three of the vehicles ordered in January to be in this week and out on the streets in a couple weeks.

Administrator Pruetting said he closed on the house at 111 N Center last week. The city will start getting bids for demolition and cleanup to bring back to council.

Councilmember Mcneer gave a shout out to PD for helping with incident this week on I-35 and supporting other agencies.

Councilmember Deaton gave a shout out to the Explore Gardner team. Over 30 businesses were involved and over 70 individuals turned in bingo cards. It was a great program to learn more about our community. Thanks to Public Works for crosswalk lines on White, makes it more visible and easier for people on the greenway.

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 Baldwin the meeting adjourned at 8:19 pm.

City Clerk