

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

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September 16, 2024

The City Council of the City of Gardner, Kansas met in regular on September 16, 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

1. Proclaim September 17 through 23 as Constitution Week in the City of Gardner.

Mayor Winters read into record a proclamation that September 17 through 23 be known as Constitution Week in the City of Gardner, Kansas.

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 September 3, 2024.**
- 2. Standing approval of City expenditures prepared August 29, 2024 in the amount of \$716,696.95; September 3, 2024 in the amount of -\$51,706.20; and September 5, 2024 in the amount of \$694,594.91.**
- 3. Consider authorizing the execution of an agreement with JEO Consulting Group, Inc. to perform design and study services related to the production of a stormwater master plan.**
- 4. Consider authorizing the City Administrator to enter into a multi-year agreement with Axon for the purchase of Axon Body Worn Cameras, Axon Taser 10 upgrade, Axon Air License and support for drones, Axon interview room camera system for all interview rooms with GPD.**
- 5. Consider authorizing the renewal and upgrade of Microsoft Office GCC G5 Licensing.**
- 6. Consider authorizing the City Administrator to execute an agreement with Remodel Health to serve as the Third Party Administrator for the City's Individual Care Health Reimbursement Arrangement. (ICHRA)**

Councilmember McNeer removed Items 3 and 4 from the Consent Agenda.

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

Councilmember McNeer Seconded.

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

Discussion of Item 3, *Consider authorizing the execution of an agreement with JEO Consulting Group, Inc. to perform design and study services related to the production of a stormwater master plan.*

Councilmember McNeer asked if this would have been within the scope of the Public Works Department. Director Headlee explained there are various engineering disciplines we don't have expertise in to this level, including Stormwater Management. Part of that has to do with the availability of software that's necessary to do hydrologic studies. We would have to acquire it and train to use it. It's one of those things that the less you use it, the less mastery you have. This is similar to why we don't do full engineering design. We don't have the expertise to zero in on the particular stormwater work. Mayor Winters said he is in favor of in-house and not needing consulting on

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certain occasions and this being one where it's much more efficient and cost effective to use a consultant. McNeer asks if this is budgeted. Headlee confirms it was in the FY 2024 budget.

Discussion of Item 4, *Consider authorizing the City Administrator to enter into a multi-year agreement with Axon for the purchase of Axon Body Worn Cameras, Axon Taser 10 upgrade, Axon Air License and support for drones, Axon interview room camera system for all interview rooms with GPD.*

McNeer asks about the difference in the options, confirming Motorola is the manufacturer of our current equipment, and there was a \$500,000 difference in budgetary numbers between Motorola and Axon. Waldeck said the Motorola upgrade is only for the body worn cameras, which we received in 2018, so they're at end of life and no longer covered under warranty. When we started this project, we went to Motorola for a quote to upgrade our devices, which was a little over \$300,000. That total was just to upgrade the current equipment. This would upgrade the body worn cameras, but doesn't upgrade in-car cameras, which are also at end of life, and doesn't upgrade the interview rooms. Motorola also does not cover tasers and there's no drone package. McNeer wants to be sure we are getting this sourced as many places and as competitively as we can. Waldeck said Axon is the sole source provider on tasers. 2025 will be our final year of our taser contract, so going into this new Axon contract relieves us of the final year and gives us Taser 10 instead of the current model. It will also give us new body worn camera, in-car camera, interview room and drone software. At the end of the five-year agreement, it will renew our in-car camera and body worn camera to the newer model if there is one. McNeer asks if the \$100k payment in years two through five is just for support of the system. Waldeck explains the \$108,000 in year one pays for the body worn camera, taser and drone, plus the in-car cameras in thirteen units and interview rooms. The following years continue those payments. It is a five-year payment plan. McNeer asks if those are support payments or just financing. Waldeck said it is continued payments, but is also ongoing training and technical support, and upgrades when they become available. McNeer verifies this is for 40 officers and thirteen cars and asks what happens when we add more officers and cars. Waldeck explains we will have to add systems. McNeer asks what the additional cost per officer will be. Waldeck said they will honor the pricing for the life of the contract. McNeer asks how the new model and updates will apply in this contract and does it allow us to take advantage at no additional cost. Waldeck explains we will get one upgrade and the updates will be pushed out as they come and believes they have regulated upgrades, so likely once a year there will be a software upgrade. Captain Hayes explains the body worn cameras will be replaced in 2.5 years and then again at the end of the contract. They have guaranteed that if there is a new model of the body worn cameras, we will get that, and if not, we'll just get all new equipment because they get beat up over time. And there will be all new in-car cameras at the end of five years as well. McNeer said this sounds like it will give us significant improved safety for the citizens and our officers. Waldeck said the current body worn cameras that we have frequently go blank when we have physical contact with someone. This technology with Axon will allow us to talk to sister agencies that also have Axon. For example, when we had the car pursuit with the armed individual off I35 and 183rd, those that had Axon were able to pull up GPS coordinates of everybody that had Axon and could be seen on one map, so we could not be seen. McNeer confirmed this would have enhanced command and control, so this sounds like a good investment.

Councilmember McNeer made a motion to approve Items 3 and 4 on the Consent Agenda Items.

Councilmember Shute Seconded.

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

PLANNING & ZONING CONSENT AGENDA

1. Consider accepting the dedication of right-of-way and easements on the final plat for Clare Crossing 1st Plat.

Councilmember Shute made a motion to approve the Planning & Zoning Consent Agenda.

Councilmember Deaton Seconded.

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

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 2.2 acres located at the northeast corner of the intersection of W 188th St. and Vivian St.

Community Development Director Knopick explained this is a revised preliminary development plan under these planned districts. The original preliminary plan approved for this had two lots including a bank building and a medical office building. As part of this development proposal, it's coming in as one medical office building on one lot of the parcel so that's where the change comes in. The zoning ACP-2 stays the same. The regulatory document that underlies is what is changing. In this area, you might notice the lack of street trees because of the existence of utilities. There are overhead lines for electrical as well as underground lines in that area. We worked with the applicant to have a landscape plan that incorporates more shrubbery grasses and those kinds of things so if there's utility work done we don't have to worry about trees and roots. There is also a general public area that has been put in place as part of the zoning. We look for enhanced pedestrian features and some other element of public enhancement and they have proposed a pergola type structure with bench seating. Staff is supportive of this and Planning Commission held a public hearing and recommended approval of this revised development plan.

Baldwin asks about concerns with the intersections around that area specifically the north south roads. Knopick said the north south roads are private roads, so it's essentially an internal circulation issue and we try to hold them to similar standards as we would on a public street. We do have a proposal for the next parcel so we want to look at that separation distance and how those things work. In the development plans themselves, it is reflective of the actual development that is going to occur and what comes in afterwards we have to react to that separation distance. They will be reviewed on site-by-site basis, but when we have private roads, we don't hold them exactly to the same standard on a public street so the separations might be a little tighter. We do try to encourage cross access availability so that the drives are directly across from each other.

Councilmember McNeer made a motion to accept the recommendation of the Planning Commission and approve Ordinance No. 2811, 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 number 2811.

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

OLD BUSINESS

NEW BUSINESS

COUNCIL UPDATES

Chief Waldeck thanks everyone for support on the Axon contract as it will be a morale boost for the staff and great for the department.

City Administrator Pruetting said council received a letter from individuals that look like it is from a non-profit, but it is from the group that has approached us about taking over the lake. They did an independent dam inspection and turned it over to the Department of Water Resources. Their inspection rated the dam at poor. The city is required to do a dam inspection every 3 years and it was rated at fair. Basically, it comes down to an old pipe that connected to the water plant they wanted removed or cleaned out that's neither required or a smart thing to do because it's built into the dam so the Division of Water Resources is not paying attention to this. Olsson did our last inspection and that's the one we're required to do and they are required to take into consideration. We have

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another inspection that Olsson will perform later this year. We do have plans in place to take care of the issues with the riprap. We will hit bedrock when we do the expansion at the Wastewater Plant, so we plan to put the rock around the dam to address some of the issues that exist. The state offered a \$500,000 grant to go towards the spillway. The spillway is going to be about \$750,000. The county will pay for half of what's left and then we would be responsible for the \$125,000. We own about 1.2 acres at the lake in one plat that we could sell to take care of our portion of the money. We had talked about selling that before, but people that were interested in taking over the lake asked us to delay because it's an asset they wanted, but if it's going towards the spillway I would request that we sell it and use the money towards the \$125,000.

Baldwin would like to get the lake association to agree to take ownership as soon as we're done with the spillway. If we sell that land and it's a net zero to our citizens essentially, then it's not our problem again. Wiehn agrees with the idea. He asks if the dock fees are up to date on payment. Kellen said he believes the majority are up to date, but council could increase the fees to offset costs if necessary. Baldwin said he did not feel like that would make it even for all people there since not everyone has a dock. Headlee clarified it is the State Conservation Commission that authorized the \$500,000 and would like an answer in the next few weeks and then they would send the grant acceptance agreement. We have a little time between now and when the grant acceptance agreement will come to decide whether or not to accept it.

Shute is on board with the idea of transferring the lake and asks when we can we start construction on the spillway. Headlee said it is FY 2025 money and we would still have to get the county's portion approved. They'll have to take it to the Board of County Commissioners, but it has been on their books, so we don't anticipate a problem. McNeer would like to see a side-by-side comparison of the dam inspections. Baldwin clarifies that when he says we deed them the lake, we have a provision in there for water for water for the golf course.

Shute said Gardner Grange completed their 4th season of the farmer's market and they appreciate the location. They were wondering when we would be putting up a farmer's market pavilion near city hall. Shute suggests that idea be re-reviewed. It is a great initiative and brings a lot of the community. Also, thanks to the PD for response to several difficult calls last week. It is noticed in the community. McNeer echoed the sentiment and thanked Chief Waldeck for preparing and answering questions about the new Axon contract.

Winters thanks PD for work on the crosswalk initiative. Waldeck said they will continue to do more work on crosswalk safety as we work towards Destination Downtown project.

Pruetting advised Gardner Animal Hospital has notified they do not intend to renew our contract, nor submit for our RFP. He met with a group out of Ottawa that does this type of thing and wants to add a city in Johnson County, but they need a building 10,000 square feet or larger and we don't have anything available. We are going to explore all options, but it may come down to the end of the year and we have no options. We would not be able to offer animal control services like picking up animals. Deaton asked how many animals we take in every year. Pruetting said over 300. Waldeck said we may be able to partner with Humane Society of Greater Kansas City, but it would be a 45-minute drive for animal control. Olathe is going to build something in the future, but they want people in on the ground level. Spring Hill wants to partner with us for animal control services, but they don't pick up the same amount we do. McNeer asks what we do with non-pet calls for wildlife. Waldeck said if the animal is injured, we work with Operation Wildlife, if they are not injured, we do not remove them from their habitat. If it comes down to a point where we are not able to have shelter services, we could look at microchip campaigns along with a scanner so we can work towards reuniting animals quickly. Deaton asks that we go ahead and start looking into those options right now on the chance that we do not get any bids.

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 7:41 p.m.

City Clerk