

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

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October 7, 2024

The City Council of the City of Gardner, Kansas met in regular session on October 7, 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 the month of October as Breast Cancer Awareness Month in the City of Gardner.

Mayor Winters read into record a proclamation that the month of October be known as Breast Cancer Awareness Month in the City of Gardner.

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 16, 2024.**
- 2. Standing approval of City expenditures prepared September 12, 2024 in the amount of \$245,371.21; September 19, 2024 in the amount of \$2,297,379.06; and September 26, 2024 in the amount of \$9,404,079.21.**
- 3. Consider authorizing the City Administrator to execute an agreement with Johnson County Department of Corrections to allow the admittance of Gardner, Kansas Municipal Offenders as Inmates into the Work Release Program at the Johnson County Adult Residential Center.**
- 4. Consider approving the city's contribution to health premiums for the 2025 plan year.**

Councilmember Deaton made a motion to approve the Consent Agenda

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 Lone Star Prairie 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

OLD BUSINESS

NEW BUSINESS

- 1. Consider adopting an ordinance amending Chapter 2.50 Municipal Court.**

Business Services Manager Amy Foster says Chapter 2.50 of the Municipal Code needs to be updated. In working on the work release program that was approved in the consent agenda this evening, it was necessary for

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us to review the assessment of fees. Upon review of chapter 2 section 30, there were changes that should be brought forward to update the existing ordinance to allow the municipal judge the ability to charge housing fees. I'm proposing that we eliminate the listing of the specific assessable fees that the judge can now charge but include all fees allowable by statute. This will encompass any fees we can pass on to the defendant. This includes housing fees, crime lab fees, and witness fees. This gets our code updated so when the statute changes, we don't have to bring the ordinance back each time. The second thing noted was we had Municipal Court dockets specifically listed and then granted the judge the ability to add dockets as necessary. In 2022, we added traffic court every Tuesday and Wednesday to help the backlog we were seeing on our Tuesday and Wednesday court dockets already listed. This has been very successful, so we decided it was time to officially add these new dockets to the ordinance to keep those dockets in place.

Councilmember McNeer made a motion to adopt Ordinance 2812 authorizing and providing for a general housekeeping ordinance amending sections of Chapter 2.50 of the Gardner Municipal Code relating to Municipal Court.

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned number 2812.

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

2. Consider adopting a resolution declaring that certain lands or interests be condemned, or otherwise acquired, for the Lone Star Prairie Special Benefit District.

Public Works Director Kellen Headlee said in June of this year, council authorized a benefit district for the Lone Star Prairie residential development. Part of that benefit district is an offsite twelve-inch sewer main that will connect into the city's existing system. That construction requires some permanent and construction easements through private property. The developer has been working on negotiating those easements; however, has been unsuccessful up to this point. In order to continue the project, we are recommending beginning condemnation proceedings for those easements. This item is recommending council adopt a resolution declaring the necessity to begin condemnation proceedings.

Baldwin asks if the issue is getting ahold of people or pushback. Headlee said the negotiations aren't proceeding to completion. There is pushback from one of the entities that is likely to not get resolved and another that might get resolved but hasn't been done yet. Condemnation takes 60, 90, 120 days. In order to keep the project moving forward we want to start those proceedings. It can always get resolved between now and the condemnation, but we don't want to delay. Shute confirms this is for a wastewater easement. Headlee confirmed it is wastewater easement fifteen to twenty feet of permanent easement tracking along the road and cutting across the corner of another property. Shute does not like to do condemnation and asks if there are any other alternatives to service this property. Headlee said this is the only connection point we can get to. Most of the line actually runs through airport property so it's a very minimum impact to other property owners. Mayor Winters asks if this will open up any other potential tie-ins. Headlee said most of the land area west of the airport could be connected to this line.

Councilmember McNeer made a motion to adopt Resolution No. 2152, a resolution declaring the necessity and authorizing a survey and descriptions of lands or interests therein necessary to be condemned for the location, laying-out, construction, reconstruction, operation, use, maintenance and repair of sanitary sewer lines and improvements for the Lone Star Prairie development located within the City of Gardner, Johnson County, Kansas.

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned number 2152.

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

3. Consider adopting an ordinance condemning land for the Lone Star Prairie Special Benefit District.

Headlee said after authorizing the necessity in the resolution, this ordinance begins the condemnation process for the specific parcels.

Councilmember Deaton made a motion to adopt Ordinance No. 2813, an ordinance condemning land for the location, laying-out, construction, reconstruction, operation, use, maintenance and repair of a sanitary sewer improvement project known as the Lone Star Prairie Special Benefit District located within the City of Gardner, Johnson County, Kansas, and directing the City Attorney to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.

Councilmember McNeer Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned number 2813.

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

COUNCIL UPDATES

Police Chief Waldeck issued a conditional offer of employment to a lateral candidate from St. Mary's, Kansas today and had a new lateral officer start on October 1.

Utilities Director Gonz Garcia said the Kill Creek expansion has begun. In 2 weeks, the contractor is about sixteen feet below grade level. The area is 200 feet by 350 feet. They found some rock, but not as much as they thought. But the work should be completed within four to six weeks.

Councilmember McNeer says he looks forward to participating in a budget retreat.

EXECUTIVE SESSION

1. Consider entering into executive session to discuss personnel matters relating to non-elected personnel.

Councilmember Deaton made a motion to recess into executive session to discuss personnel matters relating to non-elected personnel pursuant to K.S.A. 75-4319 (b)(1), beginning at 7:17 pm, returning to regular session at 7:37 pm.

Councilmember McNeer Seconded.

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

Councilmember Baldwin made a motion to resume regular session at 7:37 pm

Councilmember Deaton Seconded.

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

Councilmember Deaton made a motion to reconvene executive session for the purpose previously stated beginning at 7:38 pm; returning to regular session at 7:48 pm.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the

motion, the motion carried.

Councilmember Deaton made a motion to resume regular session at 7:48 pm

Councilmember Shute Seconded.

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

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Shute and seconded by Councilmember McNeer the meeting adjourned at 7:49 p.m.

City Clerk