

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

Page No. 2019 - 08

January 22, 2019

The City Council of the City of Gardner, Kansas met in regular session on January 22, 2019, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Honorable Mayor Steve Shute presiding. Present were Councilmembers Mark Baldwin, Randy Gregorcyk, Rich Melton, and Todd Winters. City staff present were Interim City Administrator Laura Gourley; Police Chief James Pruetting; Business & Economic Development Director Larry Powell; Utilities Director Gonzalo Garcia; Public Works Director Michael Kramer; Parks and Recreation Director Jason Bruce; and Finance Director Matt Wolff. Others present included those listed on the attached sign-in sheet and others who did not sign in. Lee Moore was absent

**CALL TO ORDER**

There being a quorum of Councilmembers present, the meeting was called to order by Mayor Shute at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor Shute led those present in the Pledge of Allegiance.

Mayor Shute stated an item was going to be removed from the agenda in the interest of brevity due to the impending weather. He said Presentation Item Four, Governing Body Rules of Procedure Update, would be postponed to the February 4, 2019 City Council meeting.

**PRESENTATION**

**1. Proclaim the week of January 27, 2019 – February 3, 2019, as Buckle Up for Safety and Lives Week.**

**2. Johnson County Fire District No. 1 – 2018 End of Year Report**

Chief Rob Kirk of Johnson County Fire District No. 1 thanked the Governing Body for the opportunity to present the item. Assistant Fire Chief Dennis Meyers stated there had been 3022 calls in 2018, 1922 of which had been for the City of Gardner, an 18.5% increase from 2017 to 2018. He said nearly 60% of these calls had been for medical reasons and that other reasons for calls included fires, hazardous conditions, and service calls. He said the average response time for Gardner was 4.02 minutes, while the national average was 5 minutes. He said some changes were being made to assist with overlapping code one calls within 5 minutes, including changes to scheduling and the use of a small vehicle with full capabilities to respond to EMS calls

**3. Johnson County Fire District No. 1 – Emergency Preparedness Planning for City of Gardner**

Johnson County Fire District No. 1 Battalion Chief Trig Morley stated the Fire District had created a Community Preparedness and Special Operation position to focus on emergency preparedness for both the Fire District and the communities being served. He said an emergency plan was a comprehensive plan for all aspects of emergency planning that was flexible enough to be used in all emergencies and was based on a risk assessment for the area. He said operational coordination, situational awareness for City Leaders, resource management, cost tracking, and the establishment of a common operating picture were essential for this. He said there were four steps involved in this and it would take multiple years to fully complete: hazard analysis, the development of an Emergency Operations Plan (EOP), the testing of the EOP, and plan maintenance and revision. He said an Emergency Operations Center (EOC) was needed for enacting the plan, and that this location could be physical or virtual, and did not have to be a room built for and dedicated to this purpose. He said the EOC would provide the emergency support functions and information needed to enact the EOP. He said there are 15 emergency support functions, each of which can be assigned to the agency best suited to fulfill it. He said creating a continuity of operations plan was necessary for when the ability to perform a job in the normal fashion was disrupted, and these plans would need to be department specific. He said the next steps are developing an EOP, establishing an EOC, developing continuity of Operations plans for all City departments, and developing Incident Action Plans for all events.

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

Page No. 2019 - 9  
January 22, 2019

Councilmember Gregorcyk asked if the Johnson County Sheriff's Department would be participating. Battalion Chief Morley stated necessary agreements would be determined as the plans were created.

**PUBLIC HEARING**

**1. Hold a public hearing on the proposed redevelopment project plan (Main Street Market Place, Project Area 1)**

Bond Counsel Tyler Ellsworth reviewed the project, stating that, while the project was divided into three segments, the TIF district was for the entirety of the shopping center. He said the current Public Hearing was for just the western third of the area, known as Project Area 1 and was being looked at in the context of the full incentive package. He said the current state of negotiations was having the City enter into an agreement with just Supermarket Developers, and that this item would be brought forward to the February 18, 2019 meeting along with several other items related to the project.

Councilmember Baldwin made a motion to open a public hearing for the purpose of receiving public comments on the proposed redevelopment project plan (Main Street Market Place).

Councilmember Winters Seconded.

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

Councilmember Gregorcyk made a motion to close the public hearing

Councilmember Melton Seconded.

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

**PUBLIC COMMENTS**

**CONSENT AGENDA**

- 1. Standing approval of the minutes as written for the regular meeting on January 7, 2019**
- 2. Standing approval of City expenditures prepared January 4, 2019, in the amount of \$1,111,583.43; January 11, 2019, in the amount of \$734,405.53**
- 3. Consider purchasing a new bobcat for the Parks and Recreation Department**
- 4. Authorize the Interim City Administrator to execute a Quit Claim Deed to convey Lot 2, Symphony Farms III (commonly known as 32350 W. 167th Street) to Johnson County Fire District No. 1**
- 5. Consider the extension of the Airport Advisory Board appointment process**
- 6. Consider appointing a City Treasurer**

Councilmember Melton made a motion to approve the Consent Agenda.

Councilmember Winters Seconded.

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

**COMMITTEE RECOMMENDATIONS**

**1. Consider adopting an ordinance revising Title 13 Utilities, Chapter 13.25 Electric Rates of the Gardner Municipal Code**

Business Services Manager Amy Foster stated electric rate classifications would be minimized and rates would be reclassified, with commercial rate classifications were being brought in line with industry standards. She said several customers would see a reduction in rates.

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

Page No. 2019 - 10  
January 22, 2019

Ms. Foster also provided a recap of the recommended changes to water and wastewater rates. She said a 3.7% water rate increase through 2030 was proposed in order to spread the costs over a longer period. She said the recommendations was for a change in calculations of winter wastewater averages to be enacted in 2020. She said a 1% rate increase for wastewater was proposed in 2025. She said the recalculation of winter averages would help residential customers to save money on their wastewater bills, and a small increase would be seen for non-residential customers.

Ms. Foster stated the changes over the total bill (increases for water, changes to wastewater calculations, and the reduction in electric rates) would result in a savings for many customers, even before power cost adjustments were accounted for.

Ms. Foster said conservation plans and education for customers may help to bring costs down as well.

Councilmember Gregorcyk asked how much the Power Cost Adjustments had given back to customers. Ms. Foster stated \$1,175,000.00 had been given back to customers in the past three years. Mayor Shute asked if there were other ways to give funds back. Ms. Foster stated the Power Cost Adjustments helped with this, as did the rate reductions. She said some Capital Improvement Projects would also be performed without raising rates.

**Public Comment:**

Clint Barney 136 North Cedar Street stated the Utility Advisory Commission had done this rate study to become revenue neutral. He said the PILOT program was currently at 5% and could legally be adjusted to 10%. He said this could be offset to avoid rate increases for residents.

Councilmember Baldwin asked how the winter average would be billed if it was not an even number. Ms. Foster stated it would be based on Council's directive. Councilmember Baldwin stated he would be in favor of rolling this down for now. Ms. Foster stated it is currently rolled up for wastewater. She said in the rate study, true rounding was used.

Councilmember Melton made a motion to adopt Ordinance 2597 revising Title 13 Utilities, Chapter 13.25 Electric Rates of the Gardner Municipal Code

Councilmember Gregorcyk Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2597

Winters:	Yes
Baldwin	Yes
Gregorcyk:	Yes
Melton	Yes
Moore:	Absent

**2. Consider adopting an ordinance amending Title 13, Utilities Code of the City of Gardner, Kansas, 2008, increasing various rates and charges and amending or repealing all ordinances or regulations not in conformity herewith**

Councilmember Gregorcyk made a motion to adopt Ordinance 2598 amending Title 13, Utilities Code of the City of Gardner, Kansas, 2008, increasing various rates and charges and amending or repealing all ordinances or regulations not in conformity herewith

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2598

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

Page No. 2019 - 11  
January 22, 2019

Baldwin	Yes
Gregorcyk:	Yes
Melton	Yes
Moore:	Absent
Winters:	Yes

**3. Consider accepting the dedication of right-of-way and easements on FP-18-08, final plat for Belfonte Car Wash**

Councilmember Gregorcyk asked how long the lease on the land was for. Business and Economic Director Larry Powell stated it was a ten year lease with options for renewal. Councilmember Gregorcyk asked if the nearby roads would be adequate for the traffic. Mr. Powell stated the entranceway would line up with the Walmart north entrance. He said up to 30 vehicles could be stacked before backing up to the entrance.

Councilmember Gregorcyk made a motion to accept the dedication of right-of-way and easements on the Belfonte Car Wash plat

Councilmember Melton Seconded.

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

**NEW BUSINESS**

**1. Consider adopting a resolution declaring the intent of the City of Gardner, Kansas, to issue Industrial Revenue Bonds in the approximate principal amount of \$19,390,000, for the purpose of financing a portion of the costs of the acquisition, construction and equipping of a commercial facility within the City (Main Street Market Place)**

Councilmember Gregorcyk made a motion to continue Resolution No. 2009 declaring the intent of the City of Gardner, Kansas, to issue Industrial Revenue Bonds, in the approximate principal amount of \$19,390,000, for the purpose of financing a portion of the costs of the acquisition, construction and equipping of a commercial facility within the City (Main Street Market Place) until February 18.

Councilmember Winters Seconded.

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

**2. Consider adopting a resolution approving the execution and delivery of a second amendment to Developer's Agreement relating to certain incentives, including industrial revenue bonds and property tax exemption, for a development project within the City (Hampton Inn).**

Finance Director Mathew Wolf stated the developer has asked for a second amendment to extend the completion deadline from February 1, 2019 to April 1, 2019.

Councilmember Melton made a motion to adopt Resolution 2009 approving the execution and delivery of a second amendment to Developer's Agreement relating to certain incentives, including industrial revenue bonds and property tax exemption, for a development project within the City (Hampton Inn).

Councilmember Gregorcyk Seconded.

With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number-2009

Gregorcyk:	Yes
Melton	Yes

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

Page No. 2019 - 12  
January 22, 2019

Moore:	Absent
Winters:	Yes
Baldwin	Yes

**3. Consider an Ordinance amending sections 5.15.070 (Operation Regulations) and 5.15.120 (Restriction of Business to Premises) of the Gardner Municipal Code**

Councilmember Gregorcyk asked if these changes had been requested by more than one therapist. Business and Economic Director Larry Powell stated the changes had been requested by one therapist team on behalf of all massage therapists in town operating out of their homes.

Councilmember Melton made a motion to adopt Ordinance 2599, an ordinance of the City of Gardner, Kansas amending Sections 5.15.070 and 5.15.120 of the Gardner Municipal Code relating to the operation regulations of massage establishments and the restriction of business to premises for massage establishments

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2598

Melton	Yes
Moore:	Absent
Winters:	Yes
Baldwin	Yes
Gregorcyk:	Yes

**4. Consider authorizing the approval of Change Order Request No. 1 for Turner Construction for CMAR service and installation of fiber between City Hall and the New Gardner Justice Center**

Public Works Director Michael Kramer stated the change order was for \$70,000, while the remaining \$72, 438 would come from the owner's contingencies. He said the consensus was that there was enough owner contingency in the project to cover the additional expense. He said these owner's contingencies were developed based on 90% plans and to cover wants of the City. He said Turner had construction contingencies as well in case of unforeseen circumstances. He said Turner had released some of their construction contingency early for this project, but that they may ask for it back if there were unforeseen circumstances.

Councilmember Baldwin asked what the additional amount would be to run the fiber fully underground. Mr. Kramer stated this would cost approximately \$100,000.

Councilmember Gregorcyk asked what amount Turner was releasing from their contingencies. Mr. Kramer stated it was \$100,000 to cover this project, and that current estimates for furniture, fixtures, and equipment were high.

Councilmember Winters asked for the purpose of the fiber. Mr. Kramer stated this allowed the City to utilize the same servers as were currently used and allowed the basis for IT operations to remain in City Hall. He said this would also save \$35,000 - \$40,000 per year, making this a quick return. Mr. Kramer stated a connection to Gardner electric could be added for minimal cost in the future.

Councilmember Melton made a motion to authorize the approval and execution of Change Order Request No. 1 for Turner Construction for CMAR service and installation of Fiber between City Hall and the New Gardner Justice Center

Councilmember Baldwin Seconded.

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

**COUNCIL UPDATES**

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

Page No. 2019 - 13  
January 22, 2019

Police Chief James Pruetting stated the Niche go live date would be Monday, January 28, 2019. He said it would be possible to incorporate outside vendor software in the future. He said this would be a great opportunity to get data out to the community. Councilmember Gregorcyk asked if this worked with third party platforms such as Ring. Chief Pruetting stated he did not believe so.

Parks and Recreation Director Jason Bruce stated it was slick outside and crews were already working to clear this. He said Parks and Recreation was currently taking applications for spring and summer jobs through February 1, 2019. He said this year families would be able to renew their pool passes online in the spirit of customer service.

Public Works Director Michael Kramer stated he was glad to see the fire district moving forward with emergency management preparations as the City had various plans for various departments but they had not been looked at for some time. He said the City had recently received eleven inches of snow, He said 260 man hours had been used and nearly 2,100 lane miles had been cleared with very few problems, even with aging equipment. He said many positive comments had been received and any problems incurred had been addressed. He said the past weekend 222 man hours had been utilized to help with the storm and 1,500 lane miles had been cleared. He said six employees had started a twelve hour shift to spread ice melt that evening at 04:00PM.

Mr. Kramer stated many complaints had been received about U.S. Highway 56 due to potholes. He said staff had reached out to KDOT. He said this road had been fully patched in November and would be patched again as soon as weather allowed, according to the metro engineer. He said this road would need to be fully resurfaced at some point in the near future.

Mr. Kramer stated he had worked with Parks and Recreation Director Jason Bruce and had reached out to the Johnson County Fairgrounds and citizens would be allowed to drop off brush from the recent storms. He said a photo ID would be required and this would be limited to residents. Councilmember Gregorcyk asked what would happen to the brush. Mr. Kramer stated the plan was to chip it and use it for the Fairgrounds.

Mayor Shute asked how much salt the City had gone through. Mr. Kramer stated 350 tons had been used during the last two storms.

Councilmember Gregorcyk stated the Martin Luther King Jr. Day (MLK) event had been a great event. He asked if there were any updates on the I-35 corridor. Mr. Kramer stated several meetings had been held and that he hoped to make plans available to KDOT in the next couple of weeks, and to put it out for bid in fall of 2019. Councilmember Gregorcyk asked for an update on a dog park. Parks and Recreation Director Jason Bruce stated a grant application was being worked on for the spring. He said the Fire District may have some land north of the water tower available for use for this purpose. Councilmember Gregorcyk asked if there would be a line item for preventative maintenance and maintenance on the new Justice Center and on City Hall. Mr. Kramer stated this had been discussed and would be reviewed with existing vendors. He said preventative maintenance plans would be developed. He said a small study was being looked at for City Hall in order to determine needs and proper space utilization.

Councilmember Melton thanked Public Works Director Michael Kramer for handling issues with mailboxes during the recent storm. He said the MLK exhibit was great.

Councilmember Winters stated he had enjoyed the MLK exhibit.

Mayor Shute stated approximately 250 people had attended the MLK exhibit between Friday and Monday. He said all of the fourth graders from Sunflower Elementary had attended. He said social media, word of mouth, and media coverage had contributed to the success. He thanked Communications Director Daneeka Marshall Oquendo and other staff for their hard work with this. He said the display needed to be nominated for an award.

**ADJOURNMENT**

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

Page No. 2019 - 14  
January 22, 2019

There being no further business to come before the Council, on a motion duly made by Councilmember Melton and seconded by Councilmember Gregorcyk the meeting adjourned at 8:52 p.m.

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City Clerk

# City of Gardner, KS

## Council Actions

January 22, 2019

The City Council took the following actions at the January 22, 2019, meeting:

1. Proclaimed the week of January 27, 2019 – February 3, 2019, as Buckle Up for Safety and Lives Week
2. Held a Public hearing on the proposed redevelopment project plan (Main Street Market Place, Project Area 1) (Passed unanimously)
3. Approved the minutes as written for the regular meeting on January 7, 2019 (Passed unanimously)
4. Approved the City expenditures prepared January 4, 2019, in the amount of \$1,111,583.43; January 11, 2019, in the amount of \$734,405.53 (Passed unanimously)
5. Authorize the City Administrator to purchase a new bobcat from K.C. Bobcat in the amount of \$49,924.00 (Passed unanimously)
6. Authorized the City Administrator to execute a Quit Claim Deed to convey Lot 2, Symphony Farms III (commonly known as 32350 W. 167th Street) to Johnson County Fire District No. 1 (Passed unanimously)
7. Extended the Airport Advisory Board appointment process for up to 28 days until February 18, 2019 with consideration of appointments on the February 18, 2019, City Council Agenda (Passed unanimously)
8. Appointed Matthew Wolff as Gardner City Treasurer effective January 22, 2019 (Passed unanimously)
9. Adopted Ordinance 2597 revising Title 13 Utilities, Chapter 13.25 Electric Rates of the Gardner Municipal Code (Passed unanimously)
10. Adopted Ordinance 2598 amending Title 13, Utilities Code of the City of Gardner, Kansas, 2008, increasing various rates and charges and amending or repealing all ordinances or regulations not in conformity herewith (Passed unanimously)
11. Accepted the dedication of right-of-way and easements on the Belfonte Car Wash plat (Passed unanimously)
12. Tabled Resolution No. 2009 declaring the intent of the City of Gardner, Kansas, to issue Industrial Revenue Bonds, in the approximate principal amount of \$19,390,000, for the purpose of financing a portion of the costs of the acquisition, construction and equipping of a commercial facility within the City (Main Street Market Place) until February 18 (Passed unanimously)
13. Adopted Resolution 2009 approving the execution and delivery of a second amendment to Developer's Agreement relating to certain incentives, including industrial revenue bonds and property tax exemption, for a development project within the City (Hampton Inn) (Passed unanimously)
14. Adopted Ordinance 2599, an ordinance of the City of Gardner, Kansas amending Sections 5.15.070 and 5.15.120 of the Gardner Municipal Code relating to the operation regulations of massage establishments and the restriction of business to premises for massage establishments (Passed unanimously)
15. Authorized the approval and execution of Change Order Request No. 1 for Turner Construction for CMAR service and installation of Fiber between City Hall and the New Gardner Justice Center (Passed unanimously)