

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

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March 4, 2019

The City Council of the City of Gardner, Kansas met in regular session on March 4, 2019, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Honorable Council President Lee Moore 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; Finance Director Matthew Wolff; and City Clerk Amy Nasta. Others present included those listed on the attached sign-in sheet and others who did not sign in. Mayor Steve Shute was absent.

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Councilmember Moore led those present in the Pledge of Allegiance.

**PRESENTATION**

1. **AAA Community Traffic Safety Award Presentation**

**PUBLIC COMMENTS**

None

**CONSENT AGENDA**

Councilmember Moore stated Consent Agenda Item 5 would be removed from consideration at staff's request.

1. **Standing approval of the minutes as written for the regular meeting on February 18, 2019**
2. **Standing approval of City expenditures prepared February 14, 2019, in the amount of \$1,259,696.21; February 15, 2019, in the amount of \$566,598.76; February 18, 2019 in the amount of \$2,209.75; February 18, 2019 in the amount of \$554.40; February 22, 2019 in the amount of \$413,470.39**
3. **Consider authorizing the City of Gardner Parks and Recreation Department to initiate the request for proposals (RFP) process for Phase I of the Kill Creek Trail Project**
4. **Consider a recommendation to appoint City of Gardner representatives to the Kansas Rural Water Association**
5. ~~**Consider a recommendation to the City Council to chip seal Moonlight Road at the Hillsdale Water Treatment Facility**~~
6. **Consider directing staff to create a policy for commemorative street signage**
7. **Consider authorizing the City Administrator to sign the release of a drainage easement**
8. **Consider the acceptance of a Settlement Agreement with Kansas Gas Service related to utility easements**

Councilmember Gregorcyk asked to remove item 4 from the Consent Agenda

Councilmember Winters asked to remove item 3 from the Consent Agenda

Councilmember Gregorcyk made a motion to approve Consent Agenda items 1,2, 6, 7, and 8

Councilmember Melton Seconded.

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

***Discussion of Consent Agenda Item 3***

Councilmember Winters asked if it was possible to tie the trail into Saint John's Trace at this stage as it would not add much distance. Parks and Recreation Director Jason Bruce stated funds were earmarked for a land purchase near Saint John's Trace in 2020.

Councilmember Winters made a motion to approve Consent Agenda item 3.

Councilmember Melton Seconded.

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

***Discussion of Consent Agenda Item 4***

Councilmember Gregorcyk asked who the City's representatives for the Kansas Rural Water Association would be. Utilities Director Gonz Garcia stated Scott Millholland would be the representative and he, Gonz Garcia, would be the alternate.

Councilmember Gregorcyk made a motion to approve Consent Agenda item 4.

Councilmember Melton 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 regulating the sale of cereal malt beverage and beer containing not more than 6% alcohol by volume within the City of Gardner, Kansas**

Councilmember Melton made a motion to adopt Ordinance No. 2604, an ordinance regulating the sale of cereal malt beverage and beer containing not more than 6% alcohol by volume within the City of Gardner, Kansas

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2604

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

**COUNCIL UPDATES**

Parks and Recreation Director Jason Bruce stated he appreciated the Council's support on the trails project. He said staff would be seeking a grant to bring the project to Quail Meadows during the fall or winter of 2019.

Public Works Director Michael Kramer stated there had been an item in the Friday Minute Memo regarding KDOT funding for US 56 between Gardner Road and Main Street. He said KDOT had developed a new program for pavement restoration for FY 2021 and 2022 that would require up to 10% matching funds from the City for projects up to \$1 million. He said this was not currently budgeted.

Mr. Kramer stated a preliminary estimate of the cost from Moonlight to Sycamore for just the pavement was \$1.5 million, though he hoped to bring back a better estimate at the next Council meeting. He said that, based on Gardner's population, a 10% match was required for the program, but a larger contribution would earn additional

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points for the City. Councilmember Moore asked if the Infrastructure Special Sales Tax could be used. Mr. Kramer stated this was a possible option, as was bonding for the project. Councilmember Moore stated this was the State's obligation to fix and that the road should not be in the shape it is currently in given the amount of taxes citizens already pay. He said he did not wish to ask for additional taxes. Councilmember Gregorcyk stated non-citizen financing should be considered. Finance Director Matthew Wolff stated there may be funds leftover in the Infrastructure Special Sales Tax Fund that could help. Mr. Kramer stated he would provide additional information at the next meeting.

Mr. Kramer stated the docks at Gardner Lake were divided into Tier 1 and Tier 2 docks. He said the Tier 2 docks were for individuals that did not have a residence on the lake itself and accounted for approximately 17 of the 100 docks. He said the current ordinance stated that if Tier 2 docks reached a certain level of disrepair they were not allowed to be repaired and had to be removed. He said there was also a property that would like to be split to allow their neighbor to build a Tier 1 dock. He said in the past, this property has been a Tier 2 dock and as such was not allowed.

Councilmember Melton asked why Tier 2 docks were not allowed. Mr. Kramer stated there had been issues with access in the past, as well as issues with proliferation. Interim City Administrator Laura Gourley stated Gardner Lake used to be patrolled by the Gardner Police Department. She said the only leftover jurisdiction was of the docks. Mr. Kramer stated dock permits cost approximately \$25/year. He said changing the ordinance would allow staff to tell dock owners their docks needed to be repaired and a new permit would be needed rather than having to have the dock torn down.

Councilmember Winters asked if there had been issues with trespassing. Mr. Kramer stated there had not. Councilmember Moore stated he did not see a reason to change the current system. Councilmember Baldwin asked why the code would be changed to allow an individual to build on someone else's property. Councilmember Gregorcyk stated he supported leaving the ordinance as is unless the Lake Board wanted a change. Mr. Kramer stated the Lake Board President was in favor of allowing repairs but not adding new docks. Councilmember Winters agreed with this. Interim City Administrator Laura Gourley summarized that the Council did not wish to change the Ordinance at the present time.

City Clerk Amy Nasta stated Council would need to provide consensus to extend the terms of Airport Board members set to expire by up to sixty days in order to maintain quorum. The Council provided consensus. Ms. Nasta stated the Airport Board selection process would need to be extended by up to twenty-eight days with an appointment to be brought before Council on April 1, 2019. The Council provided consensus for the extension.

Interim City Administrator Laura Gourley stated Monday, March 11, 2019 would be the meet and greet for City Administrator candidates starting at 05:00PM. She reminded the Council to arrive by 06:00PM for the executive session.

**ADJOURNMENT**

There being no further business to come before the Council, on a motion duly made by Councilmember Gregorcyk and seconded by Councilmember Melton the meeting adjourned at 07:47 p.m.

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City Clerk

# City of Gardner, KS

## Council Actions

March 4, 2019

The City Council took the following actions at the March 4, 2019, meeting:

1. Approved the minutes as written for the regular meeting on February 18, 2019 (Passed unanimously)
2. Approved City expenditures prepared February 14, 2019, in the amount of \$1,259,696.21; February 15, 2019, in the amount of \$566,598.76; February 18, 2019 in the amount of \$2,209.75; February 18, 2019 in the amount of \$554.40; February 22, 2019 in the amount of \$413,470.39 (Passed unanimously)
3. Authorized the City of Gardner Parks and Recreation Department to initiate the request for proposals (RFP) process for Phase I of the Kill Creek Trail Project (Passed unanimously)
4. Appointed City of Gardner representatives to the Kansas Rural Water Association (Passed unanimously)
5. Directed staff to create a policy for commemorative street signage (Passed unanimously)
6. Authorized the City Administrator to sign the release of a drainage easement (Passed unanimously)
7. Accepted a Settlement Agreement with Kansas Gas Service related to utility easements (Passed unanimously)
8. Adopted Ordinance 2604, an ordinance regulating the sale of cereal malt beverage and beer containing not more than 6% alcohol by volume within the City of Gardner, Kansas (Passed unanimously)