

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

Page No. 2019 - 53

May 6, 2019

The City Council of the City of Gardner, Kansas met in regular session on May 6, 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, Lee Moore, and Todd Winters. City staff present were City Administrator James Pruetting; Interim Chief of Police Jay Belcher; Business & Economic Development Director Larry Powell; Utilities Director Gonzalo Garcia; Public Works Director Michael Kramer; Parks and Recreation Director Jason Bruce; Finance Director Matthew Wolff; Deputy City Clerk Sharon Rose; and City Attorney Chuck Dunlay. Others present included those listed on the attached sign-in sheet and others who did not sign in.

**CALL TO ORDER**

There being a quorum of Councilmembers present, the meeting was called to order by Mayor Shute at 7:01 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor Shute led those present in the Pledge of Allegiance.

**PRESENTATIONS**

**1. Proclaim April 26, 2019 as Laura Gourley Day in the City of Gardner**

**2. Gardner Lake**

Public Works Director Michael Kramer presented information regarding Gardner Lake. Council has heard from staff, members of the public, and the Gardner lake board about the desire to be able to repair or replace tier 2 docks. There are about 17 docks currently classified as tier 2.

Prior to 2012, there was no code regarding tier 1 and tier 2 docks. In August of 2012, codes were put in place via Ordinance 2400 that included the definitions of tier 1 and tier 2 docks, and also included the provision that there could be no new tier 2 docks installed and no full reconstruction of those docks, only minor repairs. This was put in place partially to limit the overall number of docks. Before this, there was nothing in the code that would limit any resident from installing a dock.

The definition of a tier 2 dock includes all lot owners in the Gardner Lake subdivision property that adjacent to or continuous with city property comprising the lake shore. In the image shown, the lot highlighted doesn't have to cross any other property other than City of Gardner property to get to their dock. Interpreting the code that way makes them a tier 1 dock and no longer tier 2. In the next image, the property highlighted, there's an easement in between two properties down to the water whereby they could access a dock. In the third image, this is where they have the most tier 2 docks clustered in one location. These were all considered tier 2 because they are on the other side of an access road. Reading the code strictly, they don't have to cross any other property other than City of Gardner property to get to the dock, so if you interpret the code that way, these can be considered tier 1 docks. They are adjacent and contiguous to City of Gardner property that is the lake shore. The next image is the property that Mr. Hutsell and Mr. Pflumm brought to council in April. The decision that was made then is that the property they own is adjacent to and contiguous to the water and they can split that property and move forward with another dock. This was the direction and guidance received from council.

The Evans' own the property to the north and they have some reservations about the decision. Director Kramer believes Mr. Pflumm has already moved forward with the lot split and that it's been recorded with the county and they've paid a deposit on a dock. Director Kramer hasn't issued a dock permit yet because he needs to see that the property split is all in order.

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

Page No. 2019 – 54  
May 6, 2019

Mayor Shute asked, with strict interpretation of the code, are there any properties at Gardner Lake that would be considered tier 2 docks? Director Kramer read the code and worked with planners and looked at different codes. Director Kramer believes some of the docks in the first image, where they are across the street and maybe there's not an access easement, there are some tier 2 properties. The code existing as it is, Kramer believes all existing tier 2 docks are tier 1. Based on prior conversations of wanting to see tier 2 docks brought up to code or replaced would improve the quality of the lake. The road crossing was a qualifier in the past. The lake board wants to see those existing docks maintained. The code does protect from having unlimited number of docks, and prevents someone outside of the Gardner Lake subdivision permitting a dock. Director Kramer asked council for consensus to move forward with his interpretation.

Councilman Melton asked if we need to amend the code so there's no tier 2. Director Kramer doesn't believe so. Mayor Shute clarifies that people accessing the docks are doing so through their property, that's the qualifier. They have to own property that is contiguous to the lake through city property in order to qualify.

Attorney Chuck Dunlay stated the city can amend the code for clarification, but that is not on the agenda for tonight. The current interpretation that Director Kramer has used and is suggesting to continue using would not require amendment of the code.

Councilman Baldwin requested to see image of the land proposing a new dock on the split property, and asked about the lots to the north. The property is now contiguous to their property, but it is not. If the road is removed, the land is across the street from the house to the south, not the property owner. Councilman Melton clarified that it can be accessed from city property. Councilman Baldwin asked what would keep anyone from buying a house in the middle of the lake area and just having a piece of land along the edge and install a dock in 8 places. Councilman Melton stated that someone else already owns that land along the edge. Councilman Baldwin stated it could be bought and sold, so do you want it tied to the property along the lake shore or to the property owner that home. Director Kramer stated that it is tied to the property along the lake shore. Councilman Moore sees no relationship between the house and the dock. He sees the relationship between the property and the dock.

Mayor Shute asked if there should be stipulation that should be added that individuals that have property such as this must have a domicile at Gardner Lake. This would cause problems. Councilman Winters asked how many would that be? There can't be many. Director Kramer doesn't know of any other similar situations.

Mayor Shute asked if council wanted to keep the current interpretation. Council arrived at a consensus to keep the current interpretation. Councilman Moore suggested that if staff wanted to make the language clearer, then council will review. Director Kramer will take another look at the code with city attorney, and will also see if there are any other properties of concern. Mayor Shute stated this should be done with Lake Association consultation. Councilman Gregorcyk asked if the city is holding up anyone from doing they are already planning to do and have permits in order. Director Kramer believed with this clarification, he did not believe so.

Director Kramer provided an update on the inspection of the dam. Staff asked engineer to look at the spillway and different alternatives to improving it. They looked at various low water crossings and pedestrian bridges, but did not look into anything involving vehicular access because it is not feasible from a cost standpoint. The result ends up with replacing the existing spillway in-kind: removing it, performing slope protection, reconstructing and reinforcing the structure underneath, and then rebuilding the spillway as it is. It would still be closed to vehicular traffic, but is the only alternative that keeps the lake elevation where it is currently. The other options would either lower the lake elevation slightly for so the flood pool would remain the same, or keep the elevation as existing and the flood pool would increase, which would require FEMA approval and map changes. Staff returned to restoring the existing riprap along the face of the dam and replace the spillway in-kind. The project is estimated at approximately \$750,000, and is in the CIP. The CIP has \$300,000. Director Wolff believes the project is doable, and staff will move forward and will bond the project. Director

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

Page No. 2019 – 55  
May 6, 2019

Kramer hopes the costs come in lower, because a few hundred thousand dollars of the project is the riprap restoration. Staff may be able to get the estimate down by filling in some gaps rather than redoing the whole thing. Staff is moving forward with scope and fees with Olsson. Olsson has been the city's consultant on the lake, have done the last several dam inspections, and provided dam breach analysis. Staff expects to return to council with an agreement.

Mayor Shute asked if the spillway was originally in the 2020 CIP. Director Kramer believed it was in 2018, but with a smaller number.

**PUBLIC HEARING**

- 1. Hold a public hearing for the purpose of receiving comments to a request for a Waiver of the Distance Limitation to allow for the sale of cereal malt beverages within 200 feet of a school, church or library during the Smoke on the Trails BBQ Competition to be held September 27 and 28, 2019 at Celebration Park**

Councilmember Moore made a motion to open a public hearing for the purpose of receiving public comments on the Waiver of the Distance Limitation to allow for the sale of cereal malt beverages within 200 feet of a school, church or library during the Smoke on the Trails BBQ Competition

Councilmember Melton 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 Moore Seconded.

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

- 2. Hold a public hearing for the purpose of receiving comments to a request for a Waiver of the Distance Limitation to allow for the distribution of cereal malt beverage, wine, and spirits samples within 200 feet of a school, church or library during the Craft Beer and Wine Festival to be held September 28, 2019 at Celebration Park**

Councilmember Melton made a motion to open a public hearing for the purpose of receiving public comments on the Waiver of the Distance Limitation to allow for the distribution of cereal malt beverage, wine, and spirits samples within 200 feet of a school, church or library during the Craft Beer and Wine Festival

Councilmember Winters Seconded.

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

Councilmember Moore 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.

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

Page No. 2019 – 56  
May 6, 2019

**PUBLIC COMMENTS**

Mark Evans, 15640 Gardner East Rd: In image of the lake property, the yellow blocks to the north is our house. The house across the street used to belong to the Hutsells, and they had a dock that was grandfathered in. Mr. Pflumm bought property not even seen on map. By your own code, he's not contiguous or adjacent, by your own definition. Its 500 feet away. As Councilman Baldwin mentioned, anybody that's tier 2 that's hooked to the road, they can find someone to sell them a little lot and put up a dock. If you allow Pflumm to change the rule, change it for all and change code. Director Kramer and prior directors and council have not allowed tier 2 docks. There's a reason for that, it's a quiet, almost private lake. There are few lakes in Johnson County you can still have a boat dock. I would ask you to respect his thoughts on exactly what your code means.

Joy Evans, 15640 Gardner East Rd: Along those same lines, the property in blue, adjacent to lake, was originally part of our plat. Back in the 60s, Mrs. Myer gave it to the people that owned 104 acres across the street so he could fish. I don't believe it was ever legally divided and probably should have never left our plat of property. The Hutsells bought a foreclosed house across the street, contacted the estate and they purchased that lot. They took a grandfathered dock that was grandfathered to the Licums (sp), which is directly across from a grandfathered lot and dock, because they used to mow the property for the estate, they switched that dock, the Licums voluntarily removed it, and the Hutsells put their dock there. Over the last several years, Director Kramer has told us a dozen times or so, they've tried to put other docks down there. The Hutsells have since moved and bought a property on the lake, this property was deeded to their children. Bill Pflumm bought the lot to the north of that and now they've made an agreement based on what council said at the April meeting that this was contiguous property and he could put a dock there. Now there are two tier 2 docks. Licums are moving and new owners will want a dock. In recent weeks, they've cut down our bushes on the corner because the Sprague family, which was the Hutsell house, couldn't see dock, and they have started to put up a shed that was not permitted. They said they don't need a permit because the shed is going to be on blocks, they'll run power and security cameras because when they're on tier 2, they can't see this property. Bill Pflumm can't see, he's 500 feet away. You are opening up piece of property that was meant for some light fishing to docks and sheds. At July 4<sup>th</sup>, there were 10 cars parked down there, with loud music. We had nothing but beer bottles and bottle rockets on our property and someone urinating in our bushes, this is not what this was designed for. What's to stop us from parceling out our land every 20 feet and letting people put docks in, and if they are tier 2, according to you, that's possible. It's just a lot of problems that should have never transpired to begin with.

Chuck Lawrence, 15500 Lake Road 4: I am a board member of the Gardner Lake Association. I want to thank you for clarifying tier 1 and tier 2 dock information. There are a lot of rumors around the lake, and I think now you've clarified them. I want to thank Michael Kramer for work being done. I think the lake will be a better place and we'll have residents that understand, and once you understand your feelings don't get hurt.

Bill Pflumm, 15634 Gardner East Rd: I want to split the lot and build dock. We've got the lot split. The county told us the lot was splittable, but we can't build a permanent structure on that, which we are not doing. We're putting out a dock. We're not 500 feet away, we're about 300 feet away because that lot is only 150 feet long, and the lot I bought, I bought from you (Mark & Joy Evans). I'm trying to be a good neighbor. Everything I've done, I've done legally through the council, we ruled on that in April. I assume that ruling still stands and we're moving forward with the dock. As far as the shed that's being put up, I'm not doing a shed, but it's my understanding that you can put a 120 sq. ft. non-removable building on a lot and I'm not doing that. If my house is sold, the lot and dock will be sold with the house because it'll be part of the deed on the lot across the street so there's not going to be anybody splitting or selling it. It's going to be part of one property, that's how we're going to get it recorded and that will be in our trust. I've already made a deposit on the dock, the permit is going. That's where I'm at. Thank you.

Kendra Sprague 15645 Gardner E Rd: We bought house in blue block (on image). I was at the courthouse today and thought I'd throw out the information that we have everything in place and we don't need a permit for an 8x12

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

Page No. 2019 – 57  
May 6, 2019

foot shed. We're off the property line and measured over. Everything is taken care of with the meeting I had today, and I just wanted you to know that.

Walt Hutsell, 15298 Lake Road 1: Joy Evans said cutting bushes down along the property line that's because the bushes were on the property in question. They weren't on her property. You're allowed to cut bushes that are growing on your own property. Regarding urinating in the bushes, I take that as a reflection on us. We live there and I've never seen that done. I've never allowed anyone to go down there and urinate in public. Also, Joy Evans does not live at the property. She rents it out, it's a rental house. She's not there during the weekends. We've already made arrangements, we've already spent money, he's (Bill Pflumm) already put deposits on the dock. It's already been approved, that was my understanding, because we didn't move forward until we had permission to move forward. Now we feel like the arrangements have been made and when you spent money and time having it surveyed, Bill's already put a deposit on the boat dock, there's money that's been spent. We feel like approval has been made and we didn't try to do something without coming to the City Council. Thank you.

**CONSENT AGENDA**

1. **Standing approval of the minutes as written for the regular meeting on April 15, 2019**
2. **Standing approval of City expenditures prepared April 12, 2019, in the amount of \$797,391.80; April 19, 2019, in the amount of \$656,168.40; April 19, 2019, in the amount of \$1,065,241.10; April 26, 2019, in the amount of \$214,402.18**
3. **Consider authorizing the City Administrator to enter into a contract with J,J. & J. dba Topeka Sod Farm for fairway rehabilitation at the Gardner Golf Course**
4. **Consider granting an easement to KCP&L to extend electric service for Gardner Golf Course**
5. **Consider the purchase of four (4) 2020 Ford Police Interceptor Sport Utility Vehicles (SUV) from Shawnee Mission Ford (Shawnee)**
6. **Consider approving an agreement for the Engineering Professional Services for the Design and Constructions Services for internal improvements in the City of Gardner, Kansas as authorized by Resolution 2012 of the City**  
**(Tuscan Farm Sanitary Lift Station)**
7. **Consider approving an agreement for the Engineering Professional Services for the Design and Constructions Services for internal improvements in the City of Gardner, Kansas as authorized by Resolution 2013 of the City (Tuscan Farm Phase I Improvements)**
8. **Consider authorizing the purchase of 8,000 gallons of fuel for the Gardner Municipal Airport**

Councilmember Gregorcyk asked to remove Item 3 from the Consent Agenda

Councilmember Melton made a motion to approve items 1-2 and items 4-8 on the Consent Agenda.

Councilmember Moore Seconded.

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

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

Councilmember Gregorcyk asked to clarify that this is already in the budget. Mayor Shute answered he believed that is the case. It is part of the dollars that were allocated. Parks & Recreation Director Jason Bruce stated for the record that yes, it is part of the \$290,000 in additional renovations to the golf course.

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

Page No. 2019 – 58  
May 6, 2019

Councilmember Gregorcyk made a motion to approve Consent Agenda item

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 approving an ordinance levying and assessing special assessments on certain lots, pieces and parcels of land liable for such special assessments to pay the costs of internal improvements in the City of Gardner, Kansas as authorized by Resolution 2012 of the City (Tuscan Farm Sanitary Lift Station)**

Finance Director Matt Wolff stated this and the next item are housekeeping items related to the Tuscan Farms benefit districts approved February 18, 2019. This first ordinance is levying \$1.325 million for benefit district improvements for a lift station and related site improvements for Tuscan Farms property over 15 years. Director Wolff pointed out that Bond Counsel Tyler Ellsworth and Senior Municipal Advisor Bruce Kimmel are here for questions.

Councilmember Melton made a motion to adopt Ordinance No. 2613 levying and assessing special assessments on certain lots, pieces and parcels of land liable for such special assessments to pay the costs of internal improvements in the City of Gardner, Kansas as authorized by Resolution 2012 of the City (Tuscan Farm Sanitary Lift Station Special benefit District).

Councilmember Moore Seconded.

With all of the Councilmembers voting in favor of the motion, the ordinance passed and was assigned Ordinance number 2613

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

- 2. Consider approving an ordinance levying and assessing special assessments on certain lots, pieces and parcels of land liable for such special assessments to pay the costs of certain infrastructure improvements to serve the Tuscan Farm residential development in the City of Gardner, Kansas (Tuscan Farm Phase 1 Infrastructure)**

Director Wolff stated this is similar to the last item but for the other benefit district. This ordinance levies \$2.62 million dollars for benefit district improvements for Phase I infrastructure improvements for Tuscan Farms property over 15 years.

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

Page No. 2019 – 59  
May 6, 2019

Councilmember Gregorcyk made a motion to adopt Ordinance No. 2614 levying and assessing special assessments on certain lots, pieces and parcels of land liable for such special assessments to pay the costs of certain infrastructure improvements in the City of Gardner, Kansas as authorized by Resolution 2013 of the City (Tuscan Farm Phase 1 Infrastructure Special Benefit District)

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the ordinance passed and was assigned Ordinance number 2614

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

**3. Consider adopting a resolution revising multiple sections of the Personnel Policy Manual, 2018 Edition**

Human Resources Manager Alan Abramovitz brought two sections of the personnel policy manual, 2018 edition, to be updated with one resolution. The first is the police career ladders. As council may recall, at the April 1<sup>st</sup> meeting, staff revise the pay plan to include a Police Officer II position. This required 5 years' experience and a performance rating of exceptional. After feedback from council, particularly from Councilman Winters, staff changed the requirement to state that the officer would need a performance evaluation of 'high quality', which is one level below exceptional, in addition to the 5 years of experience. Based on current longevity and the 2018 performance evaluations, the additional estimated cost for the Police Officer II changes is \$18,886.

Mr. Abramovitz: the next item is the longevity bonus brought up by Councilman Gregorcyk requesting additional rewards for employees with longevity. Currently, the longevity bonus is \$1 per month, with a minimum of \$50 to start, distributed around Thanksgiving. To further enhance this program and reward longer tenured employees, staff recommends increasing the bonus to \$2 a month or a minimum of \$100. The current annual cost of the longevity bonus program is \$16,252, and would increase to \$32,504. Staff did survey some other cities. Many cities do not have any kind of bonus program. Some other cities do, but they are not as generous as ours. Some cities only reward exempt employees, but not the non-exempt employees, which defeats the purpose. Staff recommends passing the resolution to revise the personnel policies.

Mayor Shute asked Councilman Gregorcyk if he had any further concerns. Councilman Gregorcyk stated he had no more concerns, and appreciated staff working on this and finding value in it. He believes it's a great opportunity to distinguish the City of Gardner from other cities. The cost benefit is outweighed by the tenure. Tribal knowledge is so important. He appreciates Alan and his team's work on this.

Councilmember Gregorcyk made a motion to Adopt Resolution No. 2021 providing for the adoption of a revision to multiple sections of the Personnel Policies and Procedures, 2018 edition, for the City of Gardner, Kansas

Councilmember Moore Seconded.

With all of the Councilmembers voting in favor of the motion, the resolution passed and was assigned Resolution number 2021

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

Page No. 2019 – 60  
May 6, 2019

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

**4. Consider a request for a Waiver of the Distance Limitation and a special event permit to allow for the sale of cereal malt beverages within 200 feet of a school, church or library during the Smoke on the Trails BBQ Competition to be held September 27 and 28, 2019 at Celebration Park**

Parks & Recreation Director Jason Bruce: this is a housekeeping item to get approval for a waiver of distance limitation for the event on September 27 and 28 for the Smoke on the Trails BBQ event. The next item is for the craft beer and wine event.

Councilmember Melton made a motion to approve a request for a Waiver of the Distance Limitation to approve a special event permit to allow for the sale of cereal malt beverages within 200 feet of a school, church or library during the Smoke on the Trails BBQ Competition to be held September 27 and 28, 2019 at Celebration Park

Councilmember Moore Seconded.

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

**5. Consider a request for a Waiver of the Distance Limitation and a special event permit to allow for the distribution samples of cereal malt beverages and wine within 200 feet of a school, church or library during the Craft Beer and Wine Festival to be held September 28, 2019 at Celebration Park**

Councilmember Gregorcyk made a motion to approve a request for a Waiver of the Distance Limitation and for a special event permit to allow for the distribution of samples of cereal malt beverages and wine within 200 feet of a school, church or library during the Craft Beer and Wine Festival to be held September 28, 2019 at Celebration Park

Councilmember Melton Seconded.

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

**COUNCIL UPDATES**

Public Works Director Michael Kramer: Last week, KDOT announced their Kansas airport improvement grants program for 2020 which starts this July 1<sup>st</sup>. Gardner Municipal Airport was awarded another grant of \$100,000 for pavement improvements. This includes runway 826, striping and improvements around the taxiways and aprons. Mayor Shute stated this is great news. Director Kramer shared that this has been in their queue since 2016. Mayor Shute clarified this is for 2020 work. Director Kramer confirmed yes, this is for Kansas fiscal year 202 which actually begins July 1 of 2019.

Business & Economic Development Director Larry Powell reminded council about a regional economic development conference on May 8<sup>th</sup>, which will be held at the Johnson County Community College as part of the Johnson County Economic Development annual meeting, at 2:45. If interested in attending, please RSVP through

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

Page No. 2019 – 61  
May 6, 2019

Director Powell's office. The event is free, but the annual meeting does have a cost to it. It is on the city's website if people wish to attend.

Utilities Director Gonzalo Garcia: on the Friday minute memo two weeks ago, there was an item regarding Senate Bill 69. To give a brief summary, on April 10, 2019, the Kansas governor passed Senate Bill 69 that requires the top three largest municipal electric utilities by consumer count to participate in a statewide electric rate study. Right now, the top two for sure are BPU and Garden City, and it looks like McPherson is the third, but Gardner is 4<sup>th</sup>. Right now, we are fighting between 3 and 4. We're having a meeting on Thursday during the KMU conference to talk about this issue. Councilman Melton asked if we wanted to be 4<sup>th</sup>, correct? Director Garcia said yes, because it's his understanding the cost of the study is \$1 million.

Mayor Shute gave a quick shout out to Director Garcia's crew for the work they did last Tuesday on the water main breaks. The water main break at Main Street was significant. It wasn't just one break, it was several breaks that were serial in nature, in the middle of a strong rainstorm and at night. The water team did a great job with that.

Councilman Gregorcyk: While riding his bike recently, he's ridden on some neighborhoods to the south of the railroad tracks and west of moonlight, and west of Gardner Rd. He noticed a lot of curbs in disrepair. Heavy rains have washed out some of the loose gravel as well. Question for Director Kramer, will staff reevaluate all the curbing versus when staff evaluated a year ago? Director Kramer said this has been one of his staff's concerns as well. Kramer visited a few streets with the Public Works Superintendent. Part of the area Councilman Gregorcyk referenced was prior to Director Kramer being in his position and prior to the city doing much, if any, curb work. Some of the streets, Hawthorn, Dogwood, Acorn, etc, were in 2016 or 2017 and were skipped over due to lack of funding and lack of direction as far as if curbs were part of the project. Some of those streets, like Acorn east toward Cedar is some of the worst curb in the city, and there are several areas like that. Staff intends on going back and addressing. One area north of 167<sup>th</sup> that staff received emails about has been added to our bid on the project. Staff is concerned about neighboring streets that look worse now than when staff was out even a couple months ago. This is due primarily to the original construction of the curb and the bad aggregate. Staff plans to look at the curb program again. Councilman Gregorcyk just wanted to make sure that staff will take another look before they get engaged in the project. Director Kramer stated that some of those may not occur with this year's project but will move forward or may do a fall project. Staff will have to see where prices come in.

Councilman Baldwin: When talking about the riprap on the spillway, if you need new material for it, is it possible to reuse some of the spillway that is torn out for that material to save costs? Director Kramer answered that it is possible but it would be pretty small for riprap.

Councilman Baldwin asked what restrictions does the city have on how big a piece of property has to be to put a dock on it? Director Kramer said the code doesn't really speak to a size, but there are some widths of the docks themselves that are eliminated, but those are not codified. Those are in our design criteria and guidelines. Councilman Baldwin asked if there are any restrictions on the number of docks a person or property owner can have. Director Kramer was not sure that, by code, anyone could have more than one dock for their piece of property. Hearing everything, Councilman Baldwin said if we removed the roads, which everyone agreed to, you have a piece of property against the lake, everything else is semi-irrelevant, so it comes down to the side of that piece of property. They can't keep splitting the property over and over and have pieces just big enough for a dock. If there is any clarification in council's guidance, Councilman Baldwin believes it should be about how big a parcel has to be along the lake so that it is clear. Mayor Shute asked if they want to put a width limitation on the parcels, because the problem will be situations where there are parcels already on the lake that are tier 1 that already narrow that already have docks on them. Councilman Melton suggested making it a square footage requirement going forward. Moving forward they can't be parceled into something small than that. Councilman Moore asked if that was already codified. Melton said yes at the county level. Moore said the county isn't going to let them split infinitely. Mayor Shute said the county requires any more than two divisions to be run through County

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

Page No. 2019 – 62  
May 6, 2019

Commission. With regard to the docks, Shute suggests that staff work with the Gardner Lake Association and lake owners, they can provide good feedback.

Councilman Melton asked to show a video. He has spoken before about a crosswalk around 183<sup>rd</sup> St and Canton/Mulberry, and then another one down the street at Spruce. His video shows a child in the foreground on a bicycle crossing the street, and then at the top of the screen, there's another child walking toward the intersection. The child comes into the intersection and looks, and finally gets a car to stop for her. As she crosses, a vehicle behind the stopped car passes and drives through the intersection because they aren't paying attention. Melton is asking again that staff do something with these two intersections and put in a crosswalk or flashing lights so drivers don't pass a stopped car on a double yellow line. Councilman Gregorcyk supports this as well. There are several kids that come out of that neighborhood and the one just to the west to get over to the elementary and middle schools. Melton is aware of traffic counts and other studies, but staff needs to make something happen here before someone is hurt. Director Kramer said staff did do a study when this came up previously and the city does need to do some improvements there. The improvements include extending the sidewalk on the south, changing some ramps on the north side. In order to complete the work, it requires the culvert across Mulberry to be extended. Staff is currently working with an engineer on scope and fee to do that design work. Kramer stated that the following vehicle violated our traffic ordinance and wasn't paying attention. He urges all drivers to pay attention to what is in front of them and drive safely. Melton requested that staff do whatever it takes to get the work done before the next school year.

Councilman Winters believes all council members and some staff got an email about beaver dams. Can Director Bruce provide an update on that? Director Bruce said this is a problem staff has had in the past at Celebration Park and the Greenway. Staff hired a trapper to catch the beaver. Once the beaver is gone, staff can clear the areas.

Council President Moore: no updates

Councilman Baldwin applauded the new City Administrator. Baldwin has been asking numerous questions, and he appreciates the quick answers and support from staff.

Mayor Shute mentioned again his thanks to staff who got ahead of the bad storm last week. The city had a water pressure warning on one of our water towers. If staff were not quick and attentive, we would have had water emergencies in town and could have had a boil order. It was their quick response and the fact they stayed out until 3am to get that fixed. That's a great testament to the customer service to the community. Staff doesn't get enough credit when things are done right.

State of the City is next week. It will be the first official event at the new Hampton Inn Gardner Conference Center. We would like to invite all members of the community who can make it to go. It starts at 11:30am and ends at 1:00pm. Please RSVP to staff for a head count. It's going be a great event and will showcase a new business in our community

**EXECUTIVE SESSION**

**1. Consider entering into executive session to discuss matters of attorney/client privilege.**

Mayor Shute amended the executive session by motion. The executive session originally published as discussion of the acquisition of real property was incorrect. The executive session is to discuss advice of counsel under attorney-client privilege communication.

Councilmember Melton made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b) (2), for the preliminary discussion of the acquisition of real property, beginning at 8:10 p.m.; and returning to regular session at 8:55 p.m.

Councilmember Moore Seconded.

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

Page No. 2019 – 63  
May 6, 2019

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

Councilmember Gregorcyk made a motion to resume regular session at 8:55 p.m.;

Councilmember Melton 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 Melton and seconded by Councilmember Winters the meeting adjourned at 8:56 p.m.

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City Clerk

# City of Gardner, KS

## Council Actions

May 6, 2019

The City Council took the following actions at the May 6, 2019, meeting:

1. Approved the minutes as written for the regular meeting on April 15, 2019 (Passed unanimously)
2. Approved City expenditures prepared April 12, 2019, in the amount of \$797,391.80; April 19, 2019, in the amount of \$656,168.40; April 19, 2019, in the amount of \$1,065,241.10; April 26, 2019, in the amount of \$214,402.18 (Passed unanimously)
3. Authorized the City Administrator to enter into a contract with J.J. & J. dba Topeka Sod Farm for fairway rehabilitation at the Gardner Golf Course (Passed unanimously)
4. Granted an easement to KCP&L to extend electric service for Gardner Golf Course (Passed unanimously)
5. Authorized the purchase of four (4) 2020 Ford Police Interceptor Sport Utility Vehicles (SUV) from Shawnee Mission Ford (Passed unanimously)
6. Approved an agreement for the Engineering Professional Services for the Design and Construction Services for internal improvements in the City of Gardner, Kansas as authorized by Resolution 2012 of the City (Tuscan Farm Sanitary Lift Station) (Passed unanimously)
7. Approved an agreement for the Engineering Professional Services for the Design and Construction Services for internal improvements in the City of Gardner, Kansas as authorized by Resolution 2013 of the City (Tuscan Farm Phase I Improvements) (Passed unanimously)
8. Authorized the purchase of 8,000 gallons of fuel for the Gardner Municipal Airport (Passed unanimously)
9. Adopted Ordinance 2613 levying and assessing special assessments on certain lots, pieces and parcels of land liable for such special assessments to pay the costs of internal improvements in the City of Gardner, Kansas as authorized by Resolution 2012 of the City (Tuscan Farm Sanitary Lift Station) (Passed unanimously)
10. Adopted Ordinance 2614 levying and assessing special assessments on certain lots, pieces and parcels of land liable for such special assessments to pay the costs of certain infrastructure improvements to serve the Tuscan Farm residential development in the City of Gardner, Kansas (Tuscan Farm Phase 1 Infrastructure) (Passed unanimously)
11. Adopted Resolution 2021 revising multiple sections of the Personnel Policy Manual, 2018 Edition (Passed unanimously)
12. Approved a request for a Waiver of the Distance Limitation and a special event permit to allow for the sale of cereal malt beverages within 200 feet of a school, church or library during the Smoke on the Trails BBQ Competition to be held September 27 and 28, 2019 at Celebration Park (Passed unanimously)
13. Approved a request for a Waiver of the Distance Limitation and a special event permit to allow for the distribution samples of cereal malt beverages and wine within 200 feet of a school, church or library during the Craft Beer and Wine Festival to be held September 28, 2019 at Celebration Park (Passed unanimously)