

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

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January 6, 2020

The City Council of the City of Gardner, Kansas met in regular session on January 6, 2020, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Mayor Steve Shute presiding. Present were Councilmembers Todd Winters, Rich Melton, Mark Baldwin, Randy Gregorcyk and Tory Roberts. City staff present were City Administrator James Pruetting; Business & Economic Development Director Larry Powell; Utilities Director Gonzalo Garcia; Public Works Director Michael Kramer; Parks and Recreation Director Jason Bruce; Police Chief James Belcher; City Attorney Ryan Denk; and City Clerk Sharon Rose. 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 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

PUBLIC HEARING

PUBLIC COMMENTS

Rylen Meyer, 530 S. Meadowbrook St, stated she is attending the meeting as part of her Citizenship in the Community merit badge.

Jessica Cowel, 1199E. Santa Fe Lot 422 stated she is attending the meeting as part of her Citizenship in the Community merit badge.

Shelby Harding, 31828 W. 172nd St, stated she is attending the meeting as part of her Citizenship in the Community merit badge.

CONSENT AGENDA

- 1. Standing approval of the minutes as written for the regular meeting on December 16, 2019**
- 2. Standing approval of City expenditures prepared December 13, 2019 in the amount of \$1,947,558.24; December 20, 2019 in the amount of \$924,335.79; and December 27, 2019 in the amount of \$1,058,273.56.**

Councilmember Melton made a motion to approve the Consent Agenda.

Councilmember Baldwin Seconded.

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

PLANNING & ZONING CONSENT AGENDA

COMMITTEE RECOMMENDATIONS

OLD BUSINESS

NEW BUSINESS

- 1. Consider accepting annexation with Landowner Consent**

Business and Economic Development Director Larry Powell stated that staff received a voluntary annexation request with landowner consent on December 13, 2019. Staff recommends council adopt an ordinance annexing land in unincorporated Johnson County owned by Anita Carpenter, 27010 W. 199th Street, containing

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approximately 1.87 acres more or less. The legal description was included in the packet. This request meets all the requirements for voluntary annexation by KSA Statutes. There is no need for public hearing, public notice or extension of service plan requirements that apply to other annexations. The paperwork is in order for your consideration.

Councilmember Melton made a motion to accept the Voluntary Consent Annexation Agreement and Consent Annexation Request of Anita A. Carpenter and adopt an ordinance annexing land to 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 2644.

Roberts:	Yes
Winters:	Yes
Baldwin	Yes
Gregorcyk:	Yes
Melton:	Yes

2. Consider revising the use provisions for Communications and Utilities, Public Utility Facility – Major in the Gardner Land Development Code

Business and Economic Development Director Larry Powell said this is a request for the council to direct the Planning Commission to take under advisement a change in the Land Development Code (LDC) to allow for our public infrastructure – major, which in this case would be the sanitary sewer plant, water plant, electric generating plant, and depending on size, substations to be allowed as an allowable use within an agricultural zoning district. Currently there are conditional use provisions for these. Since the city is taking steps to annex the water treatment plant, which is currently zoned an Ag type zone in Miami County, it's the right time to bring our sewer plant into compliance and allow the zoning to remain the same in Miami County so that if, in the future, that plant were to be removed, the zoning would be compatible with the existing zones that surround it. This is a request to add uses to the LDC for those particular uses which don't exist at this time except as conditional use permits. Mayor Shute clarified that Director Powell meant to say water plant instead of sewer plant. Director Powell said it's actually both. Currently, the sewer plant is a non-conforming use, and this would bring it into compliance as a conforming use. It also allows for the water treatment plant to be in a conforming use at the same time if it's annexed into the city.

Councilmember Gregorcyk made a motion to direct the Planning Commission to consider revising the use provisions for Communications and Utilities to permit Public Utility Facility – Major as a Conditional Use subject to additional standards in additional zoning districts (including the agriculture district).

Councilmember Melton Seconded.

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

3. Consider adopting a resolution describing the 2019 Corporate Limits and Boundaries of the City of Gardner

Public Works Director Michael Kramer said this is a housekeeping item. The city is required by state statute to update their boundary legal description annually. Staff added the properties annexed in 2019 to city corporate limits.

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Councilmember Melton made a motion to adopt a resolution describing the Corporate Limits and Boundaries of the City of Gardner, Johnson County, Kansas, a city of the second class.

Councilmember Gregorcyk Seconded.

With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2047.

Winters:	Yes
Baldwin	Yes
Gregorcyk:	Yes
Melton:	Yes
Roberts:	Yes

COUNCIL UPDATES

City Clerk Rose reminded council members that there are still open positions on several committees and applications are coming in. She's begun setting up interviews for the Planning Commission opening, but council needs to set interview teams for the remaining committees. Mayor Shute called on volunteers from the governing body. Interview team appointments are as follows: UAC – Gregorcyk and Baldwin; CPAC – Melton and Winters; PWAAC – Roberts and Baldwin; PRAC – Winters and Gregorcyk.

Director Kramer stated that in 2019, they revised the policy for lake lot purchases. It allows staff to sell properties between the lot and the lake. Kramer showed an image showing where a lot owner has requested to purchase property that the City of Gardner owns between the lot and the County road right-of-way. Staff is of the opinion that if it's okay with the county and their Planning and Zoning, the city doesn't have any issue selling the additional property. Before the lot owner invests money and time doing surveys, etc, they asked to bring it before council and get a consensus that the city doesn't have issue with the sale. Mayor Shute asked if this is still considered surplus land, even though it's away from the lakeshore. Director Kramer confirmed. Shute asked if this would fall under the same pricing structure already permitted. Kramer agreed that is appropriate. Councilmember Melton asked who is maintaining this lot. Director Kramer believes it to be a combination of the landowner and the county. Councilmember Baldwin if there would be an issue if the approved in this case, there would be requests to do the same thing in other areas? Director Kramer said not at this time; he can bring them back on a case-by-case basis. Mayor Shute asked council for consensus and received affirmative responses from all council members to move forward.

Director Kramer provided an update to the discussion of sidewalks and snow removal. He reached out neighboring cities to see their policies and looked at federal guidelines. Olathe and Leawood have similar guidelines as Gardner. Leawood points to the abutting property owner as responsible for sidewalks and ramps, and they have 48 hours. Olathe ordinances done give a timeframe. Kramer spoke to their codes enforcement, and they haven't had many complaints or issues in the past. Overland Park has no ordinance requiring snow removal on sidewalks. They have a council policy where they strongly encourage snow removal, but have no ordinance. The only time they have any snow enforcement is if a resident or contractor is piling snow and blocking a sidewalk, but if it's fallen naturally, they aren't going to do any enforcement. In reviewing Gardner's ordinance, it was revised in 2016. Kramer emailed council the minutes from the ADA committee where it was reviewed. Staff believes it is adequate. The Codes Enforcement Officer is here tonight, and she's done a great job in notifying people of violations and works with them through the codes process. Councilmember Melton said he sees a common issue is when the sidewalk has been cleared off and the truncated dome is clear, then a plow truck comes by and the plow pushes snow back onto the truncated dome and blocks the sidewalk again. If the sidewalk has already been cleared, is it the property owner's responsibility to clear that off again? Director Kramer confirmed that, yes, the ramps are the adjacent property owner's responsibility. The plow drivers do attempt to carry the snow past the ramp. Melton said he knows it will happen because the snow has to go somewhere, but

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he wanted to make sure they understand that it's the property owner's responsibility even though they've cleared it already. Director Kramer said it's no different than a driveway.

Director Powell shared that the Business and Economic Development Department closed out the year with 1,175 total permits, which is more than double the previous year. In addition, they had 157 new home permits. It was a very productive year from a construction point of view. Relating to the map and boundaries adopted earlier this evening, three of those new areas are new subdivision areas. In addition, there is a large apartment complex that starting up on 167th Street. It's going to be a very busy construction season from a housing point. The city is expecting some commercial development on S. Gardner Rd, and along with some major road projects planned, it's going to be difficult at times to get around town. He asks the public for their patience while these improvements are in the works. It will be better when they are done. If the weather holds, some of these projects could begin quickly.

Director Bruce said they are working on getting seasonal staff on board. Applications open February 1. Mayor Shute invited the young people looking for summer jobs to come to City Hall and fill out an application. Director Bruce reminded council that they must be 14 or older.

Director Garcia said that Miami Co Commission met on December 27 regarding Hillsdale annexation. Staff and Burns & McDonnell attended the hearing and presented their reason for the annexation. Three Miami Co residents spoke against the annexation and one spoke against both the annexation and plant expansion. The public hearing will remain open until January 8, and then there should be a final decision made on January 15.

City Administrator Pruetting said he and Finance Director Wolff have gone over the budget calendar for the upcoming budget season. He will reach out to council members individually on different topics of interest they have expressed. He also noted there is only one applicant for Gardner You, so staff will start a new PR effort to encourage people who want to know how city government works to get involved. Mayor Shute suggested involving high school students. It's training on city government and younger folks would benefit from it. He said staff should reach out to the school district and have them promote it with their government curriculum. City Administrator Pruetting also extended his thanks to Director Kramer and Director Bruce and Codes Enforcement Officer Bicknell for their work on snow removal. The best approach is compliance and Officer Bicknell did a great job of reaching out to property owners to get them on board. Next time, they'll see a better result. Mayor Shute also thanked Bicknell for her diligence. It's difficult to serve the notices, but she did a good job.

Councilmember Melton stated he's excited about what's going to happen in 2020. It will be an awesome year, and will catch the attention of the metro.

Councilmember Gregorcyk wished everyone a happy new year. There are some great things to come for our community.

Mayor Shute thanked Parks and Public Works staff for their amazing work on snow removal, especially on day two of snow and slush. He was driving elsewhere and it was difficult, but he didn't have those difficulties when he got to Gardner because of staff working hard to get the salt down. The city has a lot of big things coming this year, and he's looking forward to seeing what the next 12 months holds for the community.

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 Winters the meeting adjourned at 7:24 p.m.

City Clerk

City of Gardner, KS

Council Actions

January 6, 2020

The City Council took the following actions at the January 6, 2020, meeting:

1. Approved the minutes as written for the regular meeting held December 16, 2019. (Passed unanimously)
2. Approved City expenditures prepared December 13, 2019 in the amount of \$1,947,558.24; December 20, 2019 in the amount of \$924,335.79; and December 27, 2019 in the amount of \$1,058,273.56. (Passed unanimously)
3. Accepted the Voluntary Consent Annexation Agreement and Consent Annexation Request of Anita Carpenter and adopted Ordinance No. 2644, an ordinance annexing land to the City of Gardner, Kansas. (Passed unanimously)
4. Directed the Planning Commission to consider revising the use provisions for Communications and Utilities to permit Public Utility Facility – Major as a Conditional Use subject to additional standards in additional zoning districts (including the agriculture district). (Passed unanimously)
5. Adopted Resolution No. 2047, a resolution describing the Corporate Limits and Boundaries of the City of Gardner, Johnson County, Kansas, a city of the Second Class. (Passed unanimously)