

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

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January 21, 2020

The City Council of the City of Gardner, Kansas met in regular session on January 21, 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; Finance Director Matthew Wolff; Attorney Spencer Lowe; 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

Mayor Shute led those present in the Pledge of Allegiance.

PRESENTATIONS

- 1. Proclaim January 26, 2020-February 2, 2020 as Buckle Up for Safety and Lives Week in the City of Gardner**
- 2. Southwest Johnson County Economic Development Corporation**

Greg Martinette with SWJCEDC presented accomplishments from last year. Last year, he said they were going to experience one of the largest construction booms this community has seen. While it all hasn't all happened yet, it's still going to happen. He said it's an exciting future ahead, and there are many projects in the pipeline. They face challenges with development in developing around an airport, around major pipelines, and without some infrastructure; it will take a little longer. He shared the SWJCEDC executive committee and board members. Mr. Martinette shared a summary of the scope of work accomplished for 2019; they responded to all prospect inquiries, they had 72 in 2019, which was 20% higher than previous year. He discussed the CenturyLink building – it's not in Gardner, but everyone thinks it is. Those employees spend their money in Gardner. They sent out an RFP for a master developer or broker for the building. They were a runner up for the USDA project for that building. The CenturyLink building will be empty in June. They are working so that it's not empty for long. Included in their scope of work are area tours with brokers, developers, bankers, consultants, media, partners at the Department of Commerce, KC SmartPort, KCADC, Evergy. It was a priority to get them out here. Word of mouth and change of perception lets everyone know they are open for business. Data management was a big issue several years ago, and it's something he's been working on to get someone hired to do this. They hired Shelly Kaster to work on this. They are going to see improvements on the LocationOne Information System. Business recruitment and marketing was handled the same way as previous years. The Developers Expo was a success with 50 people on a bus coming here and spending their day. It's their signature event, and they will continue it. Mr. Martinette participates in marketing with the KCADC, Department of Commerce, International Council of Shopping Centers. They applied for Evergy funds for pertinent economic development activities. They are not the electric provider for Gardner, but they are for New Century and good partners for the SWJCEDC. They helped with \$20,000 for marketing last year, and that's going up to \$30,000 this year. This will help pay for new drone videos which will include Gardner. The executive committee asked him to build in \$15,000 for external marketing, and Evergy is helping with that cost. Some significant things have happened, like the Grata development, AERORReady certification, Mid-America Bank, not counting QuikTrip and Waverly Plaza, Plaza South and a development east of TradeNet. Olathe Health is coming soon. Theirs was the first economic development organization in KC to adopt KCADC's new Heartland Campaign and shows a partnership with KCADC. With Mr. Martinette being out of the office with external marketing, they welcomed Shelly Kaster as new Economic

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Development Director. AERORReady certification is important, they are the only community in Kansas that has this certification. They already developed a lead from an LA company and will meet with them at a helicopter expo. They will be marketing to aviation and aerospace companies heavily. There is a lot of unused ground at the airport and aerospace jobs pay three times the average of a typical manufacturing job. This will help diversify the workforce. Moving on to the coming year, they have to respond to prospect inquiries, focus on business retention & expansion program, maintain up to date data on LocationOne Information System, work with Evergy to keep layers of metrics up to date, partner on new drone videos critical for marketing, and attend aviation related events. It's not just for New Century; bringing those jobs to this community is big. They will update the retail demographics brochure. Mr. Martinette will market to several shows recommended by the Next Move Group in the AERORReady certification. He will host an EDC happy hour, modeled after something done in Lee's Summit. It is February 12, 4:30-6:30 at Austin's. It will bring in membership, prospects, investors, potential investors, providing a networking opportunity. He plans to host one quarterly. He closed with an email from the Vice President at Superior Bowen Asphalt Company championing Gardner and SWJCEDC.

Councilmember Gregorcyk said the SWJCEDC has come a long way, keep up the good work.

Councilmember Melton said no one has been harder on Mr. Martinette than he has, but Melton is pleased with the improvement. Martinette and team deserve credit for that.

Councilmember Winters asked what is the staffing goal? Mr. Martinette said they'd like to get Ms. Kaster to full-time. Winters said it's a small investment that could generate big returns. Councilmember Melton asked if they could use the hotel guest tax for that, Mayor Shute said they already are. Melton asked how much difference is it to get those extra hours? Martinette said about another \$20,000. Finance Director Wolff said they got the 4th Quarter guest tax and it came in lower than expected, so he suggests waiting until the budget discussions to address that. Mr. Martinette mentioned they were up 30% on private investment this year. It's time consuming to get new members, keep existing members and track them. Sometimes they skip a year, and it's hard to budget like that. They have to keep chasing, if they continue to be successful, that will bring in new dollars.

Mayor Shute said the item on the consent agenda increasing funding, and that should get the EDC closer to managing revenue targets. Shute echoes what's been heard, they've done a great deal of work together, but with new aviation marketing piece, it's critical to work together. He's looking forward to getting into that marketing sector. He offered congratulations on the AERORReady Certification.

3. Gardner Land Bank Annual Report

Finance Director Matt Wolff said the Gardner Land Bank is now required to provide an annual report to the Governing Body accounting for all receipts, disbursements and property transactions. The land bank has no properties, and there were no property transactions last year. The land bank received \$5,000 in initial funding from the general fund. No funds have been spent. The land bank financial records will be audited as part of the city's 2019 audit. As the land bank becomes more active, the annual report will serve as an important way to promote transparency on the land bank activities.

PUBLIC HEARING

PUBLIC COMMENTS

CONSENT AGENDA

- 1. Standing approval of the minutes as written for the regular meeting on January 6, 2020.**
- 2. Standing approval of City expenditures prepared January 3, 2020 in the amount of \$732,567.20; and January 10, 2020 in the amount of \$1,226,365.10.**
- 3. Consider the appointment of Kacy Deaton to the Planning Commission**
- 4. Consider the appointment of Eric Hansen to the Planning Commission**
- 5. Consider authorizing an agreement with the Southwest Johnson County Economic Development**

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Corporation

- 6. Consider authorizing an agreement for bond counsel services with Kutak Rock LLP**
- 7. Consider authorizing a sludge removal contract with Digital Erth Consulting, LLC**
- 8. Consider approving the 2020 County Assisted Road System (CARS) agreement for the Moonlight and Madison signal project**
- 9. Consider authorizing the execution of a Change Order with Lan-Tel for the Pavement Management Program-Concrete**
- 10. Consider authorizing an agreement with CivicRec to provide parks and recreation software services**
- 11. Consider authorizing the purchase of ten (10) portable radios and related equipment from Ka-Comm, Inc.**
- 12. Consider appointing City of Gardner representatives to the Kansas Rural Water Association**
- 13. Consider authorizing the execution of Amendment 1 to the Hillsdale WTP Expansion Phase 1 Agreement with Burns & McDonnell-CAS Constructors for easement acquisition support**

Councilmember Baldwin asked to remove Item 5 from the Consent Agenda.

Councilmember Winters made a motion to approve items 1-4 and items 6-13 on the Consent Agenda.

Councilmember Baldwin Seconded.

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

Discussion of Consent Agenda Item 5

Councilmember Baldwin asked Director Wolff about the overall status for meeting the 2020 budget for this line item. Director Wolff can't speak to the individual businesses, but with the two hotels, they are about \$14,000 short the quarter distribution. If that continues, they could be closer to \$50,000. Wolff recommends waiting on the budget process until the 2nd distribution to address the situation. He has options to find savings. Councilmember Gregorcyk asked if they should wait on this consent item? Director Wolff said no, if they want to make adjustments to the 2020 budget. The CVB has a large increase, the Small Business Assistance Program has had no requests, there are savings to be found.

Councilmember Gregorcyk made a motion to approve Consent Agenda item 5.

Councilmember Melton Seconded.

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

PLANNING & ZONING CONSENT AGENDA

COMMITTEE RECOMMENDATIONS

- 1. Consider a recommendation to implement Private Inflow & Infiltration work as part of the I&I project**

Utilities Director Gonz Garcia said in 2018 Trekk was hired to implement the Inflow & Infiltration (I&I) Program. They performed flow monitoring and calculations on 13 drainage basins. Drainage basin #1 had the highest I&I and was selected as a pilot program. In November 2018, council approved a recommendation from the UAC to move with private I&I. What the private I&I program is looking for is to cost effectively remove significant sources of I&I on private properties. The program includes property owner notifications, homeowners agreements for access to make the repairs, repairs to inflow source by local plumber, and final inspection. Last summer, Trekk performed smoke

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testing and reviewed all CCTV videos collected by the city. It's estimated that 100 houses would require some kind of repair, so they are requesting \$125,000 to perform the private I&I in Drainage Basin #1.

Councilmember Winters said doing this will save the city significantly in the future, correct? Director Garcia can't quantify how much the reduction will be on this pilot program but believes it will be significant. On average, 60-80% of I&I is on the private side.

Councilmember Baldwin asked what is the majority of the work that the homes will need? Director Garcia said they will do an inspection for any illicit connections from sump pumps directly to the sewer or other connections. Baldwin asked if there has been any push-back. Garcia said no, they haven't started the program. The action tonight will initiate the program. Mayor Shute said this is a pilot program.

Councilmember Winters made a motion to authorize the funding of \$125,000 for the implementation of the Private Inflow & Infiltration work for Drainage Basin 1 as part of the Inflow & Infiltration Project, CIP WW1706.

Councilmember Melton Seconded.

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

2. Consider a recommendation to procure a high pressure CO2 Fire Protection System for the Gas Turbines.

Utilities Director Gonz Garcia stated in 1989 the city purchased two gas turbines. Having gas turbines requires a fire suppression system. The current system leaks and no longer meets the NFPA standards. Since 2015, they spent over \$33,000 chasing leaks. Staff no longer has manuals, drawings, schematics and cannot properly test the system. For insurance purposes, fire suppression is required. The system needs replaced, and this new system was reviewed by Johnson County Fire District. They require additional capacity, so the original estimate was \$66,000, but with the additional capacity it's up to \$99,739.

Mayor Shute asked if the funds will come from the Electric budget? Director Garcia confirmed. Councilmember Gregorcyk asked about the life expectancy of the gas turbines. Director Garcia said they are mid-70s, and with proper maintenance they can last an additional 20-30 years. They have about 30 years to go. The units aren't dispatched because they aren't very efficient. Staff runs them once a year during the summer to see how much capacity they can get and exercise them, which is a requirement. Councilmember Gregorcyk asked about other upkeep, circuit boards, etc. Garcia said the control system was replaced in early 2000s. The company that installed it no longer supports the system. They have a CIP for next year to replace the controls.

Councilmember Gregorcyk made a motion to authorize the City Administrator to execute a contract to install a high-pressure CO2 Fire Protection system with Keller Fire & Safety in the amount of \$99,739.00.

Councilmember Melton Seconded.

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

OLD BUSINESS

NEW BUSINESS

1. Consider authorizing the City Administrator to enter into an agreement with CBIZ Benefits & Insurance Services, Inc. for employee benefits consulting services

Human Resources Manager Alan Abramovitz said the city received renewals from MPR (Midwest Public Risk). Those renewals were between 16-21% higher. It was suggested at that time to go out for new bids. It's best to use a broker for that. MPR provides health, dental, and vision insurance plans for city employees. The total cost

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for those is slightly more than \$1.6 million for the 2019-2020 plan year. And the city received substantial increases, after a 1% decrease because the city's experience was only 75%, which is very low. Others in the pool were over that, and caused the large increase. Because of the increases, staff began analyzing possibilities for better control of future costs. Several options were considered, including the possibility of a change in the type of insurance. Right now, the city is in a pool. There are options to self-insure, fully insure, or the captive self-insurance plan. Staff prepared a request for qualifications and sent it to 8 brokers. The advantage of a broker is the negotiation of health insurance premiums, assistance with receipt of claims and utilization data, utilization meetings to enable better decision-making regarding coverage and wellness program incentives. Currently, the city is not allowed to view the claims data. MPR does not share that information. Staff are unable to have strategic planning on how to handle or reduce claims. A broker will allow staff to have evaluation of short and long-term goals related to the provision of health, dental, and vision insurance. They will be able to create a long-term strategy for continued provision of the city's insurances and be able to evaluate alternative plan designs. Currently, MPR is the decision making body. Staff received three proposals, which were reviewed by a 6-person panel. The selection committee unanimously recommended CBIZ, not just because of price, but also because of the services they would offer. Abramovitz noted the cost for broker services is in addition to the health, dental, and vision insurance premiums and associated expenses currently paid by the city. Staff believes the specialized services provided by a broker to be an essential component to long term planning for future insurance coverage and subsequent costs with the best interest of the city and employees in mind. In addition, the city is buying access to the data. MPR won't provide it, not only to the city but all of their pool members. The city can then be more focused on controlling long-term costs. CBIZ came in a little higher than \$32,000 per year, but staff negotiated a better rate.

Mayor Shute expressed his shock that the insurer won't disclose insurance data to their clients. Abramovitz said they gave a 10,000-foot view of the city's claims, very broad data. MPR has it, but won't provide it. Because of that, they will ask the employees to fill out a health questionnaire that will be private and will go to the broker. Human Resources won't see it. Mayor Shute asked Attorney Lowe if this is common practice for insurers to withhold claim information from a client for their internal employees? Lowe has not seen his before, but he doesn't often deal with what insurers do. One issue may be that MPR is in multiple states and there may be cross-jurisdictional issues with Missouri, different protections for insurers. Abramovitz said they asked the city to sign an agreement that they know they won't get claims data. Shute said when there's a 20% increase from one year to the next, and Councilmember Melton inserted that they can't find out why because they won't share the information, and that's a problem.

Councilmember Baldwin said this is a three-year agreement, but if they can't get the data from MPR and will rely on asking employees for the information, what does the city get over the three years? The broker can't do anything with our provider, what are they bringing to the table. The first year, they collect data to evaluate the 2nd year, are they are planning to transition 100% by the third year based on something staff can see in a survey? Abramovitz said the city has to give MPR a 90 day notice to drop out of the pool. Assuming this is approved, that's what staff will do and use the broker to get detailed information that is normally received from the insurer. Baldwin asked does the city want to pay a broker to provide their expertise to provide what the market is going to charge before we drop out of MPR and find it to be 50% with someone else. Abramovitz said they have 90 days prior to July 1, so staff will move quickly to get the information from employees and get bids prior to dropping MPR. If the bids come in higher than MPR, they will stay with MPR. Baldwin said if the decision is going to be known by April, why is there a 3 year contract, to review this every year for three years? Abramovitz said the contract with the insurance company will only be for 1 year, and will have to be re-bid every year. Baldwin said if they don't get everything in place this year they'll be using MPR for another year. Abramovitz can't say that won't happen, but CBIZ has worked with other cities who transitioned out of MPR and understand the urgency and got employees to fill out the information needed. Councilmember Melton clarified Baldwin's concerns that they will be end up with MPR and will also be paying CBIZ as well. Baldwin confirmed and said the benefit of the broker is to have an alternative, but if they don't use an alternative because it's not advantageous or didn't meet a deadline,

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then what. Melton asked if there is a way out of the contract, Gregorcyk also asked if there's a 90-day with CBIZ. Abramovitz said there is, and the contract is in the packet.

Director Wolff added if the city gets bids and they are all close, but MPR is slightly cheaper, it would be worth paying a premium to get more access to data to get into a better position for long term savings. Councilmember Baldwin said the city is large enough he could see it self-insuring at some point. Wolff said that's something to consider as they build data over the next two-three years, they'll have enough data to make that decision.

Councilmember Winters said if they move quickly, this will go into effect July 1, at the start of the new benefit year. Mayor Shute asked when open enrollment begins. Abramovitz said that starts in May. Shute said they would have to make a selection by April to have the notice to MPR, then benefits open enrollment with the new insurer wrapped up by June to have a transition done. Shute said there were a lot of eyes on this, management was significant.

Councilmember Melton made a motion to authorize the City Administrator to enter into a three-year agreement with CBIZ Benefits & Insurance Services, Inc. for employee benefits consulting services at a rate of \$32,000 per year.

Councilmember Winters Seconded.

With a majority of the Councilmembers voting in favor of the motion, the motion carried. (Gregorcyk absent)

2. Consider adopting an ordinance amending the City of Gardner's Base Salary Structure-Fiscal Year 2019-2020

Human Resources Manager Alan Abramovitz recommends adopting this ordinance to add a job title of Detective Sergeant. The addition of a Detective Sergeant position classification will better facilitate direct supervision of the Investigations Division. Currently, the three detectives report directly to the Administration Captain. The Captain is not in direct contact with the detectives on a daily basis. This recommended position will not be an addition to the staff. It's not an additional FTE. It will be a promotion and then refill the person's position. If the most qualified candidate for the position is not currently assigned to Investigations, one of the current detectives will be moved back to patrol. If one of the current detectives is the most qualified, they will be promoted to Sergeant and there will be no backfilling of the detective position at this time. The Patrol Division has three sergeants and three corporals that directly interact and supervise the patrol officers. The Patrol Sergeant reports directly to the Operations Captain. The creation of the Detective Sergeant position will bring the Investigations Division into line with the Patrol Division and allow for better direct supervision. This position classification is requested to improve direct supervision and prepare the division for future growth. The estimated annual cost of a promotion to this position is \$3,438.24, calculated by figuring a 5% increase on the highest-paid detective.

Councilmember Melton asked when this job will go out, is there a process? Chief Belcher said they will move quickly once approved. They have a process they've been working on and changed some promotional processes and transfer processes. It will move quickly.

Councilmember Melton made a motion to adopt an ordinance adopting a revised City of Gardner Base Salary Structure-Fiscal Year 2019-2020.

Councilmember Gregorcyk Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2645.

Baldwin	Yes
Gregorcyk:	Yes

Melton: Yes
Roberts: Yes
Winters: Yes

3. Consider accepting voluntary annexations with landowner consent

Business & Economic Development Director Larry Powell said these annexations are made up of a total of 6 parcels with 5 landowners. This is similar to the very first annexation they approved when there were multiple landowners in a string attached to the city. All of the paperwork is in place, consents are signed, and the deeds and legal notices are in order and written up in the ordinance.

Councilmember Gregorcyk asked if it's allowed for City Administrator Pruetting to be the notary on file. Director Powell asked if this is directed to the fact that he's the City Administrator. Gregorcyk confirmed. Powell said the activity for the notary is simply to verify that the person has been properly identified as the owner of the property who is signing the annexation form. That is a requirement for the state statute, to quantify the ownership. It can be done by any notary, and he was the notary that happened to be available that day.

Councilmember Melton made a motion to accept the Voluntary Consent Annexation Agreements and Consent Annexation Requests from the property owners identified within and adopt an ordinance annexing land to the City of Gardner, Kansas.

Councilmember Gregorcyk Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2646.

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

4. Consider accepting a voluntary annexation with landowner consent

Business & Economic Development Director Larry Powell stated this is a standalone annexation. This is a property that was passed by when they annexed along 199th. The property owner needed more time to review the process, and they have since decided they wish to participate in the annexation process. They have signed the forms and paperwork is now before council.

Councilmember Melton made a motion to accept the Voluntary Consent Annexation request of Susan J Lowe and adopt an ordinance annexing land to the City of Gardner, Kansas.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2647.

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

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5. Consider adopting an Ordinance to condemn land for the location, laying-out, construction, reconstruction, operation, use, maintenance and repair of a raw water lines and improvements attendant thereto from Hillsdale Lake to the City's Hillsdale Water Treatment Plant located within Miami County, Kansas, and directing the City Attorney to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land as described

Utilities Director Gonz Garcia said the Hillsdale plant expansion includes a 24" raw water line from the intake at Hillsdale Lake to the treatment plant. The retained Burns & McDonnell to support with easement acquisition. They started in October, engaging with property owners. There has been a lot of meetings and conversations, but to date there are no signed agreements. Director Garcia and CAS Constructors, the builder for the expansion, met with 8 out of 10 property owners to explain the impact of the work and how this will impact their property. Last week, they received a counter offer from one landowner, and they are evaluating it. Staff and the city attorney recommend approving an ordinance to proceed with eminent domain.

Bill Osborne, 27223 W. 235rd St., has been thinking back to his family's long-standing history in Gardner. He spent his entire life here and calls it his hometown. He understands the procedure and what they will vote on tonight, but he never thought, after all these years, he would be standing before the City Council of Gardner facing condemnation of a portion of his land.

Mayor Shute clarified that this is an ordinance that would allow us to seek condemnation, not initiating condemnation. Director Garcia confirmed. Shute said allows for the initiation of the process if negotiated settlements cannot be reached with landowners. Director Garcia confirmed. Garcia stated what he said to property owners over the weekend, it's his hope to reach an agreement before reaching condemnation since the process takes between 30-60 days, and the schedule to install the raw water line begins on March 20. There isn't much time, so eminent domain seems like the right way to go. Mayor Shute said the only reason we are using this approach is because of the schedule for the water line to be installed as part of the expansion of the Hillsdale plant. Garcia confirmed, and they have not received any counters offers except one. Mayor Shute said they don't want to go to condemnation on any property. That is something not done in frivolous manner. This is something they know is a last resort and they don't want to have it happen, but it's an option available if there are no other options.

Councilmember Gregorcyk understands the construction start time is March 2020, but when is the last deadline to get landowners on board? Director Garcia said 20-30 days. Gregorcyk asked if Garcia has latitude to work with the landowners on behalf of the city? Garcia confirmed.

Councilmember Baldwin asked is it lack of communication on someone's part? Director Garcia has heard several things, it was the holidays for one. The other issue is the raw water line alignment was not correctly described on the documentation. They are making corrections based on the input they received. Mayor Shute said the reason they are having this problem is because when the original raw water line was put in, they never got easements. Director Garcia corrected, stating they didn't have easements on the Corps of Engineers, but they had easements on all the other property owners. The problem was in final engineering, they identified that the existing raw water line is not in the center of the easement, it's along one side at the edge of the easement. That created issues determining the best alignment for the new raw water line. Mayor Shute asked if they are working directly with property owners to identify the correct location and the optimal amount of land that has to be acquired. Garcia confirmed, Burns & McDonnell took their comments from the initial conversations and revised the original diagram to accommodate their concerns.

Mayor Shute said they are doing everything they can with the landowners to get this done amicably.

Councilmember Melton made a motion to adopt an ordinance condemning land for the location, laying-out, construction, reconstruction, operation, use, maintenance and repair of a raw water lines and improvements attendant thereto from Hillsdale Lake to the City's Hillsdale Water Treatment Plant located within Miami 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.

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Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2648.

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

Mayor Shute advised that they are doing everything they can to do this without eminent domain. Councilmember Gregorcyk agreed, they will work to see if everyone can agree.

COUNCIL UPDATES

Director Wolff stated that city staff has started the budgeting process. They will be working on that through the rest of the month and February. He plans to bring VERP and CIP to council for discussion in March.

Director Garcia said this was in the Friday Minute Memo, but Hillsdale annexation was declined, not approved by the Miami County board of commissioners by a vote of three to two. Mayor Shute asked what was the primary reason for that? Garcia said one issue brought to commissioners was that by annexing Hillsdale to the city, the city can expedite permit and review processes. They asked their county administrator if the county could expedite permits for the city, and they can. They didn't think the city's arguments were justified, because they can process the permits within the same time frame as the city. Right now they are reviewing two building plans, and the next one is a filter house and they already reviewed that plan and issued permit. They are working with the city to make sure construction is not delayed. Mayor Shute asked if there have been other municipalities that have island annexed in Miami County? Director Garcia said that's the argument, all the other annexations have been within Miami County, there is nothing from a different county doing an island annexation. Mayor Shute asked if that was a concern with the Miami County commissioners? Garcia confirmed and said he will get a written response as to why they denied the annexation next week. Mayor Shute said they would all like to see it. Councilmember Baldwin asked if they addressed how City Attorney Denk stipulated that the city wasn't trying to make this a land grab or future expansion, this was just about that specific area. Director Garcia said the concern was if they annex Hillsdale to the City of Gardner in Johnson County, what would prevent Wichita from annexing anything in Miami County into their city? Baldwin said the same thing would stop that, the commissioners. Garcia said the commissioners said there's nothing to prevent other cities for doing the same thing. During the hearing, there was an 8 or 9 page document, and he hopes to have it soon so council can read it.

Mayor Shute said next month there are deadlines for spring sport sign-ups, correct? Director Bruce said they are gathering applications for spring sports and seasonal employment. Mayor Shute said seasonal employment applications are being accepted, correct? Director Bruce confirmed they are being accepted until February 1. Shute said if anyone wants to be a seasonal employee, please get an application at City Hall or online. Director Bruce corrected, stating that the seasonal application process is 100% paperless.

Director Powell thanked the council for appointing Kacy Deaton and Eric Hansen to the Planning Commission. That fills out the commission and they will attend next week's meeting. Staff will meet with them and do some in-house training before the meeting. There will be additional training later in the year for the whole commission. Powell apologized for the error in term dates. He noted that Scott Boden's term expires in March. He was asked if he is interested in continuing. He confirmed and will be sending in his application soon. Director Powell noted for the public that in an effort to keep the planning items on track, they were going to host a public hearing for CUP permit for the Hillsdale plant. They set this assuming the annexation would pass. It was scheduled for the next Planning Commission meeting. They sent notices to the landowners in Miami County about this. This has now

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been withdrawn because the annexation was not approved. They will not be holding that public hearing at the next meeting. Staff will post on the website and have already sent letters to the landowners to notify them that this was canceled. Powell just wanted to publicly state that for the general public in case they had seen this information.

Director Kramer said potholes are still there, but they are getting filled. He noted that during the last snow storm, crews worked 288 hours, but 212 were overtime. They got a lot of compliments on their work from the public. Kramer thanked other staff from other departments for their help, they often get overlooked. Public Works gets assistance from Line Maintenance and recently two police officers. They have staff scheduled over the next two days and overnight to begin work on the next storm; the area is in a winter storm advisory. Mayor Shute said they are experiencing 80% of additional hours in overtime. Is that going to impact budget? Is that because they are short-staffed in the department? Director Kramer said the last storm was primarily over the weekend, and that's where the overtime is more prevalent. As compared to 2018, they are in good shape.

Councilmember Gregorcyk thanked Director Powell for clarifying the notary issue. Gregorcyk thanked Daneeka Marshall-Oquendo. He and his daughter came to the Martin Luther King exhibit. The school did a good job of educating her on MLK Day, but coming to City Hall to see it and explain it to her and interact was great. They were able to drill into it. It was a great dad/daughter moment. Gregorcyk asked Chief Belcher if there are any concerns with coverage on 199th St. There was a news story, and he wanted to follow up and make sure they have what they need. Chief Belcher said they are out there quite often. He has no concerns with covering the road or having a presence from his perspective. City Administrator Pruetting said they got a media request, and redirected it to Edgerton and the County because it wasn't in Gardner. Mayor Shute said that was at 207th St. and Gardner Road. Pruetting said their interest was in truck traffic. It was a truck driver involved. The media wanted to put the focus on Gardner, but they directed them to the appropriate jurisdiction. Gregorcyk said that's why he asked about 199th, making sure the city was covered. He appreciates the service by Gardner Police. Mayor Shute clarified the news story. It started with a comment about the accident that got picked up by the news. It was an unfortunate event as a truck driver was outside of his rig and was struck on the road. It was off Gardner Road and 207th Street, which is outside of city limits. It's in the county, but does underline some issues with truck traffic on farm roads that are happening throughout southwest Johnson County, not just 199th Street. The city is significantly increasing enforcement on 199th Street and it's making a positive impact. He commended Gardner Police for their work on that.

Councilmember Melton asked how does the Parks department handle applications for those who don't have access to a computer? Director Bruce said they have iPads available to use at City Hall.

Councilmember Winters thanked staff and council for moving to the CivicRec system. He didn't care for the old system. He's happy to be upgrading and thinks everyone will enjoy the new system. It's a user friendly site.

Mayor Shute said Daneeka Marshall-Oquendo is the finest communications manager in the KC Area. She did an amazing job on the Martin Luther King, Jr. exhibit. He's discussed how to keep the exhibit for longer than a weekend, possibly for the entire month for Black History month. The weather impacted visitors because schools were closed, but there was still a good and steady turn-out. He said it's the finest display he's seen of its type and for the space, but if they find more space and more time, they could have the event longer. Councilmembers Melton and Gregorcyk asked if they can explore hosting it at the Justice Center? Staff will discuss. Mayor Shute said they will have to discuss that because the community room is being used heavily, but they may find a place for it. Chief Belcher asked if it's for scheduling the event at the Justice Center? Staff can talk about that and work something out. Mayor Shute said even if it's for more than just a Friday/Monday, because the work that went into that event deserves to be celebrated and seen by more people. Mayor Shute strongly encourages citizens to apply for Gardner You. The deadline is today; it's important to learn about how the city works. Apply for seasonal parks positions; they need people.

EXECUTIVE SESSION

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

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January 21, 2020

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

Recess into executive session pursuant to K.S.A. 75-4319 (b) (1), to discuss personnel matters relating to non-elected personnel beginning at 8:31 pm; returning to regular session at 8:51 pm.

Councilmember Melton made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b) (1), to discuss personnel matters relating to non-elected personnel, beginning at 8:31 p.m.; and returning to regular session at 8:51 p.m.

Councilmember Winters seconded.

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

Councilmember Melton made a motion to resume regular session at 8:51 p.m.;

Councilmember Baldwin seconded.

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

2. Consider entering into executive session to discuss matters of attorney-client privilege regarding pending litigation.

Recess into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters of attorney-client privilege relating to pending litigation beginning at 8:52 pm; returning to regular session at 9:07 pm.

Councilmember Melton made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters of attorney-client privilege relating to pending litigation beginning at 8:52 p.m.; and returning to regular session at 9:07 p.m.

Councilmember Baldwin seconded.

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

Councilmember Gregorcyk made a motion to resume regular session at 9:07 p.m.;

Councilmember Baldwin 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 Gregorcyk the meeting adjourned at 9:07 p.m.

City Clerk

City of Gardner, KS

Council Actions

January 21, 2020

The City Council took the following actions at the January 21, 2020, meeting:

1. Proclaimed January 26, 2020-February 2, 2020 as Buckle Up for Safety and Lives Week
2. Approved the minutes as written for the regular meeting held January 6, 2020. (Passed unanimously)
3. Approved City expenditures prepared January 3, 2020 in the amount of \$732,567.20; and January 10, 2020 in the amount of \$1,226,365.10. (Passed unanimously)
4. Appointed Kacy Deaton to the Planning Commission. (Passed unanimously)
5. Appointed Eric Hansen to the Planning Commission. (Passed unanimously)
6. Authorized an agreement with the Southwest Johnson County Economic Development Corporation for economic development services for one additional year, ending December 31, 2020. (Passed unanimously)
7. Authorized the City Administrator to negotiate and execute an agreement for bond counsel services with Kutak Rock LLP for the period January 21, 2020 through December 31, 2020 with additional one-year options, which renew annually unless terminated by either party. (Passed unanimously)
8. Authorized the City Administrator to sign a 1-year contract with Digital Erth Consulting, LLC for the purpose of sludge removal from Kill Creek WRRF, in an amount not to exceed \$30,000. (Passed unanimously)
9. Authorized the Mayor to sign the 2020 County Assisted Road System (CARS) agreement with Johnson County for design and construction of the Moonlight and Madison signal project. (Passed unanimously)
10. Authorized the City Administrator to execute a change order with Lan-Tel for the Pavement Management Program-Concrete in an amount not to exceed \$149,516.00. (Passed unanimously)
11. Authorized the City Administrator to enter into an agreement with CivicRec to provide parks and recreation software services. (Passed unanimously)
12. Authorized the City Administrator to purchase ten (10) Harris XL-185 portable radios from Ka-Comm, Inc., in an amount not to exceed \$34,940.30. (Passed unanimously)
13. Appointed Jeff LeMire as Delegate and Gonz Garcia as Alternate with voting rights, to the Kansas Rural Water Association Meeting of Members. (Passed unanimously)
14. Authorized the City Administrator to execute Amendment 1 to Hillsdale WTP Expansion Phase I agreement with Burns & McDonnell-CAS Constructors for easement acquisition support, in the amount of \$38,705. (Passed unanimously)
15. Authorized the funding of \$125,000 for the implementation of the Private Inflow & Infiltration work for Drainage Basin 1 as part of Inflow & Infiltration Project, CIP No. WW1706. (Passed unanimously)
16. Authorized the City Administrator to execute a contract to install a high-pressure CO2 Fire Protection system with Keller Fire & Safety in the amount of \$99,739. (Passed unanimously)
17. Authorized the City Administrator to enter into a three-year agreement with CBIZ Benefits & Insurance Services, Inc. for employee benefits consulting services at a rate of \$32,000 per year. (Passed 4-0-1 absent)
18. Adopted Ordinance No. 2645, an ordinance adopting a revised City of Gardner Base Salary Structure-Fiscal Year 2019-2020. (Passed unanimously)
19. Accepted the Voluntary Consent Annexation Agreements and Consent Annexation Requests from the property owners identified within and adopted Ordinance No. 2646, an ordinance annexing land to the City of Gardner, Kansas. (Passed unanimously)
20. Accepted the Voluntary Consent Annexation request of Susan J Lowe and adopted Ordinance No. 2647, an ordinance annexing land to the City of Gardner, Kansas. (Passed unanimously)
21. Adopted Ordinance No. 2648, an ordinance condemning land for the location, laying-out, construction, reconstruction, operation, use, maintenance and repair of a raw water lines and improvements attendant thereto from Hillsdale Lake to the City's Hillsdale Water Treatment Plant located within Miami 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. (Passed unanimously)