

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

Page No. 2020 – 29  
March 2, 2020

The City Council of the City of Gardner, Kansas met in regular session on March 2, 2020, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Mayor Steve Mayor Shute presiding. Present were Councilmembers Todd Winters, Mark Baldwin, Randy Gregorcyk and Tory Roberts. City staff present were City Administrator James Pruetting; Business & Economic Development Director Larry Powell; Public Works Director Michael Kramer; Utilities Director Gonzalo Garcia; Parks and Recreation Director Jason Bruce; Police Captain Lee Krout; Finance Director Matthew Wolff; 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. Councilmember Rich Melton was absent.

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Mayor Shute led those present in the Pledge of Allegiance.

**PRESENTATIONS**

**1. 2019 End of Year Financial Report**

Finance Director Matt Wolff stated that the city uses priority based budgeting. They are in the middle of their first two-year budget cycle, and are beginning the next two-year cycle for 2021-22, and as part of that monitoring results and adjusting as necessary. They go over year-end results right before the budget process. The general fund revenues turned to be favorable to the estimate by 3.5%, or \$455,000. Expenditures were unfavorable to the estimate by 1.3% or \$176,000. Overall, the fund balance increased from an estimated 26% to 28%, and every 1% is about \$137,000. The main revenues that went up were licensing and permits, development department has been busy, and interest earnings were up and have been for several years, and Finance will continue to invest idle funds to maintain and increase investment earnings, and the other/misc was 20% higher than estimated or \$180,000 and \$135,000 of that was due to lease proceeds for the dump truck. General fund expenditures were unfavorable to the estimate by 1.3% or \$176,000, again due mostly to the dump truck purchase that wasn't planned but was needed and the SWJCEDC contract was moved to the general fund because they didn't have enough transient guest tax. There are other miscellaneous budget changes throughout the entire budget that were \$42,000 favorable, but overall with unplanned expenditures, they are within 1.3% of expenditures. This illustrates a very tight budget control. The electric fund had unfavorable revenue by 4.9% or \$865,000 and expenses were favorable by 9.4% or \$1.6 million. Fund balance increased from 68% to 80%. There is an additional \$3.1 million in electric capital reserve fund. The revenue difference is most in retail sales, but there was a small offset with higher than anticipated revenues from Dogwood. There was a favorable variance to expenses, mostly due to a delay in capital projects like smart meters. There was an offset by negative variance at wholesale electric purchases, about \$1.3 million, and the transfer to the airport fund. Overall it's a \$15.5 million fund balance. The water fund revenues were unfavorable by 17.2% and expenses were unfavorable by 1.5%, and the fund balance decreased from an estimated -62% to -67%. The reason the fund balance is negative is because they encumbered the entire contract for the water plant expansion. If that is removed, they'd have a fund balance of 81% or \$4.6 million. Bonds will be issued in May. The wastewater fund revenue was unfavorable by 26% and expenses were favorable by 36.7%. Fund balance increased from an estimated 18% to 33%. Revenue variances is due to a variance in the amount of bond proceeds that were issued, \$5.2 million versus \$2 million, and retail sales were down \$190,000. Expense savings is due to delayed capital projects. Overall the fund balance went up \$2.9 million and the end of year fund balance is \$1.9 million. The general fund balance is above the 25% target rate at 28%. The electric fund is robust. Water and Wastewater funds are adequate. If the water plant is taken out of account, there's an 81% fund balance from water. It's listed as adequate because there are \$50 million in water

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

Page No. 2020 - 30  
March 2, 2020

projects coming up in the next 10 years, and with the rate study that gets spent down over time. Overall the fiscal condition is sound.

Councilmember Gregorcyk said dump truck was necessary, but asked if they are using a CMMS system or something that tells when the machinery that keeps the town running needs replaced based on mileage or usage? Director Wolff said Utilities uses a CMMS, but Public Works and general fund vehicles use a VERP rating. Staff goes through the process every budget cycle. It isn't that they were caught off-guard, they know there are a lot of vehicles that need replaced. The general fund is the tightest fund. That's why they had to use lease proceeds to pay for it. Mayor Shute said they have a lot of significant needs across the city. They have to make tough decisions, one being that they were deferring Public Works vehicle purchases, and at some point they break down. Director Wolff said they are looking at current VERP scores and seeing what kinds of finance methods they may be able to use on those vehicles. Councilmember Gregorcyk uses machinery at work and home. A water heater for example has 15-20 year life cycle, so by 15 years he needs to plan to replace or start saving, making it more manageable. He wanted to make sure the city has something in place so they don't get caught off-guard

Councilmember Baldwin said the general fund is at 28%. Was there a desire to be at 30%, what they were aiming for? Director Wolff said they have a range of 20%-25% based on GFOA recommended fund balance. 2020 was projected to be at 23%, when they first did the two-year budget. The estimate raised it to 26%, and it came in higher at 28%. After talking to rating agencies, they should keep it around 25% at the lowest. Councilmember Baldwin said they don't want extra sitting there, but want it high enough to have good ratings.

## **2. Funding Capacity Analysis**

Municipal Advisor Bruce Kimmel with Ehlers shared an update regarding the city's fiscal capacity. The city is going to have quite a few capital projects across the funds coming up, starting with a sizeable bond issuance this spring. Now is a good time to look at existing debt profile, look at the major funds that debt gets paid from, answer questions. Mr. Kimmel wants to provide the information for the best decisions possible. He presented a profile of the existing city debt service, which matures over the next 18 years, and provide more detail on the bond and interest fund which is the debt service that is paid significantly with property taxes, and a profile of the wastewater and water utility funds. The utility rate study the city had done recommended rate increases: 1% rate increase starting 5 years from now for wastewater, and 3.7% annual increases in effect starting this year and are assumed to be ongoing. They've assumed those same rate increases as a starting place for the profile. Kimmel began with existing debt service profile. One-third of the debt service that is coming this fiscal year is paid from the tax levy. Looking at all of the debt service, roughly \$7.7 million this year, about \$2.4 million is coming from the tax levy, then a considerable chunk paid from special assessments. Some of that is paid from the dedicated infrastructure sales tax, and a little is paid from special highway. On the wastewater fund, a large part of debt service is paid from the sewer utility. There is a little water debt outstanding and a smaller amount of electric debt outstanding. Most of the debt is general obligation debt and backed with property tax abilities, and in Gardner there is a very diverse set of revenues that are paying debt service back across the city, and overall the debt has a rapid amortization. There are two large years, 2020 and 2021, but in 2020, overall debt service that is scheduled drops by \$2 million and continues to fade off. He expects the city to issue new debt. The city is in a good position from a debt profile perspective to take on new investments because of paying off existing debt fairly rapidly. In 2030, existing debt is \$2.2 million and that's a 72% drop from debt load in 2020. This is evidence that staff takes pains to try to amortize debt as reasonably quickly as they can. The question is how much capacity does the city have going forward to support new financings in bond and interest, specifically the part about interest that's paid from property taxes, wastewater, and water? He did not assume any new debt being levied against special highway fund. The city may apportion some portion of a new debt against that fund. Also no new debt is assumed for the street sales tax that is scheduled to sunset in 2026 unless the city puts that forward for voter authorization for renewal.

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

Page No. 2020 - 31  
March 2, 2020

Councilmember Gregorcyk asked, of the B&I on the tax fee supported, what is percentage breakdown between residential and commercial tax in that revenue stream? Mr. Kimmel didn't have that in front of him, but staff can provide that. Staff has the breakdown and it's in the official statement. Looking at the true tax base that the mill rate is spread against, it's broken out by property classification.

Bond & Interest fund has debt service paid from property tax levies, fee revenues, benefit district special assessments, so it's not all property tax. Kimmel focused on the portion of B&I that's being paid from property taxes primarily to give a benchmark number of what the city can support in new debt paid from property tax. The current mill rate is 20.7 mills. Two-thirds of that is for general fund, and a third is for bond and interest fund. When doing the analysis before, they assumed a stable overall tax rate with assumed decreases in general fund property tax rate because of the tax lid, assuming the city wouldn't keep all of its growth, and some offsetting increases in the bond and interest fund mill rate. There are ways to work with the tax lid, the city gets to keep the growth that's due to development. Expenditures for public safety and other limited purposes are exempt from the tax lid. Debt service is exempt from the tax lid. That's why they were able to assume an increase in the bond and interest fund. Kimmel kept the bond and interest levy flat at 6.6 mills to be more conservative, so he didn't show an increase in that mill rate. When mapping revenues over the next 10 years, the expenditures, including existing debt service paid from B&I fund, and the net revenues that are available, they found about \$10 million in brand new debt that would be funded just from the B&I mill rate of 6.6 mills. If there's an increase in that mill rate, the city could afford more in new financing. If council decides against asking voters to renew the street sales tax, the city may need to fund more street projects from the Bond and Interest fund and use some of the capacity. If council seeks renewal and voters agree, then more of this capacity could be used for other projects.

Councilmember Gregorcyk asked about Bond and Interest under total other revenue, there is \$9.3 million and an offset on the expense side of \$8.6, what does that stand for? Kimmel said the city issued temporary notes in 2019 for benefit district projects and they will come due in 2021. They have not translated the temporary debt into long-term financing, so those are the payoffs. The revenues would be payoffs for those benefit district financings and the expenses are the debt service lump sums coming due in October 2021.

Wastewater fund and water fund facing major capital expenditures in the coming years. Existing debt service drops rapidly, but then there's \$31 million of new projects in the next 6-7 years. Significant projects include Grata infrastructure and wastewater treatment plant. The utility rate study recommended 1% rate increases starting in 2025. The city does have the ability to take on this \$31 million of new projects with no strain on the wastewater fund. The projection shows the cash balance is projected to increase in years 26-30. The city could either take on additional projects, or forego some of the rate increases, or amortize the debt more quickly. There might be more volume, which could increase revenues, or there could be more expenses in the operating side. All in all, the wastewater fund looks solid.

Mayor Shute noted this does not include cost savings from I&I and other initiatives they initiated for wastewater lines. They are looking at expenses growth at this progression, but it could level off with those changes. Kimmel noted that in previous CIPs, there were a number of other treatment plant items, but with this new wastewater treatment plant, they removed some smaller other projects due to additional capacity of the new plant.

The city needed to jumpstart rate increases in the water fund. The city has the ability to carry capital investment that's projected. There is very little existing debt service in the water fund, but the city is looking at \$56 million in new projects over the next 7 years. The water treatment plant will be financed this spring for \$25 million, and in the fall about \$1.5 million for Grata. The projection is showing stable operations. The rate study assumed modest volume increases, but with growth the city is seeing, there could be more volume increases, which would increase revenues and expenses, but more on the revenue side. It could be a fiscal positive on these projections.

In summary, the B&I, wastewater and water funds all indicate the capacity to support new capital financings that are projected, both hypothetical like the \$10 million in Bond and Interest, as well as actual estimated projects. Development has opportunity to both increase capacity to support projects with increased tax base and utility use, and can use capacity with incentives and infrastructure. Kimmel looks forward to working with staff in striking a

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

Page No. 2020 - 32  
March 2, 2020

balance. Kimmel encourages the city keep discussing how to finance street projects. That is something to watch in terms of what is appropriate property tax burden versus what other revenue sources are available to fund street projects. The city cannot expect to let the sales tax sunset and keep the bond and interest mill rate level. Bond issue coming up, in addition to the water treatment plant, Kimmel will be coming forward with a bond recommendation relating to smart meters. A portion of that will be paid from electric and a portion from water. This will be in April.

Mayor Shute noted the interest rate market for municipal debt, the rates are going down. The city knows there are projects coming. Does it make sense to look at potential of refinancing of existing debt to lock in lower rates, or is the already doing that and it won't benefit? Kimmel said the city has refunded most of what they were able. The tax reform bill that was passed 3 years ago did away with the ability to do advanced refundings on a tax exempt basis. The city can only refund tax-exempt debt on a current basis, close to the call date. The city doesn't have a lot of opportunity lately. There is an opportunity with the city's 2010A bonds, and Kimmel has talked with staff about refinancing those bonds in the fall. Council may see that refinancing in with the new money issuance this fall. He will meet with staff and bond counsel about other possibilities. The obstacle is no more tax exempt advanced refundings, but the market comes up with new ways to get around the obstacle. Mayor Shute said they have limited capacity, \$5 million this year for general fund bonding capacity. Kimmel said they split that into two pieces to show how the city could allocate that. What he showed for the B&I fund, \$5 million this year and \$5 million next year, illustrates the city could do \$10 million this year or \$10 million in 2022. It doesn't matter when, but it shows how much more debt service the city could support with the existing mill rate for the bond and interest. Mayor Shute said it comes back to total including amortization of debt, how much we can take on in terms of principle. Shute said there are significant projects coming. Does it makes sense to explore moving some of those projects up in the calendar to take advantage of the financing that's available now? Kimmel responded that it could. Their rule is 'issue debt when you need the money', but interest rates are at an all-time record low. The justification of the project still has to lead the way, but if there are projects on the bubble in terms of timing, interest rates area consideration, and it may make sense to accelerate if the justification is there. Mayor Shute said he was specifically thinking about the wastewater treatment plant, which they know they will need for the Grata project and for other projects on the east side of I-35, something already scheduled for 2021 or 2022 might be something they move up in the calendar. Kimmel shared an estimate based on numbers they saw for B&I, wastewater and water funds. It gives a sense of how they'll fill in some of the pay down with new debt service that's paid from those funds. The water debt, there's a lot more there right now, but as noted in the cash flow, the water fund can handle that because of the adjusted water rates along the way. While this shows a robust debt service profile going forward, if the city does all of the projects as they've projected, the cash flows and fund balances are in strong shape. Mayor Shute thanked Mr. Kimmel for the analysis provided.

### **3. Gardner Edgerton Chamber of Commerce**

Jason Camis shared that 45 years ago, the chamber was founded in 1975. The purpose was to serve Gardner and surrounding area. Initially it was just the city of Gardner, then it included New Century Air Center through the SWJCEDC, the SWJCEDC was born out of the chamber, and over the last five years, the city of Edgerton. Per request of council last month, the chamber board discussed its future relating to serving two communities on a contractual basis, Gardner and Edgerton. With the growth of both communities and the type that each was experiencing, the communities are becoming uniquely different in the way, shape, form and operation. This provides a challenge for the chamber to provide an equitable level of service for both communities. As a result, the board determined that to better fulfill its original mission of serving Gardner and the surrounding area, and reduce potential conflicts; the chamber will contract with one municipality. While the board's decision was influenced by the city's financial commitment, the board stresses that a dedicated, more focused commitment to the city by the chamber could bring forward additional requests for funding in the future. The chamber has always and will continue to serve businesses from the region and throughout the state. Anyone who wants to do business here in the City of Gardner is encouraged to join the chamber. The chamber has members from Lenexa to Ottawa to Paola and everywhere in between, including Edgerton. The chamber will continue to serve these members

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

Page No. 2020 - 33  
March 2, 2020

whether it's helping fill jobs, network with other businesses, provide referrals, etc. Businesses see the chamber as one region, it recognizes that political subdivisions do exist. The chamber assures the business community and council and Edgerton that it is 100% committed to the success of these businesses, whether they are doing business in Gardner, Edgerton, New Century, or any other nearby community. However, from a community perspective, the chamber will focus efforts specifically on the City of Gardner as the original mission spelled out. Mr. Camis has notified Edgerton mayor, Don Roberts of this intent and offered to fulfill the terms of the contract for this year. The chamber has offered support to Edgerton to help them start a chamber. Camis has been in the industry for 10-15 years. He helps neighboring communities because it's important. This will likely be addressed at Edgerton's next council meeting. The chamber will continue to allow municipalities or other political entities to belong to the chamber and will provide member benefits in line with their investment levels, but contracting with one entity will minimize perceived and actual conflicts as Gardner continues to grow. The chamber is excited for the possibilities that lie ahead in a continued productive relationship with the City of Gardner. Camis said there was good conversation among the board. He visited with council members and businesses in the community. It's the best interest of the chamber and the business community to come back to where the chamber started at the Gardner Chamber of Commerce. Camis spoke with Finance Director Wolff as this will cost a little money that was unplanned to rebrand. The budget was \$50,000 from the CVB fund, and the chamber would like to shift some of that to help with rebranding. They expect to be able to do that for \$5,000, but he doesn't have an exact figure. Mayor Shute thanked Mr. Camis for the presentation.

**PUBLIC HEARING**

**PUBLIC COMMENTS**

Maria Jeng, 721 E. 167<sup>th</sup> Terr, came to talk about electric utility rates with the rate adjustment. She lives in an all-electric home. Last month was the new bill, and she thought maybe it was colder. This month's bill was a drastic difference. After reviewing the information online from the city, residential electric customers would see a 2% rate reduction starting January 2020. However, her bill has dramatically increased. The overall impact of these changes to the total bill, it was expected that the electric rate decrease would mitigate the impact of the water rate increase. She called the city and talked to utility billing. Before, there was a summer rate and a winter rate, but it's no longer there. The price per kilowatt is a flat rate overall from what she found. She did not see any information as to how the rate adjustment would impact all-electric homes. Everything showed how it would affect businesses, but nothing in regard to all-electric homes. Councilmember Gregorcyk called point of order to inform Ms. Jeng that council would answer questions or respond to her comments at the end of the meeting during council updates.

Dennis Watson, 670 S. Mulberry St., commented on the new covering on the street at Pawnee and Mulberry. It's the new granite seal. He said they are very happy with what they see and drive on. One feature that was excellent was the application was done very quickly with no inconvenience of being cut off from their road. Kudos to the city for what they are doing. Mayor Shute thanked Mr. Watson, saying they don't often get to hear gratitude. The Public Works staff works hard to make things better.

**CONSENT AGENDA**

- 1. Standing approval of the minutes as written for the regular meeting on February 17, 2020**
- 2. Standing approval of City expenditures prepared February 14, 2020 in the amount of \$1,281,411.49; and February 19, 2020 in the amount of \$11,195.74; and February 21, 2020 in the amount of \$471,640.29.**
- 3. Consider authorizing a change order for pavement replacement on the Airport Sanitary Sewer Extension project**
- 4. Consider authorizing the execution of a construction contract for the Tuscan Farms First Plat – Phase 1 Project**
- 5. Consider the appointment of Gary Fleming to the Parks & Recreation Advisory Committee**

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

Page No. 2020 - 34  
March 2, 2020

**6. Consider the appointment of Joe Neneman to the Parks & Recreation Advisory Committee**

**7. Consider the appointment of Steve Blue to the Parks & Recreation Advisory Committee**

Before asking for a motion, Mayor Shute noted there are three items on consent agenda for appointments of members to the Parks & Recreation Advisory Committee. He recognized Gary Fleming, Joe Neneman, and Steve Blue.

Councilmember Gregorcyk made a motion to approve the Consent Agenda.

Councilmember Winters Seconded.

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

**PLANNING & ZONING CONSENT AGENDA**

**COMMITTEE RECOMMENDATIONS**

**1. Consider a recommendation to appoint City of Gardner representatives to the Kansas Municipal Energy Agency (KMEA) Board of Directors**

Utilities Director Gonzalo Garcia stated that every year, they select directors to KMEA. It's different this year as there were two resignations on the UAC. Last year, the KMEA Board of Directors made a change to the requirements for directors. They used to require the directors to reside within city limits, now they changed it to include they can be a city employee. The UAC recommends appointing Matt Ponzer as director #1, Gonz Garcia a director #2, and Bruce Baldwin as alternate director.

Councilmember Winters made a motion to appoint Matt Ponzer as Director #1 to fill vacancy, expiring April 30, 2021, reappoint Gonzalo Garcia as Director #2, expiring April 30, 2022, appoint Bruce Councilmember Baldwin as Alternate Director, expiring April 30, 2022, with all appointments having voting rights on the KMEA Board of Directors.

Councilmember Baldwin Seconded.

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

**2. Consider a recommendation to implement Public Sanitary Sewer and Manhole Rehabilitation Improvements for the Public Inflow & Infiltration Program**

Utilities Director Gonzalo Garcia stated in 2018 the city implemented an I&I program using Trekk. Part of the program was to evaluate which areas of the city had the most I&I. It was determined that Drainage Basin #1 had the highest I&I, so it has become the pilot program. On January 22, the city approved the private I&I program, which targets any significant sources of I&I on private residences. The second step is make improvements at public areas. For the public I&I, they looked at manhole rehabilitation, CIPP – cured-in-place-pipe, point repairs, and routine maintenance. Trekk evaluated and prioritized the public I&I:

Sanitary Sewer Main Lines:

Priority 1: Rehab Cost Estimated at \$238,371  
Priority 2: Rehab Cost Estimated at \$190,130

Manhole Rehabilitation:

Priority 1: Rehab Cost Estimated at \$70,656  
Priority 2: Rehab Cost Estimated at \$22,094

Some of the Priority 1 manholes are being done by city staff, saving some money.

Mayor Shute asked that these are budgeted in 2020, correct? Director Garcia confirmed, and said there was money unused from 2019 that will also be used to cover the expenses.

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

Page No. 2020 - 35  
March 2, 2020

Councilmember Baldwin made a motion to authorize the implementation of Public Sanitary Sewer and Manhole Rehabilitation Improvements for the Public Inflow & Infiltration work for Drainage Basin 1 as part of Inflow & Infiltration Project, Project No. WW1706.

Councilmember Winters Seconded.

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

**OLD BUSINESS**

**1. Consider authorizing an agreement with the Gardner Edgerton Chamber of Commerce**

Finance Director Matt Wolff said the proposed agreement is for 1 year, ending December 31. The proposed agreement is for one year, ending on December 31, 2020. The proposed agreement would provide \$35,000 for the Chamber's business services and \$50,000 for tourism services. When compared to the original budget, the original budget was based on \$35,000 for business services and \$115,000 for the Convention and Visitors Bureau (CVB), with \$15,000 of that going for recreation event promotion – that was pulled out of the agreement because both parties agreed that the City's Parks & Recreation Department and the Communications Manager could better allocate those funds. The funding for the tourism services was reduced from \$100,000 to \$50,000 due to transient guest tax revenues coming in lower than expectations. Mr. Camis noted earlier that they are anticipating some rebranding costs, so they are requesting that \$5,000 from the CVB be shifted to business services. Council would have to change the contract to read as \$40,000 for business services and \$45,000 for the CVB. Mayor Shute said they are asking for \$10,000 transferred. Director Wolff clarified that it's a \$5,000 transfer. The \$50,000 for CVB becomes \$45,000. Councilmember Baldwin said the \$35,000 for business services goes up to \$40,000.

Councilmember Gregorcyk acknowledged what Mr. Camis said and is glad that Mr. Camis is able to work with Mayor Roberts and fulfill the contract. Mr. Camis clarified that he has offered, but their council will have to decide to take up the offer. They have not taken it up yet. Councilmember Gregorcyk said of the 50k on the tourism side, he would like to allocate \$25,000 to the EDC. He thinks the \$25,000 investment into SWJCEDC of that \$50,000 would be better utilized and would have better return on investment and would allow for the chamber to pay for the analysis. This is an annual contract and they can look at those numbers next year, be able to fund the analysis, which would tell them whether they need to fund the chamber in outlying years for more than \$50,000. Right now, they don't know what the niche is. They don't have a lot of sports tourism, don't have robust museum drawing people, don't have a racetrack, but the analysis will tell them. Mayor Shute repeated to be clear that Gregorcyk wants to lower the contractual outlay to the Gardner Chamber of Commerce from \$85,000 to \$60,000, – you want to lower contractual outlay from 85k to 60k, then give that \$25,000 to the EDC to manage the study? Councilmember Gregorcyk said the \$25,000 out of the \$50,000 tourism line item would be for the study, \$25,000 would be allocated to SWJCEDC, consider this is transient guest tax. Mayor Shute said it's now \$45,000, so it would be \$20,000 for the study because they are moving \$5,000 over to operations for the chamber.

Councilmember Baldwin said with the conversations they had from SWJCEDC and the chamber, and then conversation with Mr. Camis, he proposed a work session to discuss EDC projects. We have the EDC committee, the SWJCEDC, the chamber, Bridging the Gap meetings, so he sees a work session as being more transparent and puts them on the same page at the same time. Baldwin said he is fine with the \$35,000 now \$40,000 portion for the chamber, but recommended revisiting the CVB portion later, to keep their operating expenses going. Baldwin wants to look at all of it at one time as far as does it make sense to bring it in-house and have a part-time or full-time employee doing it from the city staff perspective which could help the Communications Manager with marketing and Jason with developing the programs that will bring the tourism. Maybe they need to infrastructure improvements to the ballfields for example. Mayor Shute noted that the issue is that statutory requirement where they can use transient guest tax monies. They can't use it to hire city staff. Councilmember Baldwin knows that

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

Page No. 2020 - 36  
March 2, 2020

but they can use it for what the staff uses, so if staff is going to direct programs, they can budget another employee in the city's budget, they can manage the funds for infrastructure improvements or marketing that is covered by the statute. Baldwin wants to table or pull this off for now, other than the \$40,000, they can approve that now. Mayor Shute said they can't table contract, because it tables the \$40k as well. Councilmember Baldwin asked Mr. Camis if they can strike out the CVB portion from the contract and approve it? Mr. Camis said there's value in the EDC and what Mr. Martinette provides. There's going to be value in the CVB, but it's hard to see because they don't have one yet. He was a CVB director and understands what it's for, and had a conversation with the hotel a few weeks ago to help them fill the convention space. The hotel is doing well, but he can drive more usage into the hotel space. As seen at the ribbon cutting with The Locale, he was able to connect them with KC Wine Co, with Warren Place all the same day. To Councilmember Gregorcyk's point about what's the market and the study aspect, that's what it's going to be for is determining what the market is. There's capacity for sports tournaments. He's visited with New Century. There are several wedding venues either in Gardner or along the edge that will take services here. There's value on the CVB side, he would never say not to fund it. To Councilmember Baldwin's point, he thinks they should have the work session with the EDC and chamber and council to discuss what they are doing from a city perspective and for the business community as a whole. In terms of splitting the contract, that would be up to the city. Councilmember Gregorcyk noted the last sentence on the financial impact statement says the city shall pay the chamber a sum of \$35,000 for business services payable at the rate of \$17,500 in February and \$17,500 in August. Can council authorize payment of \$20,000 in February and \$20,000 in August and table the CVB portion to keep them whole. City Attorney Denk said the business funds can be severed in any way, there are no strings attached to those funds. It's only the CVB funds that have strings attached. Denk read the charter ordinance that exempted the city from KSA 12-1698(e). Councilmember Baldwin said if they discussed in work session, they can go over the fine-point details. Councilmember Gregorcyk further discussed Baldwin's idea that a work session brings everyone to the table. He would suggest that they have someone from the county as well because of shared development on the horizon. Councilmember Baldwin said his intent is to be transparent and recorded and get everyone together instead of a couple people talking to the EDC and a couple people talking to the chamber. It should be all out at the same time, makes it clear for them when they make budget decisions. Councilmember Gregorcyk agreed it's an opportunity for a clearinghouse that brings everyone together, and still suggests bringing in the county.

Mayor Shute said the binding portion of this agreement is in the first two pages. There are two portions of funding, business services and tourism services. In the agreement there is discussion about working collaboratively with projects of importance and other bulleted items that have to do with business services that would be provided by the chamber, and not CVB. They can strike section 2 of the funding agreement, up the amount of the business services section to \$40,000. Mayor Shute and Councilmember Baldwin discussed striking the entire CVB tourism section. Councilmember Baldwin said if they are changing numbers, they may want to change dates that are in the past, to be paid in March instead of February. Mr. Camis said the chamber will incur some opportunities that they have traditionally done, typically done separately. Last year they got \$2,500 and in the past there's been ancillary things that provide higher value. They aren't buying ads in AAA magazine, but they belong to VisitKC, which gives some marketing opportunities for the community. The other item is the air show this summer. Camis supports the idea of the joint work session, he would recommend putting some money in for the CVB side. He hasn't shared in detail, but there will be big announcements this week at the air show meeting. There will be some money they will want to invest in terms of marketing the air show. Camis doesn't want to wipe it all away. He can start again and come back with a revised agreement with more specifics, but he doesn't have a lot of details on their level of involvement yet. Capturing who is coming to that will be a big opportunity to understand, he would hate to miss opportunities to know who they should be marketing to. Mayor Shute said instead of a blanket amount given, is there a way to write a request for a special project and then fund the project? Camis clarified they want him to line out more specifics for funding? Mayor Shute said do a request for funding like with other projects that have been done with other partners. State this is what is needed for this project, for example the demographic analysis of visitation for the air show. Councilmember Baldwin said if Mr. Camis brought that to work session, his intention is to not kill the CVB, but to fund chamber now, then hammer out more details at work



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

Page No. 2020 - 37  
March 2, 2020

session. Camis said they are going into budget process soon. He assumes having work session in early April. Instead of it being so broad, he can provide general costs and specifics. Mayor Shute said that's what he was thinking, line items they can fund as special projects or an allocation. They want the chamber to get the money it needs and know where it's going specifically. Councilmember Winters asked if this will hinder the chamber, coming back each time for funding? Councilmember Baldwin doesn't want that. Councilmember Winters said they approved the \$100,000, then it got cut to \$50,000 and now they don't want to do that either. Councilmember Baldwin said they want to look at everything at the work session and see what they want to do with the dollars, it may still be the same dollar amount, but it's the budget for the year, not one or two at a time. Councilmember Winters said the meeting needs to be soon. There was discussion of dates.

Councilmember Roberts said they met last month and gave Mr. Camis direction. She supports the work session. They want to spend money wisely, but Mr. Camis and his board figured out what they need. It's too last-minute to revamp the contract. Future information is needed. She will participate in a work session, but they are running out of time for this year. It's not fair to chamber. They provide a good service to the residents and businesses and help future growth. This is not giving the best picture of how the city wants to be. Mayor Shute said the first installment for the CVB is not paid until April. Councilmember Baldwin said they aren't discussing the operating side, and are ready to pass it now, they are just talking about CVB, it's not too late for something that hasn't started. Councilmember Roberts said they shouldn't cut half out without knowing anything. Mayor Shute said the \$25,000 is off the table. Councilmember Gregorcyk thinks the city wants to finance the analysis, because there's a lot of data gathered from it. If he is the only one of that opinion, don't let it hinder their decision. Mayor Shute supports a text amendment tonight, or pass it as-is and make adjustments later. Mr. Camis worked with prior staff and came up with \$100,000, CVB came in less, and they put it on hold. Knowing the CVB is new, this will be the same. He set the April/October schedule based on when the money would come in. They won't spend if the funds aren't there. To the concern of being good stewards of the money, the chamber is same. Councilmember Winters asked what happens if, at the work session, they only want to give \$30,000, and then later in the year realize they missed projects. Is all the money planned out? Camis said it depends on if they are looking at the study. They don't know in terms of data collection. They have rough estimates on certain things, but nothing is exact until the go out for proposals. They know the investment in VisitKC, but don't know investment in air show. That's where the CVB plays a role. His suggestion is keeping it as it is for this year, and stills think the work session is good, and if they decide there's a different opportunity, they can make changes. It gives the chamber the stability of knowing where they are moving towards, they know there's a trust. The board made a calculated decision with their future with the city. Camis hopes they take that into account and puts that same investment in the chamber board. Councilmember Winters said the work session is great, but would rather approve it now, and then have another work session later to see what transpired rather than allocating dollars to something they don't know. Councilmember Gregorcyk appreciated the dialogue and rescinded splitting the amount between the chamber and the EDC.

Councilmember Gregorcyk made a motion to authorize the agreement as typed. amend the business services to 40k, payable 20k in march and august. Pending a work session to be scheduled. Tourism services back to 45k. authorize an agreement with the Gardner Edgerton Chamber of Commerce in the amount of \$85,000.

Councilmember Winters Seconded.

City Attorney Denk asked about funding revisions. Mayor Shute said there's an amendment for the \$5,000 making payments of \$20,000 and \$20,000.

Councilmember Winters amended his motion. He made a motion to amend the business services to \$40,000, payable at the rate of \$20,000 by February and \$20,000 by August and \$50,000 for the CVB. Mayor Shute said the date is changing to March. Works session to be scheduled. Tourism services set at \$45,000.

Councilmember Winters Seconded.

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

Page No. 2020 - 38  
March 2, 2020

Councilmember Baldwin asked what is the point of work session after the vote? Mayor Shute said to guide the chamber and allocation of funds. Councilmember Gregorcyk said to understand project based financing. Mr. Camis said it's good for going into next year with a two-year budget cycle. He hoped they'll have another transient guest tax check and have a better sense of where it's at. Councilmember Baldwin is fine with the work session, but the reason they changed from the \$100,000 initially is because the money didn't come in, and indicated they don't have enough tourism coming in. Mayor Shute said no, the reason was because the Hampton Inn opened 6 months late. Councilmember Baldwin countered with not having other things offsetting that. Mayor Shute said they expected money to come in the first half of that year that didn't come in because the Hampton wasn't open, and that's why they adjusted.

With a majority of the Councilmembers voting in favor of the motion, the motion carried. (3-1)

**NEW BUSINESS**

**1. Consider approval of the 2020 State Legislative Agenda**

Senior Management Analyst Amy Nasta said staff worked with governing body leadership to finalize the state legislative agenda in order to provide the governing body and staff with a list of legislative topics that have been deemed to be of interest to the city. Outlining the legislative agenda annually aid both the governing body and staff in being better prepared to respond to legislators and professional organizations regarding the impact proposed legislation may have on the city of Gardner. Participation in this process indicates the city's intent to identify and pursue legislative polices that enhance efficiency and effectiveness of local government operations. Gardner's legislative agenda incorporates several joint items with Johnson County to assert common positions to legislators. Additionally, Gardner includes items relevant to its own interests. Ms. Nasta summarized the new joint city/county items added, and summarized the joint city/county items that were previously included in the 2019 legislative agenda. Ms. Nasta continued, summarizing the City of Gardner's 2020 legislative platform which includes support for those items unique to the City of Gardner, the majority of which were included in the 2019 legislative agenda.

Councilmember Baldwin said this is still what it was before, smoke and mirrors. LKM (League of Kansas Municipalities) presents this, and the specifics of Gardner get lost. Anything that says City of Gardner, only if their board agrees, does it stay. When it's given to every legislator, they don't see Gardner. If staff and council are going to spend time and energy on this, and want to discuss with the state legislature, they should be having a meeting. Staff should have a meeting with the three legislators instead of passing this to a statewide lobbyist with no specific details about Gardner going to our legislators. Mayor Shute said the legislative agenda is Gardner's legislative agenda. It does not get passed to LKM to lobby on our behalf. It goes to all legislators. The city can freely lobby on its behalf to the legislators. Their position paper is the legislative agenda. They are not deferring lobbying to LKM. LKM lobbies for their membership, which is all cities of Kansas. Gardner is not all cities, it is significantly different from a lot of cities in Kansas. Councilmember Baldwin said looking at LKM's final document that is put out, it does not have specifics about Gardner, it's being diluted. If they want this agenda, and want to take it to the legislators directly, fine. Baldwin said this is not going up and distributed to everyone. Mayor Shute disagreed. Gardner is an outlier with the legislative agenda compared to other communities, even in Johnson County. Gardner is unique. Councilmember Baldwin asked if there is a meeting scheduled with the three legislators? Mayor Shute said it's something they can work on, but they need a legislative report anyway. They haven't had a meeting with the legislative delegation for a while and need to have one. Councilmember Winters said approving this means they can do what they want, give it to the League, meet with legislators. Councilmember Baldwin said if they say this is Gardner's agenda and make it seem like they are passing this up and it's going to do something, it's diluted and forgotten about. If they are going to put time and energy into approve it, they need to do something with it that makes a connection to all of the representatives of this city. Mayor Shute has no issue sending the this to every one of the legislative delegation. City Attorney Denk said other municipalities are more aggressive about pushing their legislative agenda by sending representatives to

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

Page No. 2020 - 39  
March 2, 2020

Topeka, hiring lobbyists that show up and prepare written testimony, and testify on related bills. They don't have to hire a full-time lobbyist. They can hire a lobbyist who represents like-minded communities and share the cost. How aggressive and how many resources do they want to put toward lobbying their agenda? Councilmember Gregorcyk listened to Baldwin last year and wasn't getting what he was saying. Gregorcyk went to the state capitol last month and saw what Denk spoke of, saw lobbyists there on behalf of a community. He agrees with Councilmember Baldwin, if they don't want this to be diluted, they need to take a different position and fund it. He agrees there needs to be a meeting with representatives with the legislative agenda in hand. Mayor Shute agreed. The document is as effective as they make it. If they pass it and expect someone else to lobby it, they won't. The city has to lobby on its behalf. They need to contact representatives and senators. As elected officials, the body is in a position to do that and should. Councilmember Baldwin said this legislative body takes input from residents, staff puts the agenda together, and staff can make connections with state. That can be different committees, legislators, not money for lobbyists, but trying to make difficulties they have running the city easier by doing something, not just typing a paper. Mayor Shute said if they do this, they stand behind it. Councilmember Gregorcyk asked Baldwin what the path forward look like. Baldwin said they schedule a meeting with staff and the legislators to convey the agenda. Mayor Shute said they can't do that without passing agenda.

Councilmember Winters made a motion approve the 2020 State Legislative Agenda for the City of Gardner.

Councilmember Gregorcyk Seconded.

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

**2. Consider adopting an ordinance amending sections of the Gardner Municipal Code levying certain fees to be established by the Governing Body by resolution**

Senior Management Analyst Amy Nasta said this is the first of two housekeeping ordinances related to the levying of fees to be established by the governing body by resolution. This ordinance updates 8 sections of the Gardner Municipal Code (GMC) to provide consistent language for the levying of fees. This ordinance provides consistency and/or clarity with regard to how fees and charges for certain items shall be established. All of these items, except the homestead farming permit, are items staff currently collects fees for. This ordinance ensures that administrative costs associated with each item are account for and charged accordingly so that only those wishing to obtain a service pay for said service rather than subsidizing services do to potential inconsistencies and fee assessment. This ordinance ensures that staff and the public have access to the same list of fees for transparency for citizens, and staff are better empowered to assess and collect fees appropriately. Ms. Nasta summarized the sections of code to be amending involving titles 8, 13, and 17. This proposed ordinance does not set any fees. This ordinance gives the governing body the ability to set these fees by resolution as it sees fit. A resolution will be presented for consideration at an upcoming City Council meeting.

Mayor Shute clarified that they are not setting fees tonight. Ms. Nasta confirmed they are not setting fees tonight, they will see a resolution in an upcoming meeting, once staff completes the rest of the code changes. Director Powell said all items listed currently have a fee being collected, except homestead section. It's been recently added to the LDC (Land Development Code) because of the recent annexations. They've recently added farm-oriented businesses that are certified or approved by the state. They added a section to the code the will allow the collection of fees if necessary for those activities. Mayor Shute asked does this replace existing fees at county level? Powell said they are still gathering data. Councilmember Winters asked for more detail, what is the necessity of the fee? Powell said they permit businesses inside city limits, like daycares, the farm business activity now inside city limits would be similar and would be similar to a conditional use permit

Councilmember Gregorcyk asked what was genesis of this item? Ms. Nasta said staff wanted to update some of the fees because they haven't been updated since 2016. Gregorcyk said it's fee-driven, not feedback. Nasta said it was both fee driven and feedback driven. They found there is a lot of inconsistency in the code and in how it's

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

Page No. 2020 - 40  
March 2, 2020

being applied. The city is charging but not everything is codified. They want everything to be codified so it's coming from the same place. They can set the fee by resolution instead of having it set by staff. Currently there may be a fee in the computer system, but it's staff setting the fee without background documentation to show that this is the fee the governing body wanted to utilize. The fees are applied consistently, but staff wants that documentation behind it for transparency. Councilmember Baldwin is a fan of transparency, removing inconsistencies and not subsidizing one department to another.

Councilmember Gregorcyk made a motion to adopt an ordinance amending sections 8.06.020(B), (E) and (J), 13.10.060, 13.30.010, 17.05.040(B), 17.05.040(G)(2), and 17.05.050(Y)(9) levying certain fees to be established by the Governing Body by resolution.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2652.

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

**3. Consider adopting an ordinance amending sections of the Gardner Municipal Code relating to the payment of fees for certain services, permits and licenses**

Senior Management Analyst Amy Nasta said this is the 2<sup>nd</sup> of two housekeeping ordinances related to the levying of fees to be established by the governing body by resolution. This ordinance provides for an update to four sections of the GMC. This provides consistency or clarity with regard to how fees and charges for certain items shall be established. The sections to be amended consist of text language changes to fees that are already included in the code rather than providing for the codification of fees. The section pertaining to open records has been modified to remove language necessitating staff's establishment of fees. This is consistent with other fees and allows more transparency. This ordinance updates the sections pertaining to hangar rates, right-of-way permits and fees, and land disturbance permit fees. These have all be modified to clarify that the governing body is to set the fees by resolution. These sections previously allowed for city council to set the fees, but didn't establish the mechanism for doing so. Providing clarification that these fees will be set by the full body by resolution provides consistency with other codified fees. This proposed ordinance does not set any fees. This ordinance gives the governing body the ability to set these fees by resolution as it sees fit. A resolution will be presented for consideration at an upcoming City Council meeting.

Councilmember Gregorcyk discussed clarification on open records. If a citizen puts in a KORA request, they have to pay for it by page or other? Ms. Nasta said that will be brought forth in the resolution. Staff is still working on the details, but the intent will be to charge after a certain amount of staff time. Kansas statute allows for the charging of fees to examine open records including staff time, so those suggested fees will be presented at an upcoming meeting in the proposed resolution. Typically, cities charge after the first 15 minutes. The first 15 minutes would be free of charge, but after that they may charge for staff time at a set rate, or charge for materials. If an open records request requires the city to order boxes from the off-site storage facility, those come at an expense to the city, so that charge may be passed on. The statutes provide for reimbursement of staff time, not to make money off the fees. Some KORA requests can take 8, 16, 24 hours to put together, so this isn't all of the citizens subsidizing one person's request. There can be a small amount of time that's not charged, and that will be up for the governing body to decide when the resolution is brought up. Mayor Shute said this came up when they were mostly paper records and cities would charge by the page. Now it can be to reimburse for staff time to put the records together. Ms. Nasta said they may want to charge for time, because sometimes it takes longer to find out

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

Page No. 2020 - 41  
March 2, 2020

there is nothing that meets the request than it does to find the pages of items. Councilmember Gregorcyk asked City Attorney Denk if municipalities he supports do this? Denk said a lot of them set thresholds like Ms. Nasta shared, the first 15 minutes or if it's a simple request, it's free, but if it's a substantial amount of time, they will bill. A decision came down from the AG's office about charging attorney time for privilege issues, but it must be a reasonable rate, so there are some constraints. Mayor Shute said the spirit behind these laws for charging staff time on records requests is to deter nuisance requests like blanket requests; they take a long time to put together and the city needs to recover those expenses. It's not to punish those making requests. Ms. Nasta said they can add that staff provide an estimate of time beforehand. The purpose of passing this ordinance is to give the governing body the power to set that fee instead of staff. Councilmember Winters asked if staff will be bringing recommendations for these fees? Ms. Nasta confirmed they will be part of the resolution.

Councilmember Baldwin made a motion to adopt an ordinance amending sections 2.45.120, 11.05.090, 12.05.117(b), and 14.01.607(a) of the Gardner Municipal Code relating to the payment of fees for certain services, permits and licenses.

Councilmember Gregorcyk Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2653.

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

**4. Consider authorizing the execution of an agreement with the Kansas Governor's Grant Program for the Services/Training/Officers/Prosecutors Violence Against Women Act (S.T.O.P. VAWA) Grant**

Police Captain Lee Krout provided statistics on domestic violence offenses and sexual violence in the City of Gardner, and shared that the numbers are increasing. The Gardner Police Department does not have a detective dedicated to domestic and sexual violence. Studies show that victims of these crimes are at a higher risk of being re-victimized. This grant funding will assist law enforcement in protecting victims from intimidation and educate time to decrease the likelihood of re-victimization. The nature of the crimes being investigated require more time and resources from law enforcement agencies than other crimes because they work with victims throughout the entire process, as opposed to just taking a report and then again at the end. In November 2019, the City of Gardner applied for grant funds from the KGGP for this initiative. There were delays at the state level, and Gardner was notified on February 20, 2020 that they were approved. The State adjusted the grant from a full year to reflect a 9-month grant period. There is a 25% minimum match that goes with the grant. KGGP will pay \$57,471 toward the position, and city's 25% would be \$18,839.

Councilmember Roberts asked if this is just for this year, or on-going? Capt. Krout said this is for only 2020. Staff has been told there will be opportunity to continue to apply for funds, as they are available. A benefit to working with the state on some policies for this grant, they are in a better position to be renewed next year if the funding is available. Councilmember Roberts asked if the funding doesn't continue does the city have the means to be able to pay for the position? Capt. Krout hopes to be able to. Councilmember Gregorcyk said there's a \$300 difference in the financial impact and the grant paperwork. The grant verbiage references \$19,157. He wants to make sure they fund the right number to meet the objective. Capt. Krout doesn't have the exact answer for that, but said there were last-minute changes due to the delay by the state. He is confident they could make up the \$300. Finance Director Wolff said if they want to authorize this, authorize it at the higher amount and they can adjust down later if needed. Councilmember Gregorcyk recommends amending the amount. He said the program is

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

Page No. 2020 - 42  
March 2, 2020

needed and the statistics are unfortunate. They need to do what they can to keep the community safe, as that's their priority as officials.

Councilmember Baldwin is glad they applied for this, and hopes they continue to. This is something they need to do regardless of if they got the grant. He is hopeful to decrease the statistics. He did find, in Section 12, while the grant is geared toward women, this does allow for some services to men, in this case, young men. Statistics show importance. Section 12, does allow some services to young men. Anything they can do to improve is great. Capt. Krout said they checked that, too, before they finalized the application, to determine the ability to work with males as well as females. Councilmember Gregorcyk suggested that Chief Belcher look forward to a higher salary to carry this on while they are budgeting for a two-year cycle. Councilmember Baldwin said he already reached out to Chief about that. Councilmember Roberts agreed and said that's why she asked, because she wanted to make sure that once this starts, they can sustain it.

Councilmember Gregorcyk made a motion to authorize the City Administrator to execute an agreement between KGGP and the City of Gardner for the STOP VAWA Grant and authorize the expenditure of not to exceed \$19,157 of revenues in the City's general fund for the required matching funds.

Councilmember Baldwin Seconded.

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

**5. Consider authorizing the addition of one full time employee (FTE) to the Police Department's 2020 budget.**

Human Resources Manager Alan Abramovitz said as part of the grant just approved, they will need to add one detective to the budget. City Council authorized an agreement between the City of Gardner and Kansas Governor's Grant Program (KGGP) to initiate a special investigative position that specifically addresses violent crimes committed against women, including sexual assault and domestic violence, by hiring a Detective dedicated to that position. As a result of the agreement with KGGP, staff is requesting an additional Detective FTE for the Police Department. This would increase the total Police Department FTEs from 39 to 40.

Councilmember Gregorcyk noted to adjust the financial impact to \$19,157

Councilmember Baldwin made a motion to authorize the addition of one full time employee (FTE) to the Police Department's 2020 budget.

Councilmember Gregorcyk Seconded.

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

**6. Consider adopting an ordinance condemning land for the location, laying-out, construction, reconstruction, operation, use, maintenance and repair of a roadway improvement project known as the 191<sup>st</sup> Street Realignment Project**

Public Works Director Michael Kramer said that last year, staff brought the eminent domain ordinance for the project. It covered a number of properties. Since that time, staff learned during negotiations that tract 3 needed updated legal descriptions for the temporary easements. This new ordinance allows staff to turn to eminent domain action on the property if they cannot reach an agreement.

Councilmember Gregorcyk asked what is the timeline prior to eminent domain being exercised? Director Kramer said it depends on how negotiations go. Councilmember Gregorcyk clarified the strip of land referenced. Mayor Shute said it's the auxiliary entrance. Councilmember Gregorcyk clarified that the northwest entrance would still

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

Page No. 2020 - 43  
March 2, 2020

on table for that gas station? Director Kramer confirmed. Mayor Shute said this the last piece for the realignment project? Director Kramer said this is the last piece for property negotiations. Mayor Shute said once this land is secured, they can start on the 191<sup>st</sup> Street project. Director Kramer confirmed, stating the overall project is in final plan reviews with KDOT.

Councilmember Gregorcyk made a motion to adopt an ordinance condemning land for the location, laying-out, construction, reconstruction, operation, use, maintenance and repair of a roadway improvement project known as the 191st Street Realignment Project located within the City of Gardner, Johnson 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

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2654.

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

**COUNCIL UPDATES**

City Clerk Rose said there are two applicants for the Public Works and Accessibility Committee and she will reach out to the interview team to schedule interviews. They need applications for the Economic Development Advisory Committee. Mayor Shute put out a call for applications for the EDAC.

Director Kramer reported that Waverly & 175<sup>th</sup> reopened to traffic today. They do expect temporary lane closures to continue, but those will be flagged and not during rush hour. Waverly north of 175<sup>th</sup> will close this Wednesday. Mayor Shute asked for confirmation that there will be detours posted. Director Kramer confirmed. He continued, stating that once major construction starts on 175<sup>th</sup>, between Poplar and Waverly, that will be one-way throughout the construction to facilitate construction on one side of the roadway before moving to the other side of the roadway and still allow access. It shouldn't carry 'through traffic', it will be signed as 'no through traffic', but it will still occur and there will be flaggers to help direct. Councilmember Winters thanked staff for pushing that forward. Councilmember Roberts said she lives in that neighborhood and got a lot of complaints, so she appreciates that they made a pass-through. Director Kramer moved on stating that in February, an announcement was made regarding \$14 million dollars in Dept of Transportation funding for Kansas airports. This included \$600,000 for Gardner Municipal Airport. This announcement was for funds already allocated and funds pledged toward the Baker land acquisition. It's not new money, it's existing funding. Kramer shared good news for the airport, stating that a new fuel station system has been installed. It's digital and over IP, so fueling should be much faster and more reliable.

Director Powell said the medical center is fast approaching an opening time. Ace Hardware going through a 10,000 sq ft expansion at the back end of their warehouse space. This is a low-profile item, but shows that the community continues to grow; the business is supported enough to need it. As the Waverly Road projects are being completed, they continue to look at the Waverly Plaza apartment project. It's been reviewed and has gone back to the architect. It should move quickly. Once the road projects are started, the apartment project will start to take off. Price chopper expects to have an opening date in June. exciting for the community. Parking lot is still a work in progress, as is the road. The old Price Chopper will close and be renovated for additional retail.

City Administrator Pruetting instructed council to watch for an April 6<sup>th</sup> calendar invite for work session.

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

Page No. 2020 - 44  
March 2, 2020

Councilmember Winters said other than Ms. Jeng who came tonight, he had other complaints about all-electric utility bills. Their bills have jumped several hundred dollars in one bill. Can they discuss the reason behind that? Utilities Director Garcia said one of the reasons this affected the all-electric homes was that in the past Power Purchase Agreements (PPA), they had to buy a set amount of megawatts or kilowatts. One way of promoting usage of electric, during winter months especially, was to have a lower rate which was all-electric. Over the past several years, they've been above the minimum required capacity, so the rate was made available to commercial. Garcia doesn't know how many residential have the all-electric rate, but the reason they did away with it is because they are above the minimum threshold for the PPA. Winters asked if residents were given notice about this, so they could budget. Were they given warning? Director Wolff said they way they bought power before, they had excess power. They encouraged all-electric at a lower rate so they could tailor contracts to be more effective so they weren't buying the extra capacity, subsidizing all-electric residential. They were paying a lower rate than other residential customers. The rate study recommended ending that. It was discussed in public UAC meetings, and then brought to council. The public meetings addressed that they would be given the same rates as other residential customers. It was a cold winter and consumption was high for everyone. All residential rates were reduced by 2%, but no one noticed that because of higher usage in winter. They will see savings throughout the year. Winters noted that it's too late now, but there could have been some notice to expect a larger bill. Councilmember Baldwin asked for ideas for that. They talked about it at UAC, then brought to council, then rates didn't go into effect for a year. The time window isn't the issue, it's communication. Ideas to facilitate that would be key. Mayor Shute asked how many all-electric residential customers do they have? Councilmember Winters noted that all of Quail Meadows is all-electric. Mayor Shute said even the overall decrease in standard residential when all-electric houses were seeing significantly lower rates resulted in a significant increase in all-electric rates. Winters doesn't have suggestions to fix it, but in the future they need to communicate it. Mayor Shute said summer will be a high usage too. Director Wolff said the issue is they are paying the same rate as everyone else now, but their consumption is higher so their bills are higher. Mayor Shute said they weren't paying the same rate as everyone else before. Baldwin said their bill was being subsidized, so their savings over that time is now coming due in the winter months. The summer will be the same, because it's the same consumption at the same rate minus 2%, so it will be better in the summer. He suggests an equal payment plan for them. Director Wolff said they are working with those residents on payment plans to spread the cost over time. Gregorcyk suggested getting communication out, Winters said it's not needed now, everyone has their bill. Baldwin said they put it when it changed. Shute said they took a lot of rate classifications and consolidated them into a few. Roberts asked if there was a way to show a bill comparison two or three months in advance of it taking effect, a side by side comparison based on usage. Director Wolff said when the rate study was presented, they had an average house comparison, but not for all-electric. Roberts suggested an insert in the utility bill going forward, can't fix what was already done. Baldwin suggested coordinating with billing staff.

Councilmember Gregorcyk asked Parks Director Bruce to look into what the cost of a dog park would be by the 183<sup>rd</sup> water tower. What would it cost to use the abutting fence around the tower? He suggested getting the grant writer on it, talk with community organizations. His math shows about \$3,000 to \$6,000 in materials, but not land. Maintenance could be on voluntary basis. What kind of insurance overhead would this create since it's public property? He would like to get some numbers. An unscientific survey in 2014 showed people would contribute and support, and had \$7,000 in verbalized donations. Mayor Shute called point of order that Gregorcyk had question the floor for Director Bruce. Director Bruce said they have applied for a grant in the past, but he doesn't know what time of year it comes around. As far as cost, it depends on infrastructure and amenities. He will look into that, as well as the public/private partnership aspect and can share information in a Friday minute memo. Councilmember Gregorcyk followed up with the fire department regarding height restrictions of their equipment, for the possibility of a structure to stop heavy haul trucks without impeding emergency vehicles. He is passionate about stopping the heavy haul traffic on W. 183<sup>rd</sup>/Cherokee without relying on signage. He wants to stop, not just limit, the heavy haul traffic. He will follow up after meeting with Chief Kirk.

Mayor Shute – state of the city address coming up soon, April 7<sup>th</sup> at the Hampton Inn. Everyone is invited.



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

Page No. 2020 - 45  
March 2, 2020

**EXECUTIVE SESSION**

**ADJOURNMENT**

There being no further business to come before the Council, on a motion duly made by Councilmember Baldwin and seconded by Councilmember Gregorcyk the meeting adjourned at 9:36 p.m.

\_\_\_\_\_  
City Clerk

# City of Gardner, KS

## Council Actions

March 2, 2020

The City Council took the following actions at the March 2, 2020, meeting:

1. Approved the minutes as written for the regular meeting held February 17, 2020. (Passed 4-0-1 absent)
2. Approved City expenditures prepared February 14, 2020 in the amount of \$1,281,411.49; and February 19, 2020 in the amount of \$11,195.74; and February 21, 2020 in the amount of \$471,640.29. (Passed 4-0-1 absent)
3. Authorized a change order for pavement replacement on the Airport Sanitary Sewer Extension project. (Passed 4-0-1 absent)
4. Authorized the execution of a construction contract for the Tuscan Farms First Plat – Phase 1 Project. (Passed 4-0-1 absent)
5. Appointed Gary Fleming to the Parks & Recreation Advisory Committee. (Passed 4-0-1 absent)
6. Appointed Joe Neneman to the Parks & Recreation Advisory Committee. (Passed 4-0-1 absent)
7. Appointed Steve Blue to the Parks & Recreation Advisory Committee. (Passed 4-0-1 absent)
8. Appointed Matt Ponzer as Director #1 to fill vacancy, expiring April 30, 2021, reappoint Gonzalo Garcia as Director #2, expiring April 30, 2022, appoint Bruce Baldwin as Alternate Director, expiring April 30, 2022, with all appointments having voting rights on the KMEA Board of Directors. (Passed 4-0-1 absent)
9. Authorized the implementation of Public Sanitary Sewer and Manhole Rehabilitation Improvements for the Public Inflow & Infiltration work for Drainage Basin 1 as part of Inflow & Infiltration Project, Project No. WW1706. (Passed 4-0-1 absent)
10. Authorized an agreement with the Gardner Edgerton Chamber of Commerce. (Passed 3-1-1 absent)
11. Approved the 2020 State Legislative Agenda for the City of Gardner. (Passed 4-0-1 absent)
12. Adopted Ordinance No. 2652, an ordinance amending sections 8.06.020(B), (E) and (J), 13.10.060, 13.30.010, 17.05.040(B), 17.05.040(G)(2), and 17.05.050(Y)(9) levying certain fees to be established by the Governing Body by resolution. (Passed 4-0-1 absent)
13. Adopted Ordinance No. 2653, an ordinance amending sections 2.45.120, 11.05.090, 12.05.117(b), and 14.01.607(a) of the Gardner Municipal Code relating to the payment of fees for certain services, permits and licenses. (Passed 4-0-1 absent)
14. Authorized the City Administrator to execute an agreement between KGGP and the City of Gardner for the STOP VAWA Grant and authorize the expenditure of \$18,839 of revenues in the City's general fund for the required matching funds. (Passed 4-0-1 absent)
15. Authorized the addition of one full time employee (FTE) to the Police Department's 2020 budget. (Passed 4-0-1 absent)
16. Adopted Ordinance No. 2654, an ordinance condemning land for the location, laying-out, construction, reconstruction, operation, use, maintenance and repair of a roadway improvement project known as the 191st Street Realignment Project located within the City of Gardner, Johnson 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 4-0-1 absent)