

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

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February 4, 2019

The City Council of the City of Gardner, Kansas met in regular session on February 4, 2019, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Honorable Mayor Steve Shute presiding. Present were Councilmembers Mark Baldwin, Randy Gregorcyk, Rich Melton, Lee Moore, and Todd Winters. City staff present were Interim City Administrator Laura Gourley; Police Chief James Pruetting; Business & Economic Development Director Larry Powell; Utilities Director Gonzalo Garcia; Public Works Director Michael Kramer; Finance Director Matthew Wolff; and City Clerk Amy Nasta. Others present included those listed on the attached sign-in sheet and others who did not sign in.

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.

Mayor Shute stated New Business Item 1, consider adopting an ordinance regulating the sale of cereal malt beverage and beer containing not more than 6% alcohol by volume within the City of Gardner, Kansas and repealing all ordinances or parts of ordinances not in conformity herewith, was being removed from the agenda for additional legal review.

PRESENTATIONS

1. Governing Body Rules of Procedure Update

City Clerk Amy Nasta requested direction from the Council on six items included in *Governing Body Rules of Procedure* that the Council had previously requested additional research on, as well as an additional item identified by city staff. The Governing Body provided consensus for the following:

Add the language "including on social media" to the end of several stipulations regarding etiquette in Chapter 3; add clarification as presented regarding what constitutes a conflict of interest to Chapter 3(A), paragraph 2, bullet 4; add clarification as presented regarding attendance expectations to Chapter 3(A), paragraph 2, bullet 5, omitting the phrase "business commitments shall not be a good excuse"; add clarification as presented regarding contact with City Administrator and staff and combine Chapter 3(C), bullets 1, 7, and 8; leave chapter 5(A), "Quorum" subsection unchanged; add clarification as presented regarding agenda item submission to Chapter 5(B) and set the item submission deadline for Governing Body members to 12:00 noon, five days prior to the Council meeting; add a "Planning and Zoning Consent Agenda" to Chapter 5(D)

Ms. Nasta stated this item would be returned to Council for final approval at the second meeting in March as several ordinance changes may need to be passed concurrently with the final version of *Governing Body Rules of Procedure*.

Councilmember Baldwin asked if it was possible to move Public Comments prior to Presentations. Interim City Administrator Laura Gourley stated Presentations had been moved prior to Public Comments in the past for a few reasons, including that the public's questions were often answered during presentations, and that outside consultants being paid by the City were often tasked with providing presentations. Mayor Shute stated the agenda could be rearranged as needed on a case-by-case basis.

PUBLIC COMMENTS

CONSENT AGENDA

1. Standing approval of the minutes as written for the regular meeting on January 22, 2019

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- 2. Standing approval of City expenditures prepared January 18, 2019, in the amount of \$198,847.72; January 25, 2019, in the amount of \$351,850.34**
- 3. Consider the acceptance of sidewalk and waterline easement dedications by separate instruments for Olathe Health**

Councilmember Melton 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.

NEW BUSINESS

1. Consider approval of the 2019 State Legislative Agenda

Councilmember Melton stated he had done research and found that there was a lot of fraud in Medicaid, and wished to remove the item regarding its expansion. Councilmember Baldwin stated he agreed.

Councilmember Baldwin stated he wished to strike item 5, the item regarding K-12 funding as he felt that the included terms such as "adequately and equitably" and "world class education" had not been properly defined at the state level. Councilmember Melton stated he agreed. Councilmember Baldwin stated he would be in favor of a statement indicating the City is supportive of the school system and funding it at current level. Mayor Shute suggested the changing the current statement to read "We are highly supportive of the efforts by our public school districts to manage their costs in an effective manner to maximize the return of funds to the classroom and we encourage the State legislature to quickly define fair and equitable within the context of the Kansas Constitution." The Council provided consensus to make this change.

Interim City Administrator Gourley asked if there was a consensus on Medicaid. Councilmember Baldwin stated to strike the entire item. Councilmember Melton and Councilmember Moore stated they would also like to strike the item. Councilmember Winters stated he was not opposed to Medicaid but striking it indicated a more neutral stance. The Council provided consensus to strike item 8 regarding Medicaid.

Councilmember Moore stated the item regarding Dark Store Theory should be made more generic to include any model of operation similar to the Dark Store Theory. Finance Director Matt Wolff stated this could be referred to as "commercial valuation". Councilmember Baldwin suggested adding "based on Dark Store Theory". Councilmember Gregorcyk stated he was also concerned with warehouse space. The Council provided consensus to make this change.

Mayor Shute stated he appreciated the work Public Works Director had done on the Transportation section of the Legislative Agenda.

Councilmember Gregorcyk made a motion to approve the 2019 State Legislative Agenda for the City of Gardner as amended

Councilmember Baldwin Seconded.

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

COUNCIL UPDATES

Utilities Director Gonzalo Garcia stated three companies had submitted qualifications for performing the design-build for Hillsdale. He said a selection committee would review the qualifications and applicants would be interviewed.

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Business and Economic Director Larry Powell stated staff had started a review of the 2018 IRC, which was expected to be completed in the second quarter and subsequently brought before the Council for adoption. He said many other cities had already undergone this process, so developers have had exposure to it.

Mr. Powell stated the Planning Commission will be reviewing the Waverly Plaza project. He said several comments and calls had been received by staff. He said this was a dual project, with the east half being market value apartments which would not receive tax support of any kind, and the west side being commercial. He said the main complaint had been regarding the clubhouse zone, which was both commercial and residential. He said the only change in zoning was to make this a planned district. He said this was originally to be a residential development, but was sold to a developer. He continued that the streets included had been previously platted but were never constructed. He said a separate meeting with property owners would likely be necessary.

Councilmember Melton stated there were no sidewalks on West Santa Fe or Waverly shown on the map. Mr. Powell stated Santa Fe is being totally rebuilt and there will be a trail sidewalk on the north side along with a regular sidewalk on the south side. He said additional sidewalks would also be built off of Waverly.

Councilmember Moore stated he was excited about the project.

Councilmember Gregorcyk asked if a traffic signal would be included. Mr. Powell stated a traffic study was being conducted. Councilmember Gregorcyk stated this was a busy area, especially during school time. Public Works Director Michael Kramer stated he would follow up with City Engineer Tim McEldowney. Interim City Administrator Laura Gourley stated there was a planned upcoming meeting with the school regarding this area.

Mr. Powell stated staff had completed a review on the old Police Department building. He reminded the Governing Body that one of the factors for passing the new Justice Center was the condition of the building. He said while it was not justifiable to spend a lot of money to bring the building up to code for continued use, the garage portion of the building was both movable and reusable. He said planning staff, in reviewing the downtown development suggestion list, had been encouraged to put together an RFP for future use of this area and other adjacent properties and determine if adjacent property owners would be interested in entering into an RFP process to explore possibilities for the use of the property in the long term. He said the Downtown Development plan encouraged the usage of the property for commercial development, but the present goal would be to conduct an RFP process for this property and the adjacent properties if the adjacent property owners were willing to look at this as a more consolidated process maybe allowing for a larger project. He asked for consensus from the Council to start the RFP process for this. The Council provided consensus.

Public Works Director Michael Kramer stated the field tech plans for phase one of the I-35 and Gardner Road project has been submitted to KDOT during the previous week and staff was currently awaiting comments. He thanked Parks and Recreation, Public Works staff, and Johnson County Public Works for their assistance with tree debris removal. He said approximately 400 pickup truck loads had been dropped off and mulched for use by the Johnson County Fairgrounds.

Mayor Shute stated there were still trees down and asked what resources were available for homeowners that had trees that were down and too big to remove. Interim City Administrator Gourley stated staff does not have the equipment to assist with this and asked if the City should investigate outsourcing. Councilmember Baldwin stated this would have a considerable cost. Councilmember Moore asked if volunteers could be utilized.

Interim City Administrator Gourley stated the City had received a small grant to send staff to volunteer coordinator training. Councilmember Baldwin stated this would be a conduit to facilitate things for the public without adding to the City's burden.

Councilmember Melton asked for an update on truncated domes in Willow Springs. Mr. Kramer stated the domes were in compliance according to documentation received by the City. He said the contractor has indicated he will return to review them again and asked if there was a specific location. Councilmember Melton stated they did not appear to have been replaced as they were previously and asked if this could be specified in the next bid. Mr.

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Kramer stated there have been some changes to the bid for this year, but that the domes were replaced because the previous domes were non-compliant.

Councilmember Melton asked if chip seal bids would be going out soon. Mr. Kramer stated staff was working to finalize those bids, and that the current plan was to also fog seal everything that was to be chip sealed.

Councilmember Gregorcyk asked who would fill in for the school crossing guards if they were not there. Police Chief James Pruetting stated this was a contract, and that if notification was provided an officer was sent to the intersection. He said there had been no problems with the current company. Councilmember Gregorcyk asked who would generally provide notification. Chief Pruetting stated it was typically a parent from the school.

Councilmember Gregorcyk stated he had met with the new owner of the filling station on 191st and asked if there would be any interest in adding this as an additional car wash choice for city vehicles. Chief Pruetting stated the Police Department does not use a commercial car wash. Councilmember Gregorcyk stated a five dollar car wash was being offered and the council may wish to consider this. Councilmember Winters asked if there would be a facility for washing cars at the new Justice Center. Chief Pruetting stated the bay could be used. Councilmember Moore asked who washes the cars. Chief Pruetting stated it was divided evenly between shifts, with one shift cleaning the outside and one shift cleaning the inside.

Councilmember Gregorcyk asked for an update on the City Administrator selection process. Mayor Shute stated the submission period had ended on February 1, 2019, and forty-four applications had been received. He said the applications were currently being compiled and would be returned to the Interim City Administrator, Human Resources, and himself. He said the field would be narrowed and skype interviews would be conducted with the selection committee during the last week of February. Councilmember Gregorcyk asked if those on the selection committee had been notified. Interim City Administrator Gourley stated final dates had not yet been provided.

Mayor Shute thanked staff for their work on the evening's presentations.

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Melton and seconded by Councilmember Moore the meeting adjourned at 08:49 p.m.

City Clerk