

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

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April 15, 2019

The City Council of the City of Gardner, Kansas met in regular session on April 15, 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; Parks and Recreation Director Jason Bruce; Finance Director Matthew Wolff; City Clerk Amy Nasta; and City Attorney Ryan Denk. 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 April, 2019 as Autism Awareness Month in the City of Gardner**
- 2. Proclaim April 26, 2019 as Arbor Day in the City of Gardner**

**PUBLIC COMMENTS**

Heath Freeman of 602 N Walnut asked if it was still permitted to provide comments prior to individual items. Mayor Shute stated this was permitted.

**CONSENT AGENDA**

- 1. Standing approval of the minutes as written for the regular meeting on April 1, 2019**
- 2. Standing approval of City expenditures prepared March 29, 2019, in the amount of \$1,923,762.19; April 5, 2019, in the amount of \$284,791.66**
- 3. Consider authorizing the City Administrator to execute a contract with Gardner Disposal, Inc. for the 2019 City-wide clean up**
- 4. Consider approving the Airport Design & Planning Grant Agreement between the Kansas Department of Transportation and the City of Gardner**
- 5. Consider approving the Airport Modernization Grant Agreement between the Kansas Department of Transportation and the City of Gardner**
- 6. Consider the purchase of an aerial drone for the Gardner Police Department**
- 7. Consider authorizing the City Administrator to enter into a three-year agreement with Incident Response Technologies Inc. for the Rhodium Incident Management Suite**
- 8. Authorize the Interim City Administrator to execute an agreement with Information Matrix**
- 9. Authorize the Interim City Administrator to execute an extension of the agreement for professional services with dPlanit, LLC (David Knopick, Owner)**
- 10. Consider authorizing the purchase of a Skid Steer Loader from KC Bobcat and lease purchase financing from Arvest Bank**

Councilmember Melton made a motion to approve the Consent Agenda.

Councilmember Moore Seconded.

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

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**COMMITTEE RECOMMENDATIONS**

**1. Consider adopting an ordinance changing the zoning classifications or districts of certain lands located in the City of Gardner, Kansas, under the authority granted by Title 17 of the Municipal Code of the City of Gardner, Kansas**

Business and Economic Director Larry Powell stated the development would have a business style HOA that would be responsible for taking care of all common areas. He said that in the future there will be a ten foot trail on the east side of the development that will access the current ten foot trail to the east.

Joe Clausen representing Phelps Engineering at 1270 N Winchester in Olathe stated he is the civil engineer on the project and that he wished to thank the Planning Commission and staff. He said he was in agreement with the Planning Commission's stipulations.

Mayor Shute stated this had been a quick and smooth process and thanked Planning staff for their work.

Councilmember Gregorcyk made a motion to adopt Ordinance 2612 changing the zoning classifications or districts of certain lands located in the City of Gardner, Kansas, under the authority granted by Title 17 of the Municipal Code of the City of Gardner, Kansas

Councilmember Melton Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2612

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

**2. Consider adopting a resolution establishing the date and time limitations for the discharge of fireworks within the City limits of Gardner for the observance of the July 4th holiday**

Heath Freeman of 602 N Walnut stated that he believes the Council should move forward with the committee recommendation. He said he believes three days is a good compromise.

Councilmember Winters asked why the Council had recommended allowing fireworks on July 5<sup>th</sup>. Councilmember Melton stated July 5<sup>th</sup> is a Friday night and since many people do not work on a Saturday it would provide a good opportunity to get rid of any excess fireworks they may have.

Councilmember Baldwin stated he would like to see this issue codified so it did not have to be voted on each year.

The Council provided consensus to have the Citizens Police Advisory Committee look into a framework for codifying fireworks dates.

Councilmember Gregorcyk stated it was important to allow the community to have input on this issue as well.

Mayor Shute stated he believed three days was a fair compromise and that providing an option for three days tied to a day of the week would be optimal.

Councilmember Melton made a motion to adopt Resolution 2017 establishing the dates and time limitations for the legal discharge of fireworks within the City limits of Gardner for the observance of the July 4th holiday in accordance with the provisions established in Section 9.05.030 of the Gardner Municipal Code

Councilmember Moore Seconded.

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With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2017

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

Councilmember Baldwin stated he would like to see the term “July 4<sup>th</sup>” replaced with “Independence Day” in the code in the future.

**OLD BUSINESS**

**NEW BUSINESS**

- 1. Consider adopting a resolution authorizing the public sale of approximately \$3,820,000 principal amount of General Obligation Temporary Notes and approximately \$2,020,000 principal amount of General Obligation Bonds of the City of Gardner, Kansas.**

Finance Director Matthew Wolff stated the proposed debt sale would take place on May 20, 2019.

Councilmember Moore made a motion to adopt Resolution No. 2018 authorizing the public sale of approximately \$[3,820,000] principal amount of General Obligation Temporary Notes and approximately \$[2,020,000] of principal amount of General Obligation Bonds of the City of Gardner, Kansas

Councilmember Melton Seconded.

With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2018

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

- 2. Consider approving the City’s contribution to health, dental and vision insurance premiums for the 2019-2020 plan year**

The Council provided consensus to look into other insurance options in the future.

Councilmember Baldwin asked if the City should consider self-insuring. Mayor Shute stated this should be considered, but had its own risks. Human Resources Manager Alan Abramovitz stated he was not sure if the City was large enough to self-insure.

Councilmember Melton made a motion to approve the City’s contributions to health, vision, and dental insurance premiums for the 2019-2020 plan year at 100% for CF1500 Single (HDHP) and 82% of CF 1500 (HDHP) Tier II and Family, and 80% contribution to all other health insurance plans; And fund employees’ H.S.A.’s “up front” at \$1,500 for Single and \$3,000 for Tier II and Family; And contribute to employees’ vision insurance premiums at 100% for Single and 80% for Tier II and Family; And contribute 50% of dental insurance premiums

Councilmember Winters Seconded.

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

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Mayor Shute stated he had received a request from two Councilmembers to recess into Executive Session prior to the consideration of New Business Items 3 and 4.

Councilmember Melton made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b) (1), to discuss personnel matters related to non-elected personnel beginning at 07:38 p.m.; and returning to regular session at 07:58 p.m.

Councilmember Baldwin Seconded.

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

Councilmember Moore made a motion to resume regular session at 07:58p.m.

Councilmember Winters Seconded.

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

**3. Approve and authorize the Mayor to sign an agreement with James Pruetting for the position of City Administrator**

Mayor Shute provided details of the selection process. He said the selection of the final three candidates had been virtually unanimous among the selection committee. He said James Pruetting had been highly supported and endorsed by staff in particular. He said Mr. Pruetting's leadership skills had given him the edge.

Heath Freeman of 602 N Walnut stated he hesitated to speak because of his respect for Chief Pruetting, and that while what he had to say was critical, it was not reflective of Mr. Pruetting's current role as Police Chief. He said he was thankful for the opportunity to serve on the interview committee and thought the process had been thorough and fair. He said he did not believe the candidate had the necessary experience for the City Administrator position, and felt that he would not have been considered if he had been anyone else due to lack of expertise and education. He said that career history was important and it was unlikely a career City Administrator would be hired as a Police Chief so he was unsure why the City would do the opposite. He said the City was growing and faced challenges in economic development, infrastructure management, and annexation. He said the candidate had no experience in any of this areas and the having a successful City Administrator was essential to the City's success. He said he would support the candidate if selected. He continued that he would like to discuss the contract by line item. He said in regard to Section 2, Item A, the agreement length of four years was too long for a candidate lacking experience and should be changed to 2-3 years. He said in regard to Section 5, Item C, a bonus should not be provided and the City should not pay for education that should be a base requirement for the position. He said the City should not pay annexation bonuses. He said an important word had been omitted in Section 10, Item A.

City Attorney Denk stated Exhibit A was not included in the packet. He said this Exhibit is the Separation of Employment and General Release. He said if the individual leaves the position, they waive the right to legal action. He said this had not been included in the previous City Administrator contract.

Councilmember Melton stated he would like to introduce a point of order and asked for a roll call vote on New Business Items 3 and 4.

Councilmember Gregorcyk asked for the City's current deferred compensation match for City employees other than the City Administrator. Finance Director Matthew Wolff stated the current match is one percent. Councilmember Gregorcyk asked what was in the proposed contract for deferred compensation. City Attorney Denk stated ten percent. Councilmember Gregorcyk asked if it was correct that the base salary included in the contract was \$150,000. Attorney Denk verified this was correct.

Councilmember Gregorcyk stated that he would like to discuss Section 5(D) of the contract and asked about the legalities of providing bonuses for annexation. City Attorney Denk stated he was not aware of any prohibition on this. Councilmember Gregorcyk stated the team working on annexation was larger than the City Administrator and asked if a bonus would be provided to all staff members working on annexation. Councilmember Melton stated the bonus had been his idea, as the private sector often provided similar bonuses. He said there had been multiple

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annexation opportunities in the past that had never been pushed through, and the bonuses would provide a reward and incentive to do so. Councilmember Gregorcyk asked if staff should receive part of the bonus. Councilmember Melton stated the City Administrator was the motivator for these projects, and that this was also similar to the private sector. He said other municipalities would copy this model in the future.

Councilmember Gregorcyk asked if the Council was comfortable with the car allowance of \$500 per month. Mayor Shute stated Directors currently receive \$400 per month and he assumes the City Administrator will drive more.

Councilmember Gregorcyk stated he would like to discuss Section 10(A) which pays for courses and reimburses for related travel expenses. He said this was equivalent to KU Med hiring an individual then sending him to medical school. Mayor Shute and Councilmember Melton stated this was not a valid analogy.

Councilmember Gregorcyk stated he believed that Chief Pruetting had no experience in three of four necessary categories: economic development, infrastructure, and annexation, which he said was the number one priority for every member of the Governing Body. He said Chief Pruetting has leadership skills, and that he possesses integrity and respect. Councilmember Gregorcyk said he cannot support this nomination.

Councilmember Moore stated it was not provable at this point if Chief Pruetting possessed a skill set or not. He said he was looking for leadership skills in this role and that the candidate had the overwhelming support of staff. He said it was premature to say the candidate's education or skills were lacking. He said Chief Pruetting has a Master's Degree in management and has demonstrated his skills in large Police Departments including Kansas City, and had overseen budgets of up to \$250 million per year, while the City's budget was only \$60 million per year. He said it was unfortunate that citizens liked to list deficiencies on social media. He said the City of Gardner had one of the best Police Departments in the metro area under Chief Pruetting's leadership. He said he had been part of the process from beginning to end and that it had been a great process and fair. He said comments about optics and comparisons to a "Good Old Boys Club" were unfair to all of the candidates. He said Chief Pruetting was the best candidate for the job.

Councilmember Winters stated he understood the optics of the situation, but that as the process had unfolded it became clear to him that Chief Pruetting was the best candidate for the position. He said there was strong support from community partners, staff, and the public. He said he had been very impressed by the interview process and that the contract was all give and take. He said he would be very happy if the City had to pay bonuses for all 4,000 acres of annexation.

Councilmember Baldwin stated there were points of the contract that he was not a fan of. He said many people had spoken with him about the appointment and no one had brought up Chief Pruetting's character or ability to lead. He said Chief Pruetting was a proven leader and his character was above reproach. He said he believed Chief Pruetting would take on this challenge and see it through.

Councilmember Gregorcyk stated his ability to work with Chief Pruetting in the future was not in question, no matter the outcome of the vote. He said his vote was about integrity.

Councilmember Melton stated he would like to thank everyone on the interview committee. He said getting eleven people to agree on three of seven candidates was amazing. He said it had been a lot of time out of people's days and that he appreciated staff and local government partners being open and honest about their preferences. He said the interview team (with the exception of one individual), staff, and intergovernmental partners had given a unanimous recommendation. He said he felt Chief Pruetting would continue to drive relationships with intergovernmental partners. He said the right team was in place and he knew Chief Pruetting would be a good leader for that team.

Councilmember Moore stated he wished to address the continuing education clause in the contract. He said he had only agreed to this because some people gave it great credence. He said he saw it as a growth opportunity, but not as a qualifying requirement.

Mayor Shute stated City staff was amazing and staff was unanimous that they would provide Chief Pruetting with all necessary support and assistance in areas he was unfamiliar with. He said staff wanted Chief Pruetting as a leader and wanted him to perpetuate the culture. He said he trusts staff and this was a determining factor for him.

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Councilmember Moore made a motion to approve and authorize the Mayor to sign an agreement with James Pruetting for the position of City Administrator

Councilmember Melton Seconded.

With a majority of the Councilmembers voting in favor of the motion, the motion carried

Baldwin	Yes
Gregorcyk:	No
Melton	Yes
Moore:	Yes
Winters:	Yes

**4. Consider appointment of James Pruetting as City Administrator**

Councilmember Melton made a motion to authorize the Mayor to appoint James Pruetting as City Administrator effective April 27, 2019

Councilmember Moore Seconded.

With a majority of the Councilmembers voting in favor of the motion, the motion carried.

Gregorcyk:	No
Melton	Yes
Moore:	Yes
Winters:	Yes
Baldwin	Yes

**COUNCIL UPDATES**

City Attorney Ryan Denk stated he wanted to note this was Interim City Administrator Laura Gourley's last City Council meeting. He said he had really enjoyed working with her and that everyone should appreciate how good she was at her job.

Police Chief James Pruetting thanked the Governing Body and stated he was humbled to be selected for the City Administrator position. He said he was excited to work with the Governing Body and staff and to do great things for Gardner.

Parks and Recreation Director Jason Bruce stated the City's Earth Day celebration would be held on Saturday, April 20, 2019 at Windwood. He said there had been 250 RSVPs for the event as of that morning. He said Q104.3 would be live at the City's Independence Day celebration.

Business and Economic Director Larry Powell thanked all involved for quickly working through the Plaza South project. He said fireworks sales would begin June 28, 2019, and that the City would begin accepting applications for tent sales beginning at 05:00PM on Friday, June 14, 2019.

Mayor Shute stated he was happy to see staff engaging with the State, particularly KDOT, on many projects. He thanked Michael Kramer and the Public Works staff for their work on various projects.

Councilmember Baldwin stated he would like to wish everyone a happy Easter.

Councilmember Winters stated he was sad to see Ms. Gourley leave. He said he appreciated her tremendous work and all of the money she had saved the City over time. He said he wanted to note that an item about the Citywide cleanup had been passed on the Consent Agenda, and that the cleanup would be held on June 8, 2019, and June 15, 2019. He said he wanted to discuss the Police Officer II requirements. He asked how many officers

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had attained "excellent" ratings as he wanted this to be an attainable incentive for staff. Police Chief Pruetting stated his original idea had been for a score of 2.5-2.75 in order to make the designation attainable.

The Council provided consensus to update the requirements and vote on them at the May 6, 2019 City Council meeting.

Councilmember Moore stated he would like to thank Ms. Gourley for her years of support and service. He thanked VAA Chapter 16 for taking over 70 young people on flights on April 6, 2019. He said the VAA holds a similar event at the Gardner Municipal Airport on the first Saturday of each month.

Councilmember Melton thanked Ms. Gourley for keeping things interesting and saving the City money.

Councilmember Gregorcyk stated he appreciated Ms. Gourley's servant leadership and her saving the City money throughout the years. He said she had always been gracious and hoped she would enjoy retirement.

Mayor Shute stated Ms. Gourley was an amazing leader and had held many positions within the City. He said she had perseverance, integrity, and had displayed an unwavering commitment to the City of Gardner. He said he hoped she had had some fun as the Interim City Administrator. He said she had been a tremendous asset to the community and that her expertise and ability to motivate would be missed.

**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 08:50 p.m.

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City Clerk