

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

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July 1, 2019

The City Council of the City of Gardner, Kansas met in regular session on July 1, 2019, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Mayor Steve Shute presiding. Present were Councilmembers Lee Moore, Mark Baldwin, Randy Gregorcyk, Rich Melton, and Todd Winters. City staff present were City Administrator James Pruetting; Business & Economic Development Director Larry Powell; Utilities Director Gonzalo Garcia; City Engineer Tim McEldowney; Parks and Recreation Director Jason Bruce; Finance Director Matthew Wolff; Interim Police Chief James Belcher; Interim City Clerk Sharon Rose; Business Services Manager Amy Foster; 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**

**PUBLIC COMMENTS**

Adam Cox, 285 E. Skylark St., commented on the recent post titled "Gardner Fact Check" on the city's social media platform. The post has been deleted, but it represents an ill-advised attempt to use free press using public resources and municipal information channels in the guise of being official information. This post purported to be presenting factual information to correct inaccurate reporting, but no one from the city contacted anyone regarding the inaccurate information to correct the incomplete or erroneous information. I have patiently awaited additional information regarding this posting and the circumstances surrounding it. I hope this episode is a learning experience that will be utilized to examine the controls in place surrounding city media channels and improve processes and approvals required prior to posting information under the city banner. I believe had the communications manager been consulted, this post would not have been released to the public. The principle of a municipal information channel should be to remain factual and avoid skirmishes which diminish the standing of the city's communications. There is no need for city representatives to blacken the eye of this thriving city by imprudent use of social media to advance a personal agenda or settle a grudge. The post I'm referring to did not represent the entirety of the city staff as a whole.

Todd Pembleton, 131 Manor Pl., came to speak in support of an agenda item before the council for the appointment of chief of police. I am voicing my support for James Belcher. I've known Jay since he started with the department. You won't find a candidate who's more dedicated to this community, the safety of its citizens, his family, and more importantly, doing the right thing by his co-workers and his subordinates. Please vote yes for this appointment.

Janie Fonseca, 403 S. Center, lives on S. Center where there's a new trail. I always mowed between sidewalk and street, but now it's a trail not a sidewalk. The next block south is a trail and the city takes care of that mowing. I was wondering why the city's not taking care of the new part. When the city put the divided street and added the middle turn lane, the traffic is right up next to the edge of the road. I'm concerned I'm going to get hit by a car. If the city is supposed to be taking care of that then I won't have to worry about that part. They do snow removal on that, or they did last winter, but does it need to be mowed by the city or is that my responsibility. It would also be nice to slow the speed limit down. The cars are so close to the edge.

Jennifer Smith, 648 S. Oak St. spoke to second Todd's comments regarding James Belcher. I've known Mr. Belcher since high school. I also want to thank you (Mayor) and Mr. Winters for responding to my email over

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concerns that happened Friday evening, between 4:30-6:30pm with the fireworks, and thanks to the Gardner Police Department for answer the calls and patrolling. I know it's difficult. We have a lot of people in our community not obeying the law, and it's very frustrating on a lot of individuals, individuals with PTSD and those with special needs, particularly my children. One call was about my son, it was after 10pm and my son came upstairs screaming, thinking a bomb was shaking our house. I'm just here to voice again that reminder of how important it is that we look at all opportunities, council passed the agenda, so we need to look at the opportunities to protect it like the suggestions I made in my email. I just want to thank again the officers.

**CONSENT AGENDA**

- 1. Standing approval of the minutes as written for the regular meeting on June 17, 2019**
- 2. Standing approval of City expenditures prepared June 12, 2019, in the amount of \$1,106,428.17; June 14, 2019, in the amount of \$468,820.24; June 20, 2019 in the amount of \$639,153.43.**
- 3. Consider authorizing an agreement with MKEC Engineering, Inc. to design the Moonlight Road Safe Routes to Schools Project**
- 4. Consider approval of a commemorative street sign application and authorize city staff to install signs**
- 5. Consider a revised City of Gardner salary structure for Appointed Court Personnel**
- 6. Consider authorizing the City Administrator to purchase Automated Overhead Distribution Switches from Anixter Power Solutions, LLC**
- 7. Consider the reappointment of Dave Hayden to the Airport Advisory Board.**
- 8. Consider the reappointment of Kraig LaRosh to the Airport Advisory Board.**
- 9. Consider the appointment of Adam Santoyo to the Airport Advisory Board.**
- 10. Consider the appointment of Ementi Coary to the Citizens Police Advisory Committee.**
- 11. Consider the reappointment of Carrie Wilson to the Citizen Police Advisory Committee.**
- 12. Consider the appointment of Frank Barnes to the Citizens Public Works and Accessibility Advisory Committee.**
- 13. Consider the appointment of Jennifer Smith to the Citizens Public Works and Accessibility Advisory Committee.**
- 14. Consider the reappointment of Tory Roberts to the Planning Commission.**
- 15. Consider the appointment of Kristy Harrison to the Utility Advisory Board.**
- 16. Consider the appointment of Eric Ford to the Planning Commission.**
- 17. Consider the appointment of Adrianna Meder to the Planning Commission.**
- 18. Consider the appointment of Andrew Taylor to the Utility Advisory Board.**

Councilmember Gregorcyk made a motion to approve the Consent Agenda.

Councilmember Moore Seconded.

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Mayor Shute was asked by Council President Moore to recognize the individuals who have stepped forward to fill the boards and commissions and committees. It's a long and distinguished list, but worth reading for the record. Dave Hayden, Kraig LaRosh, and Adam Santoyo will be joining the Airport Advisory Board to fill three open seats. Ementi Coary and Carrie Wilson will be joining the Police Advisory Committee. Frank Barnes and Jennifer Smith will be joining the Public Works and Accessibility Advisory Committee. Tory Roberts and Eric Ford will be joining the Planning Commission. Kristy Harrison and Andrew Taylor are joining the Utility Advisory Committee. Adrianna Meder is also joining the Planning Commission again. Mayor Shute thanks all for stepping forward. It was hard work for a lot of people to get this done, but happy to have full committees again.

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

**PLANNING & ZONING CONSENT AGENDA**

**COMMITTEE RECOMMENDATIONS**

**OLD BUSINESS**

**NEW BUSINESS**

**1. Consider appointment of City Clerk and administer the Oath of Office.**

Mayor Shute said that Sharon Rose volunteered to fill in for Amy Nasta while she was out on maternity leave. She's done a tremendous job and looked at the opportunity to be the full time city clerk. We are going to appoint Sharon Rose as the city clerk to replace Amy Nasta who will be coming back for a bigger opportunity. Sharon Rose is a longtime employee, in the finance department, and moved into the Clerk role.

Councilmember Moore made a motion to appoint Sharon Rose as City Clerk of the City of Gardner, Kansas, effective July 1 2019.

Councilmember Melton Seconded.

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

**2. Consider appointment of Chief of Police.**

City Administrator Jim Pruetting stated that Captain James Belcher has been a police officer for the city for 21 years. During that time, he has served as the interim chief twice in 2014 and 2015, and again during the past two months. During that time, he has served honorably and has demonstrated through his leadership, integrity, and judgement that he's well prepared to assume the role on a full-time basis and lead the department forward. No one has worked harder than Jay has to prepare himself for this role. He got a Bachelor's Degree a few months ago. He is the example for continuous improvement. Pruetting has full faith he will lead the department forward.

Councilmember Moore made a motion to appoint James Belcher as Chief of Police of the City of Gardner, Kansas, effective July 1 2019.

Councilmember Melton Seconded.

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

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**3. Consider adopting an ordinance to amend Chapter 10, Section 107 of the Municipal Codes establishing Municipal Court sessions.**

Business Services Manager Amy Foster stated that with the completion of the Justice Center, and having a dedicated court room space, she is asking to adopt a revised ordinance to add an additional court night. The ordinance states the judge can add or cancel court dates, but Ms. Foster brought the ordinance forward to make it official and add an additional court night monthly, due to our ever-growing docket. Currently they are writing out to November. Adding an additional court night would allow for tickets to be issued as early as September. The ordinance reads: The Governing Body of the City of Gardner, Kansas, hereby establishes the second Tuesday and the Wednesday following the second Tuesday of each month, and the fourth Tuesday and the Wednesday following the fourth Tuesday of each month as the regular court sessions of the Municipal Court of the City of Gardner, Kansas, which shall be held at the Gardner Justice Center, 16540 Moonlight Road, Gardner, Kansas. The Municipal Judge may cancel court sessions or add additional court sessions as deemed necessary at any time.

Councilmember Winters asked if the one night would be enough. Ms. Foster stated that she only wanted to start with one additional night, and that court staff will extend the time in which court starts and see how that plays out. They may come back later and add a day court. There are additional costs associated with this, as court clerks are paid hourly and would have an additional salary. Part of what was in the consent agenda adds to the court-appointed salaries, and that would be included. Councilmember Moore asked if most of those costs will be recouped by the violators. Ms. Foster answered that, based on citations, court is covered by fines and fees. Councilmember Gregorcyk asked for clarification because Ms. Foster said hourly and salary, which one is it? Ms. Foster answered that court personnel are hourly, but the court-appointed prosecutors and judge are set by salary.

Councilmember Winters made a motion to adopt Ordinance 2618, an ordinance amending Chapter 10, Section 107 of the Code of the City of Gardner, Kansas, 1990, providing for dates for the Municipal Court of the City of Gardner, Kansas and establishing an effective date.

Councilmember Melton Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance 2618.

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

**4. Consider authorizing the City Administrator to execute a contract with Harbour Construction, Inc. for the 2019 Pavement Management Program**

City Engineer Tim McEldowney presented the first of two items that go hand in hand. This item is to execute a contract with Harbour Construction for the 2019 Pavement Management Program, which primarily consists of 20 miles of chip seal and combination fog seal pavement improvements, and will have 500 feet of curb associated with those same roads, and replacement striping for those roads that had pavement markings before. The city only received two bids, however the low bidder, Harbour, is considered to be adequate. The city is familiar with their firm and with their work. They are qualified to do the work. They were slightly above the engineer's estimate. Their bid was roughly \$930,000 and the engineer's estimate was \$837,000. Staff recommends signing an agreement with them to do the work.

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Mayor Shute asked if Harbour has done the Pavement Management Program for us in previous years. Mr. McEldowney did not recall, but they have done work for the city before. Mayor Shute asked if they had done any chip seal. McEldowney did not recall, but stated they do have experience with chip seal. Councilmember Moore asked if staff knows other municipalities where they've performed this type of work. McEldowney would have to get that information for council.

Councilmember Moore made a motion to authorize the City Administrator to execute a contract with Harbour Construction, Inc. for the 2019 Pavement Management Program, not to exceed \$929,437.80.

Councilmember Melton Seconded.

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

Mayor Shute asked when the project will start. McEldowney answered that it takes about 2-3 weeks to get the paperwork processed and would guess they'll have notice to proceed in about 3-4 weeks.

**5. Consider adopting a resolution authorizing the City of Gardner, Kansas, to construct improvements to certain main trafficways and trafficway connections and authorizing the issuance of General Obligation bonds of the city to pay the costs thereof pursuant to K.S.A. 12-685 ET SEQ.**

City Engineer Tim McEldowney stated that this item is to bond the work described in previous contract approval. \$640,000 worth of that work is eligible to be bonded, and then there will be a curb replacement in the fall on separate streets from this work. The estimate for that project is \$250,000. The total about anticipated to be bonded is the combination of those two projects plus the cost of issuance, which comes to \$925,600. Mayor Shute clarified that this is all coming out of the special sales tax funds that's going back to these bonds. McEldowney confirmed yes.

Councilmember Gregorcyk made a motion to adopt Resolution 2027, a resolution authorizing the City of Gardner, Kansas, to construct improvements to certain main trafficways and trafficway connections and authorizing the issuance of General Obligation Bonds of the city to pay the costs thereof pursuant to K.S.A 12-685 ET SEQ..

Councilmember Moore Seconded.

With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution 2027

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

**COUNCIL UPDATES**

Utilities Director Gonz Garcia provided a status of water usage. So far, they are below 2018 trend on an average 300,000 to 400,000 gallons. Staff will continue to monitor usage. The weather has contributed to low usage.

Parks Director Jason Bruce reminded everyone of the Independence Day celebration coming up. There will be bounce houses, food trucks, zip lines, big artists. Gates open at 3:30pm and Dylan Carmichael is the first act

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beginning at 4:00. Regarding Ms. Fonseca at 403 S Center and the sidewalk, he will get with Public Works Director Kramer. Bruce does not recall that being a trail before they redid the sidewalk, but they will look into it.

Business & Eco Dev Director Larry Powell followed up on the fireworks comments from earlier. The proper time to shoot this year is the 3<sup>rd</sup> – 5<sup>th</sup>, from 10a-11pm. Staff urges people to follow those rules and regulations. There are 8 fireworks tents, same as last year, selling from June 28<sup>th</sup> – July 5<sup>th</sup>.

City Engineer Tim McEldowney provided an update on the crosswalk at 183<sup>rd</sup> and Mulberry. The design is almost complete. Staff received the first set of plans for review. It will be a rapid flashing beacon when it's installed. He estimates they are a month or so from beginning construction. Mayor Shute asked if this is similar to what's installed at the Brittany Court crosswalk. McEldowney said it's similar, but the flashing is more like what is seen on emergency vehicles.

Police Chief Belcher thanked the governing body, city administration, and department heads for their support. It means a lot to him. He thanked the men and women of the Gardner Police Department. They are a wonderful group of men and women who are dedicated to serving the community and it's a pleasure to be associated with them. Belcher told the citizens that for 21 years he's been serving, he will continue to work hard, that's not going to change. Belcher's wife is here tonight and she's been a big supporter of him and his career. He could not have done it without her.

Finance Director Matt Wolff reminded council that there is a budget hearing on July 15<sup>th</sup>.

Councilmember Melton asked Parks Director Bruce about the fountain at Cornerstone Park. Director Bruce said the fountain is on the schedule for next week, staff are getting parts in, will install and test, and hopefully it will work. With the weather this year, staff is behind on mowing, there was a major playground renovation at Celebration Park, the leak at the pool, the golf course, and a record number of tournaments, and there are seven parks maintenance staff. Director Bruce also appreciates citizens letting staff know about concerns, like Ms. Fonseca did tonight, and urges residents to continue to call or come to meetings. Councilmember Melton thinks parks staff have done a great job, and wanted to make sure to get the word out that there have been issues with parts and time. Staff have to prioritize.

Councilmember Melton shared that he spends a lot of time at the city's fireworks stands. At one, he met someone and asked if they lived here, they said no, they came down from Overland Park. The money is coming down the highway to us; we are getting their tax money. At a different one, he saw a kid with an Olathe shirt. Melton talked to them and found they have friends who live in Gardner, and they come to town to buy and shoot fireworks. It's very encouraging to see. It could persuade people to consider moving here. Melton encourages everyone who can to attend the Justice Center opening. Chief Belcher took the Citizens Police Advisory committee on a tour. It is a fantastic facility. Other agencies are already coming to see it from around the metro. Melton also advised that he will miss the July 15<sup>th</sup> meeting, as he will be out of town.

Councilmember Gregorcyk is excited about the Justice Center. Chief Belcher provided him a tour a few weeks back, and he appreciates the thoughtfulness that went into the design and the practicality of the facility. He thanks the citizens of Gardner for voting for it. Gregorcyk mentioned he saw aggregate placed at Wildcat and Moonlight on the right hand turn. Is there any opportunity for curbing there? Gregorcyk also offered his congratulations to Chief Belcher. And returning to Ms. Smith's comments on fireworks, is there a hotline? Chief Belcher said they call 911 and it comes across as a call for service. Addressing Adam Cox's point on the "fact check" post, are there checks and balances of that opportunity for learning? Mayor Shute said there are pieces in place so that it won't be an issue. Gregorcyk asked if that will be shared with council. Shute said anybody on council has the authority to ask any member of staff any question they like. Gregorcyk will follow up with the city administrator.

Councilmember Baldwin said everything he's seen from the city has been excellent in saying Independence Day and he really appreciates it.

Councilmember Winters is happy to see the Safe Routes to Schools on Moonlight. A citizen brought issue regarding St. Johns Trace. It's still an island out there, and he would like to see the city start looking into solutions

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to get those residents some kind of sidewalk or trail to get them over to Waverly. Mayor Shute said they've talked about that before. Director Bruce asked Director Wolff if that was in the CIP later down the road. Director Wolff said there is a land purchase for a developmentable park, but he does not recall seeing the trail. Mayor Shute thought the trail was part of the streamway park. Director Bruce said that part is the 2<sup>nd</sup> phase. Shute asked if there is a possibility to push that up and combine it with a Safe Routes to Schools grant. Director Bruce said once they get phase 1 done, they are possibly looking at another grant for phase 2.

Councilmember Moore suggested anyone available should go see the C47 WWII plane at the Gardner Municipal Airport. The airplane is only here for tonight. He's not sure of all the events taking place, but there is a pot luck dinner hosted by the VAA Chapter 16. There's a video on facebook that you can see it landing at K34. Moore also asked if there is a plan for street sweeping after the 4<sup>th</sup> of July, and is that something that has been done in the past. City Administrator Pruetting said he will follow up with Director Kramer on that. Moore would like to see if the council would agree to have a citywide clean up using street sweepers after the holiday and hopes the city would make enough sales tax money and permit fees to cover the cost. Mayor Shute wants to be careful about talking about street sweepers because that does not absolve the homeowner of their responsibility of cleaning up their mess. Shute said they shouldn't be setting off fireworks on the street. That's a hazard to emergency vehicles and they could damage other vehicles. It's just not the right thing to use public right of way. If they set off fireworks they should do it on their apron of their driveway, not out in the street. Moore then asked what the fine is for someone breaking the law with regard to fireworks. Business Services Manager Foster said it varies. If it goes to court, the judge can assign fines of \$0-\$500. Moore said up to \$500 for one offense, one firecracker? Ms. Foster said it's a violation of an ordinance, and that is the judge's range on ordinances. Mayor Shute pointed out that's a wide discretion. Mayor Shute said they have started an enforcement action for fireworks violators. If there are folks blatantly violating the ordinance, the city is enforcing. There were enforcement actions this weekend, and the intension is to continue through the 4<sup>th</sup>, and after the fireworks window closes each evening. There are populations within our community that have sensitivities to fireworks and the city has to be willing to enforce. They can't enforce the entire city, but they will be enforcing targeted areas of the city. Councilmember Gregorcyk returned to Moore's comment about the street sweeper, if they do go back with a street sweeper, it would offer an opportunity for the city to re-audit the curbs. There a lot of debris that has washed out from the winter and spring rains, so this could be a double-duty between the firework debris and rocks/pebbles. Melton points out that separating the fireworks from the rocks will be an issue when they dump.

Councilmember Moore thanks all of the volunteers for advisory boards and committees and commissions. It's a great way to get involved in the community and stay plugged in. Members can be helpful to the community, and also alleviate anger toward things they are going the speed they want them or don't see the change they want. Mayor Shute said frustrations, it's not anger necessarily. Moore said he sees a lot of anger on social median and misunderstandings at how things work. If people go to committee meetings, they can find out. Kudos to the folks that have stepped up, he really appreciates it. Moore also offered congratulations to City Clerk Rose and Chief Belcher.

Mayor Shute said he is thrilled that on Planning Commission, they are bringing on veteran members who have been past chairmen. This will bring stability to the Planning Commission. He appreciates them stepping up. Shute appreciates the fact that the city is moving forward with the enforcement mentioned earlier. He said again, the Independence Day celebration on July 4<sup>th</sup> will be special. Performers include Big Time Grain Company, and David Nail is the main act. Director Bruce mentioned other performers Love and Theft and Dylan Carmichael. Shute said there are other activities as well: zip line, bounce houses, vendors. They would love to see a huge crowd. Bring family and friends from out of town. He believes 2/3<sup>rd</sup> of the attendees last year were from out of town. It brings people to our community, they spend their money here. It's a real showcase for our community, and it's just the start of the summer and fall festival season. There's the Grand Slam beer and wine fest and the Smoke on the Trails events coming up. He appreciates the parks staff stepping up on these big events.

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**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 7:47 p.m.

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City Clerk