

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

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July 15, 2019

The City Council of the City of Gardner, Kansas met in regular session on July 15, 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, and Todd Winters. City staff present were City Administrator James Pruetting; Business & Economic Development Director Larry Powell; Utilities Director Gonzalo Garcia; Public Works Director Michael Kramer; Parks and Recreation Director Jason Bruce; Finance Director Matthew Wolff; Police Chief James Belcher; City Clerk Sharon Rose; and City Attorney Ryan Denk. Others present included those listed on the attached sign-in sheet and others who did not sign in. Council Vice-president 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. Proclaim July 2019 as Small Cities Month in the City of Gardner**

Mayor Shute read a proclamation recognizing July 2019 as Small Cities Month in the City of Gardner.

**PUBLIC HEARING**

**1. Consider holding a public hearing for the purpose of receiving comments regarding the 2019-2020**

**Revised Budget**

Councilmember Gregorcyk made a motion to open a public hearing for the purpose of receiving public comments regarding the 2019-2020 Revised budget.

Councilmember Moore Seconded.

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

Councilmember Moore made a motion to close the public hearing

Councilmember Winters Seconded.

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

**PUBLIC COMMENTS**

Juanita Paris, 256 N. Walnut –I'm here to talk about banning fireworks in the city. I know that the city gets revenue from fireworks, but is it worth the safety of children? Children were out in streets with big rockets and cars. Police were on my street 6 times telling people to stay back and stay out of the road, but as soon as they left it resumed. After it rained, the debris came down out of the gutters. I spoke with many others who also support a ban. I've been a resident since 1955, and this is the worst it's ever been.

**CONSENT AGENDA**

**1. Standing approval of the minutes as written for the regular meeting on July 1, 2019**

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- 2. Standing approval of City expenditures prepared June 28, 2019, in the amount of \$1,061,783.78; July 5, 2019, in the amount of \$187,174.33.**
- 3. Consider accepting the Pavement Preservation Grant Agreement between the Kansas Department of Transportation and the City of Gardner**

Councilmember Moore 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**

- 1. Consider accepting the dedication of right-of-way and easements on final plat FP-19-03 for Waverly Plaza.**

Councilmember Gregorcyk made a motion to approve the Planning & Zoning Consent Agenda.

Councilmember Moore Seconded.

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

**COMMITTEE RECOMMENDATIONS**

**OLD BUSINESS**

**NEW BUSINESS**

- 1. Consider authorizing the purchase and installation of new blowers as part of the Kill Creek Blower Replacement Program.**

Utilities Director Gonz Garcia stated that in a 2017 audit of the Kill Creek WWTP found that the current blowers are very inefficient. The replacement of the blowers with new efficient ones could offer up to 40% energy savings and is a 5 year payback. Staff secured three bids. All three bids were well above the original budget. The low bid was \$67,000 higher. Staff talked with lower bidder, and could not reduce the costs. Staff also noticed that all three bidders were bidding the same blowers from Inovair. Staff approached the blower supplier directly, and found they can purchase and install all three blowers for \$232,194. This quote is under the budgeted amount and is \$77,706 less than the apparent low bidder.

Councilmember Baldwin asked what is anticipated life span? Director Garcia said about 15 years. Councilmember Gregorcyk was going to ask the same question, and also do these come with any warranty? Director Garcia said they have a 5 year warranty. Councilmember Winters appreciates the staff follow up to secure a better price for the city. Mayor Shute said this is why they are the best in KC, they found the commonality and worked toward a solution.

Councilmember Gregorcyk made a motion to authorize the purchase and installation of new blowers as part of the Kill Creek Blower Replacement Program.

Councilmember Baldwin Seconded.

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

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**COUNCIL UPDATES**

Parks and Recreation Director Jason Bruce offered his thanks to all the staff who helped with the Independence Day celebration. They got a little behind with the rain, but recovered well. Mayor Shute said staff are gearing up for the next several events.

Utilities Director Gonzalo Garcia provided an update to council on the Hillsdale Water Treatment Plant expansion project. City Council awarded a contract for the design of a 2 MGD facility. The final costs are due by the end of July. The original design was for a 12 MGD plant, but due to space limitations, the joint venture Burns & McDonnell/CAS Construction is proposing a 3 MGD now, and future expansions. A Superpulsator clarifier has a smaller footprint, but costs twice as much, and the only manufacturer is Suez, so the city would be tied to one vendor. Most plants aren't using a pulsating clarifier, and staff doesn't want to get stuck with a technology not used anymore. The plan will go with a conventional clarifier. It will take four clarifiers to get to the 12 MGD, and will take more space. Currently, they will start with one. For an additional 20%, they will get an additional million. Staff expects a final number by the end of the month. One major challenge is the raw water line from Hillsdale Lake to the plant. There are no easements for the line. Part of the land belongs to the Corp of Engineers and the rest belongs to 15 private owners. City Attorney said they could use eminent domain, but the plant isn't in city limits. They would need to annex. Mayor Shute asked if annexing would happen quickly through the county. Bus & Eco Dev Director Larry Powell said yes, because the plant is in Miami County, everything would need to go there for review. He said they should have preliminary materials to move it forward. It will also require a public hearing and a representative from the city to explain the request. Director Powell says there does not appear to be any issues from the county, they just want more information, for example would we expand and need more land? They want to know that up front. Councilmember Winters asked if there was currently a water line. Director Garcia answered yes, there is a 6" line. Staff is making a secondary line for redundancy and to provide additional raw water. Attorney Denk clarified this is a bigger line. Councilmember Winters said we are following the same line. Attorney Denk said if the city goes in with the existing line and making repairs or replacing the line, we would have a conditional easement, but because we are expanding, the city would need easement. Director Garcia said the Corp of Engineers would want to do an environmental study. The plan is to have an additional 1 MGD by summer of 2020, and then total 3 MGD expansion by spring of 2021. Councilmember Baldwin asked if staff has run the numbers to see how this affects the rates out 10 years. Director Garcia said not yet, but once they get the final numbers from the engineers, staff will run those numbers.

Police Chief Belcher thanked everyone who came out to the Justice Center ribbon cutting. Communications Manager Daneeka Marshall-Oquendo did a great job organizing the event. Chief Belcher shared that staff will have an evening open house on July 25 from 7-9pm for those who were unable to make it during the day and want an opportunity to tour the facility.

Councilmember Baldwin thanked staff for the Independence Day celebration. Communication on the event was top notch.

Councilmember Moore also thanked staff for the Independence Day celebration. He got positive feedback from non-Gardner residents. They were very impressed with the display and the feeling they had from the community. They asked directly if Gardner is always that welcoming and friendly. He was happy to answer yes. Moore shared another topic; a family in the community is struggling. Jason and Julie Huen lost their lives in an accident and left behind 3 children. Moore said there are memorial funds set up at Arvest Bank. There are 3 funds, one for each of the funerals and a third for the children. This was an unprecedented tragedy, but is there support for dedication at an upcoming event, or donation from tickets sales? Mayor Shute said he will explore it. Moore asked if City Administrator Pruetting can work through this with staff? Mayor Shute said the community is hurting. Moore thought about dedicating the Mayor's Christmas tree. He said Jason and Julie were famous for their 20' Christmas tree. Mayor Shute said their thoughts and prayers go out to the family.

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Councilmember Gregorcyk said the dedication for Justice Center was phenomenal. It's a great facility. Every resident should be proud of it. He appreciates Daneeka and Belcher's team for putting that on. Gregorcyk also attended Hampton Inn opening. Several of the owner's family members were there, and that was good to see. They had a nice event.

Mayor Shute said there was great work on the ribbon cuttings. He heard how authentically happy everyone was in that room at the Justice Center, and how it manifested out to the whole building. If only they knew where those staff had come from. Glad to give the Police the home they deserve.

**EXECUTIVE SESSION**

**1. Consider entering into executive session to discuss matters of attorney/client privilege.**

Recess into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters related to advise of counsel covered under attorney-client privilege beginning at 7:33 pm; returning to regular session at 8:13 pm.

Councilmember Moore made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss advise of counsel covered under attorney/client privilege, beginning at 7:33 p.m.; and returning to regular session at 8:13 p.m.

Councilmember Winters Seconded.

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

Councilmember Gregorcyk made a motion to resume regular session at 8:13 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 recess into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss advise of counsel covered under attorney/client privilege, beginning at 8:14 p.m.; and returning to regular session at 8:44 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 8:44 p.m.;

Councilmember Baldwin Seconded.

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

**ADJOURNMENT**

There being no further business to come before the Council, on a motion duly made by Councilmember Gregorcyk and seconded by Councilmember Winters the meeting adjourned at 8:44 p.m.

City Clerk

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