

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

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August 05, 2019

The City Council of the City of Gardner, Kansas met in regular session on August 05, 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, Rich Melton, 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 Captain Lee Krout; 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.

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 HEARING

PUBLIC COMMENTS

Heath Freeman, 602 N. Walnut St. - I would like to see council direct staff to begin discussions with local government partners, especially the school district, to turn homecoming into more of a city event, with a parade or bonfire. Until now, the school district has been leaned upon to do this, and they've done what they can, but I'd like to see the city get more involved. We've had some tremendous success over the past decade so as a city. Those quality of life small town events, we've become amazing at those. I'd like to see that carry over into the homecoming event. It's too late for 2020, but I'd like to see that as part of the 2021 budget process. If there's a need for a citizen committee, I would volunteer my time to be on a committee. One of the things that helps us shine is the fact that we are a one high school town, and Blazer pride can shine all the way. I'm also going to give the same spiel to the school district because it's important to me. We need to maintain what we see in the surveys, that small town feel that makes people move to Gardner. Even though we're still part of JoCo, one of the things that makes us unique is that one high school. In addition, in reaction to the fair, I would like the city as a whole to have more assertive education and information sharing about the fair. There were some facebook posts, but they were day-of. I'd like to see that start a little further ahead and engage that, because it brings so many individuals to town. You do see many in the area unaware that we host the fair every year. Talking about how proud we are to host that incorporated into our website, into the calendar with links, some of those things we aren't doing now, and use our email channels and social media platforms to do that.

Dennis Watson, 670 S. Mulberry - My wife and I are new residents of Gardner of the past 2.5 years. We've been residents of Johnson County for 40 years. It's been my pleasure to do business in this town often through all those years. We are pleased to be in this town, and are excited to watch the process of the city. We are part of group that prays for city on a regular basis, for the operation of the city council and all the administration and employees, especially those first responders. We are just glad to be a part of this city, and thank you for what you do.

Todd Chappell, 29410 W. 153rd Terr, Gardner Lake – I'm speaking about item on the agenda, #7, the purchase of the tracts of land between my property and the water. I've been in discussion with Mr. Kramer this afternoon, and all the way back to June when I began this process to purchase that piece of land. I've gone through all the steps per our original agreement. The item of concern was when I saw the verbiage for what's being brought forth

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tonight. There is a new article, 4, that talks about annexation of additional property that was added in, it was not part of the original discussions or agreements that we've had. It's raised a lot of concerns in our community, certainly as a property owner that raised concerns for me, as a full understanding of just this simple purchase if I'm giving up any rights. Mr. Kramer said he would be addressing that with council tonight and with legal. I do have some significant concerns regarding that. I love living in Gardner. I stay active and keep the lake clean, use my tractor to pull trees out of the dam to help out, but I am concerned about giving up any rights on that, and would ask that the verbiage be removed, at least for myself.

Jan Pringle, 15271 Lake Road 1 – I'm speaking on same issue as Mr. Chappell. Mr. Mayor, I remember at this spring's Gardner Lake Association general membership meeting, you appeared to talk to us briefly about being friendly and establishing good relationships, but then we discover there's something slipped into page 63 of the agenda talking about the homeowners – just in order to buy that parcel of land and improve their lives and the property – literally being forced to agree to annexation by the city. For something like that to suddenly appear, that just doesn't look all that friendly. I'm afraid relations with the lake have been set back immeasurably. We just happened to notice that, thank goodness, so we can have our say about this. I can't think this is what you could call consent to annexation, it sounds like extortion, forcing them to agree to annexation. You already know how the people at the lake feel about annexation. They don't want to be annexed by the city. They've made that clear. We've been perfectly happy in unincorporated Johnson County. Not that we don't love the city of Gardner. We do all our shopping here, spend money here, pay taxes, but we have been happy in unincorporated JoCo. They've been good to us. They've always dealt with us respectfully and with transparency. And now we're going to be forced to be annexed by the city, again it's more like extortion to force them to do that to by that slip of land. You already have the 10 foot easement around the lake, I don't know what more you could want. We have to consider that the City Administrator receives a bonus to his compensation for annexing land, and this make the whole idea look incredibly suspect. If it's annexation you want, this isn't the way to go about it. I'm speaking on behalf of many people at the lake who think you should abandon this idea. It's going to cause problems and a patchwork of ownership.

CONSENT AGENDA

- 1. Standing approval of the minutes as written for the regular meeting on July 15, 2019**
- 2. Standing approval of City expenditures prepared July 11, 2019, in the amount of \$1,241,690.44; July 18, 2019, in the amount of \$756,352.88; July 19, 2019, in the amount of \$786,857.17; and July 25, 2019, in the amount of \$266,051.80.**

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.

PLANNING & ZONING CONSENT AGENDA

COMMITTEE RECOMMENDATIONS

OLD BUSINESS

NEW BUSINESS

- 1. Consider approving the payments of the amounts included in the Order for Payment for the acquisition by condemnation of real property interest in fee simple for the use of the City of Gardner, Kansas, for public use associated with the city's use and operation of the Gardner Municipal Airport**

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Public Works Director Michael Kramer spoke on the acquisition of the Baker Tract on the east side of the airport, between Waverly Rd and the airport. Previous council action and ordinances authorized eminent domain proceedings. The court appoints three appraisers to submit a value. Within 30 days, we are required to submit funds as ordered in the appraiser's award. That property then becomes our property for use as described. There is an appeal process where either party can appeal that award. Kramer believes this is also a 30-day window. The total valuation for the property based on the appraisers is \$500,000, and \$9,900 in court expenses

Councilmember Melton asked for quick update on why we are doing this for the folks who are here for the first time. Director Kramer said this is to protect the east-west runway. Ultimately this is funded by the FAA, and this is the FAA's highest priority project for our airport. We must move forward with this prior to any other project. This allows us, in the future, to move that runway south slightly and expand the buildings at the airport. City Attorney Ryan Denk clarified that the piece we are required to obtain is in the runway protection zone. The FAA regulation dictate that if it's in runway protection zone, RPZ, it's not sufficient anymore to have an easement over that. We actually have to own it in fee simple, which is what this is. Councilmember Moore said the reason it's a runway protection zone is to prevent the landowner from building a structure that could interfere with the approach path of an aircraft.

Councilmember Gregorcyk asked if mineral rights go with this, or remain the ownership of the original landowner. Director Kramer said there was a very old oil/gas lease, which was part of the condemnation case and will no longer be in effect. City Attorney Denk confirmed that when you acquire a property in fee simple, you get the mineral rights as well. The old oil and gas lease on that property was in the 1940s, but the way the lease was termed was that it was good for a period of three years or until the reserves are spent or oil and gas production expired. No one can remember oil wells or gas production on that site ever, so we consulted with the title company and they were of the opinion that it had expired. To be safe, we went ahead and condemned that interest.

Councilmember Moore made a motion to approve the payments of the amounts included in the Order for Payment for the acquisition by condemnation of real property interest in fee simple for the use of the City of Gardner, Kansas, for public use associated with the city's use and operation of the Gardner Municipal Airport.

Councilmember Melton Seconded.

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

2. Consider adopting a resolution determining the intent of the City of Gardner, Kansas, to enter into a lease-purchase agreement to finance the acquisition of real property, authorizing the solicitation of bids for lease-purchase financing and evidencing the intent to finance the acquisition of land with federally tax-exempt debt

Director Kramer presented this to allow the Finance Department to seek lease bids and finance the payment until such time as the airport grant is closed and we can receive funds back to pay it off. Mayor Shute clarified this is stopgap funding or bridge funding. Finance Director Matthew Wolff clarified that when we get grant proceeds back, it will go back to reimburse for eligible project costs, like land acquisition and some of the professional service fees. The interest on the debt service and costs of issuance will be straight from the airport fund.

Councilmember Moore made a motion to adopt a resolution determining the intent of the City of Gardner, Kansas, to enter into a lease-purchase agreement to finance the acquisition of real property, authorizing the solicitation of bids for lease-purchase financing and evidencing the intent to finance the acquisition of land with federally tax-exempt debt.

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution 2028.

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

3. Consider adopting an ordinance authorizing the issuance of general obligation bonds in an amount not to exceed \$25,250,000 to pay the cost of an expansion to the Hillsdale Water Treatment Plant, all pursuant to Charter Ordinance No. 12 of the City of Gardner, Kansas

Finance Director Matthew Wolff recommends adopting this ordinance authorizing the issuance of general obligation bonds in an amount not to exceed \$25,250,000 to pay the cost of expansion of the water treatment plant. These improvements will allow for an additional 3 million gallons per day (MGD) of water to be treated at the plant. This will help accommodate the city for future growth and current development projects. Staff brings this authorization tonight for transparency. The contract will follow in coming months, but our budget, the next agenda item, basically assumes that you will be entering into a contract later this year. This project was originally scheduled for 2021, but at council's direction, it was moved to 2019. We have to encumber the entire contract this year and at year-end account, we will see the water fund go negative. This is allowed under Kansas budget law and cash law as long as we have a debt financing plan in place. I wanted this to come before budget approval. The city will go negative at the end of this year in the water fund, the bond proceeds will come in next year, and at the end of 2020 we will have a healthy fund balance.

Councilmember Baldwin asked Utilities Director Gonz Garcia if they ever got a number that if they just went with 2 MGD was going to be \$17 million. Director Garcia provided an update in previous meeting stating that due to the type of clarifier that was selected, they had to go on 3 MGD increments. The original cost for the 2MGD facility was \$21.5 million, because of clarifier chosen only goes 3mgd increments. Would have to go with a different clarifier.

Councilmember Melton made a motion to adopt an ordinance authorizing the issuance of general obligation bonds in an amount not to exceed \$25,250,000 to pay the cost of an expansion to the Hillsdale Water Treatment Plant, all pursuant to Charter Ordinance No. 12 of the City of Gardner, Kansas

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance 2619.

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

4. Consider adopting an ordinance adopting the Fiscal Year 2020 Budget

Finance Director Wolff reminded council that last year they adopted the 2019 budget with concurrent conditional adoption of the 2020 budget. Although the city prepared a biennial budget for 2019 and 2020, Kansas law requires annual budget approval. The proposed 2020 budget was presented to council on June 17th and on July 15th, we

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held the statutorily required budget hearing, which was held in compliance with Kansas statutes. The budget is structurally sound, which was represented by the adequate reserves in both tax levy funds and utility funds at end of year 2020. Projected end of year 2020 general fund balance is 23%. The budget provides continued service for excellence and infrastructure needs for our residents and businesses while preparing for long-term growth. It balances fiscal stewardship and strategic positioning. It includes a water rate increase of 3.7% in 2020. There is no mill levy increase. The estimated FY 2020 mill levy is 20.720, same as FY 2019.

Councilmember Melton made a motion to adopt an ordinance adopting the Fiscal Year 2020 Budget.

Councilmember Moore Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance 2620.

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

5. Consider adopting a resolution approving the issuance of revenue bonds by the City of Olathe, Kansas to finance facilities located within the corporate limits of the City of Gardner, Kansas.

Olathe Medical Center has asked the City of Olathe to issue revenue bonds to finance certain healthcare facilities, not only in Gardner or Olathe and in Miami County. To streamline the project, they want to do it all through the City of Olathe. These are industrial revenue bonds, so they won't be on our books. It's easier for them to go through on entity rather than multiple entities. Staff and bond counsel recommend approving the resolution.

Mayor Shute asked if the reason we have to issue approval for bonds being issued by Olathe is because the actual construction is taking place within the corporate boundaries of Gardner. Director Wolff confirmed it's being built in the corporate limits of Gardner, and by Kansas law, they have to ask us for permission. Councilmember Gregorcyk said if we had business interests in Olathe, we could ask them, Mayor Shute said not us, but a developer.

Councilmember Melton made a motion to adopt a resolution approving the issuance of revenue bonds by the City of Olathe, Kansas to finance facilities located within the corporate limits of the City of Gardner, Kansas

Councilmember Gregorcyk Seconded.

With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution 2029.

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

6. Consider approving revisions to the policy for property sales at Gardner Lake authorizing the City Administrator to sign Quit Claim deeds for future sales conforming to the policy, and authorize the Mayor to sign the Declaration of Easements, Covenants, Conditions and Restrictions to be attached to the property sales

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Public Works Director Michael Kramer explained the reason he created the document for approval, which is the declaration of easements, covenants, conditions and restrictions is to clean up the process and ensure those restrictions move forward with the property. Prior to this, they were very simply stated on the quitclaim deed. We believe it was sufficient to move forward and protect those property interests in the future on sales that have occurred, but this will ensure that those would survive with future property sales. The restrictions are no fences over 4 ft, no structures such as sheds and gazebos higher than 10 ft or with a footprint larger than 120 sq ft, 10 ft easement at the water's edge for use by city employees and fulfilling duties related to the lake. Based on the Nov 5, 2018 council meeting, we talked about adding a consent to annexation. It doesn't mean immediate annexation for the property, but if the city should move to annex in the future, the property owner cannot oppose annexation. This is typically done with other municipalities when they dispose of excess property. Clarification is in Article 4.1 of the covenants and deed restrictions. Kramer said he believed that was added to create that consent to annexation, and it's not. That article is dealing strictly with eh covenants and restrictions and properties being added to those covenants and restrictions – not annexation to the City of Gardner proper. Should the city want to have that as a requirement, there's a separate form that's a consent to annexation that would be included as another exhibit.

City Attorney Denk said by way of background, these covenants, easements, conditions and restrictions are kind of like subdivisions. The developer will file the covenants and restrictions when they develop the first phase. They'll have a clause like what's in 4.1 here that if they add additional real property to the subdivision, the developer has the right to add property to the covenants and restrictions. That's the model I used. We looked at all of the city owned property and it's a mess. We own the lake; we sold different parcels out over time. To pay a surveyor to prepare legals for city owned properties, you'd be spending a lot of money. This concept is that we would have a master declaration of easements and restrictions, and as we sold these parcels off, we would add the parcels we're selling off into the master covenant. This is not a consent to annex into the city. Through this clause, you're acknowledging that the covenants, easements and restrictions apply to the property. Additional properties may be added as we go down the road. Article 4.1 doesn't say anything about the annexation of the city, it says 'may be annexed to and become subject to this declaration'. This clause doesn't provide for dictate annexation into the city.

Mayor Shute said this is why the consent is filed with the JoCo Register of Deeds and not with the City of Gardner. Annexation of real property into the city would require a consent form to be filed with the City and not with the Register of Deeds, so this has to do with restrictive covenants and not with city annexation. That needed to be made clear because they used the term 'annexation'. When people see 'annexation', they think annexation into a city, but in this case it's just to annex into the restricted covenant arrangements with all the other properties that are also being held to this agreement. Councilmember Winters ask if we should re-word the article. Attorney Denk said no. Councilmember Melton said it doesn't say Gardner in it, so you can't enter into something generically. It would have to spell out where it would be annexed to. Mayor Shute said it reads annexed into the declaration. Denk defined annexation as to add land to a greater mass.

Mayor Shute said this explains the issues that folks at the lake might have had because they thought this was a sneaky way to annex them into the city, but that's not the intent. The intent is to make our covenants consistent. Director Kramer said we have discussed previously requiring a consent to annexation, and he did believe that's what this meant and completely misread it. If council wishes to require that, it would require a completely separate document.

Todd Chappell commented that he appreciated the clarification on that, and it's part of record. When he started the process, he knew there would be restrictions on there. He understood there to be easements, but he thinks the wording is poor. It may be boilerplate from other contracts, but it concerns him as a property owner. It's very vague the way it's spelled out. He recommends rewording it, but as long as they are clear that he's not giving up his rights to his existing property. He's already paid for surveys, and saved money to buy the lot and everything is done.

Councilmember Baldwin asked if the restrictions in listed in item 5 were based on past precedent. Director Kramer said yes, back in 2011 this policy was developed that included what the restrictions would be and set the sale price

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on the properties. Those restrictions haven't changed. Councilmember Baldwin asked how we define an easement when the water's edge moves based on how high the water table is at the time. Kramer said it's defined from the normal pool elevation.

Mayor Shute revisited what Mr. Chappell said about the wording of article 4.1 of the agreements, and asked if there is anything we can add to the end of it that says this section in no way binds the applicants to any formal annexation to parts of a city. Councilmember Baldwin asked if the lack of the additional form already doing that. Mayor Shute said that's a clarification because that's not said in here so people are assuming it does. Councilmember Baldwin said we just laid that out here. Councilmember Melton said we just clarified that. You don't want to add any more to it confuse future property owners. Attorney Denk said it doesn't say it's annexed into the corporate limits of the City of Gardner, Kansas. It's annexed to this declaration. Even if we were to say annexed to the City of Gardner, Kansas, it would be ineffectual because that doesn't follow the proper process, it would not have the legal compliance, it wouldn't go through all those steps for annexation. Councilmember Winters said article 4 makes sense, but he was looking at the summary initially that's what was contested, and now it seems more clarified. Councilmember Gregorcyk asked if Attorney Denk was comparing this to an HOA set of rules and guidelines for a neighborhood. Attorney Denk did so by analogy. Gregorcyk said with that in mind, it would be based on a new neighborhood. Attorney Denk said there are circumstances where this has been done, but they'd have to go back and get 100% consent of everyone. This declaration will not be filed on any property that is not city owned. We're not going back in time and apply these covenants and restrictions to parcels. Councilmember Gregorcyk said he received many phone calls that people were concerned that this would be in arrears versus moving forward. Mayor Shute said that would be the 95 parcels already sold. Denk said the declaration executed by the mayor today, if you read the whereas clause, it's forward looking. It talks about the property that the city owns presently, not about the land we've sold in the past. It doesn't purport to apply the covenants and restrictions to those, and for covenants and restrictions to have legal effect they have to be filed with the Register of Deeds as against the legal description of the property. In this case, we are only filing these with the next agenda item with the quitclaim. Councilmember Gregorcyk said he would give his interpretation of 4.1 after reading it: "such annexation may be effectuated by a written consent filed with the Johnson County Register of Deeds to be bound by this declaration". Gregorcyk interpreted this as the landowner would ask to be annexed. Attorney Denk confirmed, the next agenda item are the quitclaim deeds, along with the entire packet that's attached, exhibit A is the legal description, exhibit B is the covenants and restriction, and exhibit C is the consent. The mayor will only sign this once. By the consent, they are agreeing that their property will be bound in perpetuity, meaning the former city owned property on the lake, will be bound by the covenants and restrictions. Councilmember Gregorcyk further clarified that anyone at Gardner Lake has no cause for heartache about annexation. Attorney Denk confirmed, subject to what Director Kramer said earlier about direction from the governing body. We are not going to unilaterally annex anybody into the City of Gardner who doesn't want to be. The only parcels talking about the annexation or removing an element of consent for these city parcels that we may sell in the future, but that's a policy decision council has to provide. Jan Pringle said prior conveyances are fine, they're exempt from that, but for future the city could say they won't sell a parcel unless the buyer agrees to come to annexation. Denk said that's what Kramer said earlier, and that the policy decision, so there's the possibility that the condition of the sale of city owned property would be conditioned upon consent to annexation. That was the guidance that was received in the past. Ultimately it's up to this governing body whether they want to condition the annexation. Ms. Pringle said that's the problem. Mayor Shute said there's no problem, because they haven't discussed that. He has already instructed staff to not require annexation of anyone at Gardner Lake. Ms. Pringle said it's on record. Mayor Shute said yes, it's on record and he'll vouch for it. Councilmember Moore said that's only good for this current governing body.

Mayor Shute said they've had productive discussions with Larry Desmarteau and the Gardner Lake Association. He understands the relationship they have is unique. They want to cultivate a better relationship and intend to be wholly transparent with any discussions regarding annexation, now and in the future. If an individual doesn't wish

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to be annexed, they are not required to annex. No one will be forcibly annexed in this city as long as Shute is mayor.

Councilmember Winters made a motion to approve revisions to the policy for property sales at Gardner Lake authorizing the City Administrator to sign Quit Claim deeds for future sales conforming to the policy, and authorize the Mayor to sign the Declaration of Easements, Covenants, Conditions and Restrictions to be attached to the property sales

Councilmember Melton Seconded.

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

7. Consider authorizing the sale of three properties at Gardner Lake and authorizing the City Administrator to execute the Quit Claim deeds

Director Kramer said this was pretty much covered in the last item. By council authorizing the City Administrator to do the sales, this item is a moot point There are three property sales pending. They have completed their surveys and recorded them.

Mr. Chappell asked for clarification if Article 4.1 could be removed from these three sales. Attorney Denk said no, Article 4.1 stays in because it's consent to annex the properties to the declaration in the covenants and easements, and not to the City of Gardner.

Councilmember Melton made a motion to authorize the sale of three properties at Gardner Lake and authorizing the City Administrator to execute the Quit Claim deeds

Councilmember Moore Seconded.

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

COUNCIL UPDATES

Police Captain Lee Krout said they finished another successful fair week. The parade went well. He thanks all the departments for their help.

Business & Economic Development Director Larry Powell has been working with developers on Plaza South, Tuscan Farms, and Waverly Plaza. These developments are going through financial reviews. Items will be brought before council in the coming weeks. Tuscan Farms is completed as far as the benefit districts are concerned and the money has been received, but they are waiting on a review of the sewer project and engineering.

Public Works Director Michael Kramer expects Gardner Lake spillway plans soon. Staff will review in house and then send to the state for review. Staff made some changes to the airport sewer plans to ensure the connection to the restroom could be paid for through the grant process and he expects to go out for bid soon.

Parks Director Jason Bruce said staff are gearing up for the Gardner Grind adventure race next weekend. 8am start, 15+ obstacles, a DJ, snacks, event shirts. It's a family friendly event. They hope to see a lot of people there, August 17 at Celebration Park.

Utilities Director Gonz Garcia updated council on Senate Bill 69. It's alive and well. The legislative coordinating council hired a firm to conduct the first phase of the electric study for the entire state of Kansas. Gardner is the 3rd largest municipal electric utility. The cost for the first phase is around \$309,000. Mayor Shute asked if the city is expected to absorb that cost. Garcia said he doesn't have all the details, but the city is expected to contribute to

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that study, but he doesn't have the exact amount. Garcia received a letter from the KCC requesting information needed to provide within 7 days, but it's fairly simple, they only want one number. Garcia will keep council up to date on how these rate studies go. Mayor Shute asked how the city is doing on water usage right now. Garcia said last year we were at 2.5MGD with water restrictions, and this weekend we were at the same level with no water restrictions. He said it's a combination of weather and rain.

Councilmember Gregorcyk enjoyed the fair and offered thanks to the men and women who kept us safe. He sent an email to Director Kramer regarding asphalt in curbs. They are all tired of failing curbing. Could they asphalt the gaping holes in front of driveways? He knows of a certain curb that was audited 3 years ago, and it's still not replaced. Moving on, can City Administrator Pruetting get him the meeting minutes from last Planning Commission meeting on Tallgrass Properties? Director Powell said the draft of minutes will be available soon. They are written, but under review. Gregorcyk said Divine Mercy got permission to build new house on the southeast corner, but somehow they moved it east, and now blocks access to community garden. Can they gain access from the east, through ball field parking lot, or the other option would be to swing around the house? Mayor Shute asked if there was a gate there at one time. Director Powell said the fence on the parking lot is permanent, never been gated. This item was discussed heavily at Planning Commission. The PC made attempts to ensure access to the gardens. At the time, a request was made to go through the ball park property, but from a liability standpoint, it was decided the risks were too great. They have plenty of room to swing that driveway around the other side. If they come off the existing driveway that comes to the west side of the structure, there's room to go past the house and connect to the original road. That's the solution the PC gave approval for at the construction of that facility. It was originally moved over to make room for the extra garage.

Councilmember Melton liked Heath Freeman's idea for next year, and he'd like staff to follow up on that. He also offered thanks for everyone's help with the fair and parade. Melton said it's awesome when he was out to see lots of people from out of town. He is trying to figure out how the city can get the county to do more to promote the county fair. There's talk about how much we see in Gardner, but the county does very little. There was no mention of it at the county commission meeting. The county as a whole doesn't buy in. We have always seen Gardner schools, but no other schools come in from any other cities. But it was a great time, was glad to see everyone out.

Councilmember Moore shared what could be possible for aviation for Gardner. He spent time in Oshkosh, WI, during a 50th anniversary of a fly-in. People from all over the world flew in to Oshkosh. It's a small town, only 3x the size of Gardner with 66,000 people. More than 10,000 planes will fly there, people camp with their planes, drive in with RVs. This year they had 642,000 people attend, and staffed by 5500 volunteers. They held 1500 workshops and forums for people interested in building planes. The economic impact was \$170 million this year, and this event happens annually. This is why this airport is important to the city. It won't necessarily get to that scale because of neighboring houses and warehouses, but New Century could handle something like that. Also, been riding a bike recently for a fundraiser, and noticed the condition of our streets is horrific in a lot of places. Even roads that have recently been chip sealed, the chip seal is in good condition, but the underlying surface is cracked and uneven and broken. To continue what Gregorcyk mentioned, it's not just the curbs. There are serious problems with the streets. There's going to be a sunset to the existing sales tax, so we need to be thinking about how we're going to budget for the upkeep of these streets. The number's been somewhere between half a million and \$600,000 a year to properly maintain the streets. Mayor Shute reminded that the more streets are built the more that number grows. Shute said this is a discussion that will have to take place in the next six months to start preparing. They don't want to wait until six months before the sales tax expires and it becomes an emergency. Decisions made in reactionary mode are usually not good decisions. They need to be proactive.

Mayor Shute shared kudos to city staff and the fair association for a tremendous event. The attendance was good; the weather helped. The parade had a record breaking number of floats this year. Kudos to Jason Camis, Chamber of Commerce, for spearheading that and working hard to organize that in the last couple of years. His efforts are bearing fruit. Shute said there are a lot of things happening soon. A camera crew will be in town next week to do some shoots on Gardner. There are other potentially neat opportunities from a media perspective. They are building relationships with the Kansas City Business Journal and other entities, and building a closer

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relationship with our newspaper of record. He thanked Daneeka Marshall-Oquendo for her efforts. She's been working hard on a lot of projects.

EXECUTIVE SESSION

1. Consider entering into executive session to discuss matters related to pending litigation covered under attorney/client privilege.

Recess into executive session pursuant to K.S.A. 75-4319 (b) (2), to discuss matters related to pending litigation covered under attorney-client privilege beginning at 8:07 pm; returning to regular session at 8:17 pm.

Councilmember Melton 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 8:07 p.m.; and returning to regular session at 8:17 p.m.

Councilmember Winters Seconded.

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

Councilmember Melton made a motion to resume regular session at 8:17 p.m.;

Councilmember Baldwin Seconded.

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

2. 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 8:18 pm; returning to regular session at 8:48 pm.

Councilmember Melton 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 8:18 p.m.; and returning to regular session at 8:48 p.m.

Councilmember Baldwin 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 8:48 p.m.;

Councilmember Melton 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 8:48p.m.

City Clerk