

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

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August 17, 2020

The City Council of the City of Gardner, Kansas met in regular session on August 17, 2020, 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 Rich Melton, Mark Baldwin, Randy Gregorcyk and Tory Roberts. City staff present were City Administrator James Pruetting; Police Captain Lee Krout; Utilities Director Gonzalo Garcia; Public Works Director Michael Kramer; Finance Director Matthew Wolff; Parks and Recreation Director Jason Bruce; City Attorney Ryan Denk; Human Resources Manager Alan Abramovitz; and City Clerk Sharon Rose. Others present included those listed on the attached sign-in sheet and others who did not sign in. Council President Todd Winters was absent.

CALL TO ORDER

There being a quorum of Councilmembers present, Mayor Shute called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shute led those present in the Pledge of Allegiance.

PRESENTATIONS

PUBLIC HEARING

PUBLIC COMMENTS

Jennifer Smith, 648 S. Oak – She came to thank the Gardner PD for their work the past week and a half on Cherokee Street and truck traffic. Residents were happy they were there, and are appreciative of them. It's been a rough few weeks in Gardner, but she wanted to come say 'thank you' for everything the department does, and the fire department as well.

CONSENT AGENDA

1. **Standing approval of the minutes as written for the regular meeting on August 3, 2020.**
2. **Standing approval of City expenditures prepared July 31, 2020 in the amount of \$352,388.65; and August 7, 2020 in the amount of \$450,265.81.**
3. **Consider authorizing the execution of an agreement amendment with Phelps Engineering, Inc. to provide construction engineering services for the Plaza South Benefit District**
4. **Consider authorizing the execution of an agreement amendment with Phelps Engineering, Inc. to provide construction engineering services for the Waverly Plaza Benefit District**

Councilmember Melton made a motion to approve the Consent Agenda.

Councilmember Baldwin 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-20-07 for Breckenwood Creek 1st Plat**

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

Councilmember Melton Seconded.

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

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COMMITTEE RECOMMENDATIONS

OLD BUSINESS

NEW BUSINESS

1. Consider adopting an ordinance amending the City of Gardner’s Base Salary Structure-Fiscal Year 2019-2020

Human Resources Manager Alan Abramovitz shared a recommendation to create a Community Development Director position to coordinate the operations of the Business and Economic Development Department. This position will be utilized in lieu of the Director of Business and Economic Development. The individual in this position will be responsible for policy development, program planning, budget management, administration, and operational direction of the Planning and Community Development function. The incumbent will supervise the planning and zoning division as well as building inspection division. Responsibilities will include managing the objectives and goals within guidelines established by the City Administrator.

Councilmember Gregorcyk asked if there were any applicants for this new opportunity? Abramovitz said yes.

Mayor Shute asked if this is replacing the Business & Economic Development Director, so this is not an addition? Abramovitz confirmed this is not an additional full-time employee; it’s replacing an old FTE. Shute asked for clarification that the salary remains the same range? Abramovitz confirmed.

Councilmember Gregorcyk made a motion to adopt an ordinance adopting a revised City of Gardner Base Salary Structure – Fiscal Year 2019-2020.

Councilmember Melton Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2670.

Baldwin:	Yes
Roberts:	Yes
Winters:	Absent
Gregorcyk:	Yes
Melton:	Yes

2. Consider adopting an ordinance amending the Fiscal Year 2020 Budget

Finance Director Matt Wolff stated this item is a housekeeping item. When the Governing Body adopted the FY 2020 Budget at the August 5, 2019 Council meeting, they essentially set the expenditure authority for the City’s various funds for that budget year. Since then, they’ve created the Gardner Land Bank and entered into an agreement for the Main Street Marketplace TIF fund. This is an amendment to that budget, allowing the city to have some budget authority in those funds.

Councilmember Gregorcyk asked what projected revenues do they have with the Main Street Marketplace? Wolff said the TIF fund is getting the tax increment on the property tax improvement on the Price Chopper property. Whatever incremental value from when they established the base value last year and the value this year, the increment would go into this fund. Gregorcyk asked if staff had a number. Wolff stated it was in the budget book, which he doesn’t have in front of him, and staff will follow up with council.

Councilmember Melton made a motion to adopt an ordinance amending the 2020 Budget of the City of Gardner, Kansas.

Councilmember Baldwin Seconded.

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With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2671.

Roberts:	Yes
Winters:	Absent
Gregorcyk:	Yes
Melton:	Yes
Baldwin:	Yes

3. Consider adopting an ordinance adopting the Fiscal Year 2021 Budget

Finance Director Matt Wolff said although the City prepared a biennial budget for FY 2021-2022, Kansas law requires annual budget approval. The proposed FY 2021 Budget was presented to the City Council on July 6, 2020. On August 3, the statutorily required budget hearing was held in compliance with K.S.A. 79-2929. The proposed budget is structurally sound and has adequate reserves in both tax levy funds and the utility funds at the end of year (EOY) 2022. The projected EOY 2022 General Fund Balance is 24%. The budget addressed projected revenue shortfalls related to the COVID-19 pandemic with offsetting reductions in expenditures. It provides for continued investment in infrastructure to improve the quality of life for residents and support community growth. It balances fiscal stewardship and strategic positioning. It includes a water rate increase of 3.7% in 2021 to support the water treatment plant expansion project. There is no mill levy increase.

Mayor Shute said this is a formality. They are taking the 2021 portion of the budget and sending that to the state for the budget submittal for this year. Wolff confirmed this is formal approval of the 2021 budget and a preliminary or conditional approval of the 2022 budget.

Councilmember Melton made a motion to adopt an ordinance adopting the 2021 Budget 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 number 2672.

Winters:	Absent
Gregorcyk:	Yes
Melton:	Yes
Baldwin:	Yes
Roberts:	Yes

4. Consider adopting a resolution ending the water watch for the City of Gardner

Utilities Director Gonz Garcia said at the special council meeting on June 19, council approved a resolution declaring a water watch. Water consumption had exceeded the trigger limits in in five occasions. Over the past several weeks, the water consumption has been low. Current trends indicate they can end the water watch.

Mayor Shute appreciates diligence of residents to engage in water conservation measures. After they lift the water watch, he hopes everyone will continue to mindful of water usage across the city. It will save them money on their monthly water bills.

Councilmember Melton made a motion to adopt a resolution declaring the end of a Stage 1: Water Watch for the City of Gardner, Kansas, in accordance with Section 13.10.140 of the Gardner Municipal Code.

Councilmember Baldwin Seconded.

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With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2058.

Gregorcyk:	Yes
Melton:	Yes
Baldwin:	Yes
Roberts:	Yes
Winters:	Absent

COUNCIL UPDATES

Director Wolff stated that he had a typo in the budget CAF for the amended 2020 budget. He referenced the Main Street Marketplace TIF, but it is actually a CID. With the CID they started collecting the sales tax. Councilmember Gregorcyk asked if they needed to get that into the record. City Attorney Denk said the actual notice published appropriately references the CID. Denk said the ordinance adopts by incorporation by references the amendment, so if that's reflected in the intended budget, that is fine.

City Clerk Rose said she will send out an 8th application to the interview team for the Planning Commission and will begin scheduling interviews. Mayor Shute noted the interview team is Council Vice President Melton, Councilmember Roberts, and himself.

Director Garcia noted that installation of smart meters will begin August 31. Two weeks ago, Nexgrid installed 5 gateways out of 6 gateways that the meters will communicate with. The project should be finished by the end of this year or early next year. Mayor Shute said he's looking forward to the metrics they will get from that.

Director Bruce noted that, as of today, they are moving forward with fall sports. Things change every day, and staff looks at guidance and recommendations from state and county. Staff introduced an alternative fall baseball/t-ball/softball program today. There will be no registration fee up front. If fall sports are not canceled by September 7, then those registered will pay the registration fee that week. They have the potential for a six-week season. Mayor Shute asked about park upkeep, specifically a concern about grass growing up in the playground at Celebration Park. Bruce said they can look into it, but City Administrator Pruetting said they addressed it a few weeks back and it has been taken care of.

Mayor Shute asked Director Kramer about the Waverly project. Kramer said it is coming along. They changed phases and are working on Santa Fe, from Pear to 56, then they'll move on to sidewalks and other appurtenances. They aren't far from being able to open the road to through traffic. Shute said he's been asked about sidewalks on the west side of the street and when Waverly would be opened north of 175th. Kramer said Waverly north of 175th is open now; they opened it last week. Sidewalks on the east side of Waverly will be done as part of the Waverly Plaza development. The trail along 175th will be completed this fall. Kramer clarified that the Mayor was not asking about sidewalk extending west to St. Johns. Councilmember Baldwin said the sidewalks along Waverly were poured this week. Councilmember Melton asked if they are 5-ft sidewalks, Baldwin said they look 5-ft wide. Melton asked Kramer about ditches, they are steep and cause concern during wintertime. Kramer said west on 175th, the ditches will stay that way, but along Waverly those will be addressed with the project. City Administrator Pruetting noted they have had questions regarding the roundabout recommendation at Madison & Waverly. The city's consultant will provide a presentation with school district and fire department.

Councilmember Gregorcyk echoes Jennifer Smith's comments. He appreciates the commitment of Gardner PD provided to the area on Cherokee. He noted the statistics in the Friday minute memo and was pleased, and notes opportunities for education. Gregorcyk thanked Go Carwash for their investment to the community. Gregorcyk asked Director Bruce about the beer and wine fest, and credits from last year. Bruce said they are working on an alternative for that event. Once they have the details, they will issue credits and roll out the program for that.

Councilmember Melton said he asked Go Carwash about fleet deal, and received information that he's shared with the governing body. He'd like to ask staff to look into a fleet program for vehicle washing. When they replace

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some vehicles, they only have 50,000 miles, but are rusted through. If they had a fleet program that allowed them to wash cars weekly during the winter, the cars may last longer. Mayor Shute asked about current car washing. City Administrator Pruetting noted they tried this when he was the police chief, and the cost was exorbitant. They invested in a power washer and the officers clean them in the bay. He wasn't sure how other departments are handling it. Other departments do their own. Melton wanted to get the information out; the price is good and it's a question of labor cost, as well. Councilmember Baldwin would need to see the data first. Councilmember Roberts agreed. They are absorbing the costs now, and it's uneventful, so it may not be much money. She would need details. Councilmember Gregorcyk agreed. Baldwin said they could look at how often staff are washing. During wintertime, there may be downtime put toward labor. Melton referenced back to the last meeting when he brought up the Planning Commissioner, and that he also that he spoke with the paper. Melton noted that Gregorcyk asked the mayor and JP about Melton's involvements with the paper and asked why Gregorcyk didn't ask Melton directly. Gregorcyk stated he was following up on the comment last meeting where an email would be forwarded to the governing body, He got the email that was noted there were no more question. Melton discussed the budget and had heard that Gregorcyk told the mayor the budget process wasn't transparent. Gregorcyk did not recall saying that. He doesn't have much interaction with the mayor outside of meetings. Shute said there had been discussions in the past about a two-year budget cycle with priority-based budgeting. Shute said Gregorcyk had asked what kind of clarity they have. Gregorcyk asked why the mayor didn't ask the question, and Melton did. Shute didn't know Melton was going to bring it up. Gregorcyk said he would field any questions that the mayor has and he does not recall saying that. Gregorcyk noted he brings questions forward with the mayor and staff.

EXECUTIVE SESSION

1. Consider entering into executive session to discuss personnel matters of non-elected personnel

Recess into executive session pursuant to K.S.A. 75-4319 (b) (1), to discuss personnel matters related to non-elected personnel

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 7:30 pm; returning to regular session at 7:40 pm.

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 7:41 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 Melton and seconded by Councilmember Baldwin the meeting adjourned at 7:41 p.m.

City Clerk