AGENDA

GARDNER CITY COUNCIL

City Hall – 120 East Main Street -- Gardner, Kansas
Monday, September 20, 2021, 7:00 p.m.

*If you wish to provide written public comment regarding any items below by email, please provide them by noon on September 20, 2021 to cityclerk@gardnerkansas.gov. The meeting will be open to the public *

*Watch this meeting live on the City's YouTube channel at https://www.youtube.com/user/CityofGardnerKS *

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PRESENTATIONS

PUBLIC HEARINGS

PUBLIC COMMENTS

Members of the public are welcome to use this time to make comments about City matters or items on the agenda that are not part of a public hearing

CONSENT AGENDA

1. Standing approval of the minutes as written for the regular meeting on September 7, 2021
2. Standing approval of City expenditures prepared August 31, 2021 in the amount of $411,141.18; September 3, 2021 in the amount of $514,522.57; and September 10, 2021 in the amount of $437,533.95
3. Consider authorizing the execution of agreements to acquire right-of-way and easements for the US-56, Sycamore to Old US-56 Reconstruction Project
4. Consider authorizing the purchase of smart electric meters for new developments
5. Consider authorizing the execution of an amendment to the current engineering services contract with TREKK Design Group, LLC

PLANNING & ZONING CONSENT AGENDA

1. Consider accepting the dedication of right-of-way and easements on the final plat for Treadway Apartments

COMMITTEE RECOMMENDATIONS

1. Consider adopting an ordinance approving a rezoning from A (Agricultural) District to CO-A (Neighborhood Business) District for a 3.82 acre commercial development at Moonlight Rd and Woodson Ln

OLD BUSINESS

NEW BUSINESS

1. Consider adopting a resolution to formally adopt the Kansas Homeland Security Region L Hazard Mitigation Plan

COUNCIL UPDATES – Oral presentation unless otherwise noted

EXECUTIVE SESSION

ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Gardner will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact the City Clerk's Office at 913-856-0945 a minimum of 48 hours prior to the meeting.

RECORD OF PROCEEDINGS OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS
Page No. 2021 – 116
September 7, 2021

The City Council of the City of Gardner, Kansas met in regular session on September 7, 2021, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with Mayor Steve Shute presiding. Present were Councilmembers Todd Winters, Mark Baldwin, Kacy Deaton, Randy Gregorcyk, and Tory Roberts. City staff present were City Administrator James Pruetting; Deputy City Administrator Amy Nasta; Finance Director Matthew Wolff; Police Chief James Belcher; Parks and Recreation Director Jason Bruce; Community Development Director David Knopick; Public Works Director Kellen Headlee; City Attorney Ryan Denk; and City Clerk Sharon Rose. Others present included those listed on the sign-in sheet and others who did not sign in.

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

1. Proclaim the week of September 17-23, 2021 as Constitution Week in the City of Gardner, Kansas

Mayor Shute read into record a proclamation that the week of September 17-23, 2021 be known as Constitution Week in the City of Gardner, Kansas

2. Gardner Golf Course Update (Watch the full presentation here)

Mike Mallory, Gardner Golf Course manager, provided an update on the improvements made at the golf course. Great Life took over in 2018, and the golf course was in disrepair. They installed a new irrigation system in the first year. It was vital to the success of the course. They reseeded that fall. In 2019, they built a new green, leveled all the tee boxes, installed zoysia sod on the tee boxes, stripped zoysia into the fairways. Now they have 85-90% zoysia grass fairways. In 2018, they had 5000-5500 rounds. In 2019, it increased to 7500 rounds. In 2020, play increased to over 15,000 rounds. They are on pace to beat last year's rounds this year. They've built new tee boxes, improved the clubhouse, cleared trees, and cleaned up the shop area. They are working with city staff to cap old oil wells and move power lines across fairways. The main complaint they get are cart paths. Mr. Mallory provided a video illustrating the golf course features.

Councilmember Gregorcyk asked if there is any opportunity to use leftover asphalt from the streets project on the cart paths. Director Headlee said contract the asphalt, there isn't any spare. The city pays for the asphalt used. Gregorcyk asked if they have considered vision meetings to discuss the back 9 and clubhouse. Mr. Mallory said he is always being asked about the back 9. The city took a chance on Great Life. They draw people from surrounding communities. Councilmember Winters said he hears about the back 9 as well. The original discussion was get the first nine open and see how it goes. Mallory said tournaments are difficult to schedule. He also said three high schools participate at the golf course. They can only put so many people on the course at a time. Winters asked if putting back 9 in would be less expensive. Mallory said they need to meet with city staff to discuss vision for the back nine. They can't get enough water from the lake to be able to water 18 holes. Some amenities would need to be a partnership with the city and not just a lease. Mayor Shute said to do 18, they need broad community focus and offer amenities that would be used by the whole community. Mallory suggested bringing in an architect to see how the space can be used. Shute asked if Great Life would be open to having programming opportunities with Parks & Rec. Mallory confirmed. Councilmember Roberts took tour of golf course; they've done a lot of work. She gets questions about the back 9 and supports a visioning meeting. Mallory can schedule a site visit with council and staff. Shute asked staff to work on a schedule.

PUBLIC HEARINGS

1. Hold a public hearing to receive public input regarding the amendment of the FY 2021 budget

Councilmember Baldwin made a motion to open a public hearing to receive public input regarding the amendment of the FY 2021 budget.

Councilmember Winters Seconded.

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

No members of the public came forward.

Councilmember Deaton made a motion to close the public hearing.

Councilmember Baldwin Seconded.

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

NEW BUSINESS

1. Consider adopting an ordinance amending the Fiscal Year 2021 Budget

Finance Director Matt Wolff said the Governing Body adopted the FY 2021 Budget at the August 17, 2020 Council meeting. The governing body's approval of the annual budget sets the expenditure authority for the city's various funds for that budget year. To avoid a potential budget violation for the FY 2021 budget, a "housekeeping/technical" budget amendment is needed to increase expenditure authority for the Main Street Market Place Community Improvement District (CID) Fund. In compliance with K.S.A. 79-2929a, the proposed increase shall be balanced by previously unbudgeted revenues in revenue other than ad valorem property tax. The Main Street Market Place CID Fund is funded from CID sales tax generated by the Main Street Market Place CID. There is no additional mill levy associated with this budget amendment. The cause of the "housekeeping/technical" amendment is the carryover of CID sales tax that was generated in 2020 and the need to increase budget authority to be able spend the funds. Per the Main Street Market Place Development Agreement, the funds will be used to reimburse the developer for eligible project costs and the City for administrative costs.

Councilmember Deaton made a motion to adopt an ordinance amending Fiscal Year 2021 Budget.

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2717.

Baldwin:	Yes
Roberts:	Yes
Gregorcyk:	Yes
Deaton:	Yes
Winters:	Yes

PUBLIC HEARINGS

2. Hold a public hearing to receive public input regarding the City's intent to exceed the revenue neutral rate

Councilmember Gregorcyk made a motion to open a public hearing to receive public input regarding the City's intent to exceed the revenue neutral rate.

Councilmember Deaton Seconded.

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

Mayor Shute read into record an email received from Adrianna Meder, 32604 W. 171st Ct: "I am writing this email to you with questions and concerns I have regarding new business item #2 and following public hearing, ...'to increase the revenue net neutral rate for the 2022 budget.' Without more specific information, what basis for comments does the public have to make? Realizing more information will come in the just prior to discussion, AMMENDING the 2021 budget this evening, really doesn't allow for much time for the average tax paying citizen to digest the information and make a comment either for or against new business item #2. With the limited

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information supplied to date, perhaps priority based budgeting is causing the lack of clear numbers? Personally, I find this to be another method to fund the city using citizen tax dollars. This is an especially jagged pill to swallow, with the tax credit and other funding handouts given to developers recently. I appreciate your time and consideration on this important item this evening. Please remember the impacts this will have to the taxpayers, citizens of Gardner.

Councilmember Deaton 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.

NEW BUSINESS

2. Consider adopting a resolution of the City of Gardner, Kansas, to exceed the revenue neutral rate for the fiscal year 2022 budget

Finance Director Matt Wolff said Senate Bill 13 established new notification and public hearing requirements if the proposed budget will exceed the revenue neutral property tax rate. The revenue neutral rate is the mill levy required to raise the same amount of property tax as the prior year using current year assessed valuation amounts. The Johnson County Clerk calculated Gardner's revenue neutral rate for FY 2022 as 19.278. Staff originally proposed a budget that was based on a flat mill levy of 20.665. At a work session, council provided guidance to build the budget with a half mill decrease, or 20.165 proposed mill rate, which exceeds the revenue neutral rate. In compliance with Senate Bill 13 and House Bill 2104, the city published notice of the public hearing to consider exceeding the revenue neutral rate in the August 24th edition of *Legal Record* and on the city's website. Staff also published the full budget book on the city's website for citizens to review.

Councilmember Gregorcyk asked about the total cost of the VERF, and how would it operate. Director Headlee said the VERF proposed dollar amount is the yearly replacement cost of the city's vehicles and equipment aimed to centralize replacement. The city owns about $3.8 Million worth of vehicles and equipment. The program will take the total value, life expectancy, and intended replacement to get a yearly cost that would replace every vehicle and piece of equipment at its optimal time of replacement. Gregorcyk asked if the dollar amount changes year over year. Headlee said every vehicle or piece of equipment is replaced at its optimal time, and it would add up during the total life expectancy of each piece. Each vehicle pays for itself over time. Gregorcyk asked what the total cost of the VERF is. Director Wolff said annual transfers are about $389,000. Gregorcyk asked if that's a flat amount or would it change? Wolff said that's how it was designed for the first two years; staff are still evaluating how they will implement the program and bring it back to council before anything is spent. Gregorcyk said the VERF is about 1.25 mills. Wolff reminded the body that it's not all property tax; there are other funds involved. Mayor Shute said the point is to stay on regular maintenance and ahead of the curve. Gregorcyk noted the dump truck bed that was replaced would have come from VERF. Headlee confirmed; ancillary equipment assigned to vehicles is included in the cost. Gregorcyk asked if this is in conjunction with preventive maintenance plan. Pruetting confirmed. Winters asked if they will look at numbers every year and adjust accordingly. Headlee confirmed. The number will change every year. Wolff said there are governmental funds and enterprise funds. While they run it through VERF, for accounting purposes it will be shown as a transfer back to the department and the expense will come out of the department. Baldwin said it's good to be proactive. When evaluating the condition based on optimal replacement, there should be a plan if they can delay something two years if there are no issues. Headlee said if it is still in good shape, they will stretch it. Others may need to be replaced early. Gregorcyk asked about preventive maintenance tracking. Headlee said tracking has moved into Lucity.

Councilmember Winters made a motion to adopt a resolution levying a property tax rate exceeding the Revenue Neutral Rate for the City of Gardner, Kansas.

Councilmember Deaton Seconded.

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With all of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned Resolution number 2092.

Roberts:	Yes
Deaton:	Yes
Winters:	Yes
Baldwin:	Yes
Gregorcyk:	Yes

PUBLIC HEARINGS

3. Hold a public hearing to receive public input regarding the proposed FY 2022 Budget

Councilmember Baldwin made a motion to open a public hearing to receive public input regarding the proposed FY 2022 Budget.

Councilmember Deaton Seconded.

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

No members of the public came forward.

Councilmember Gregorcyk made a motion to close the public hearing.

Councilmember Baldwin Seconded.

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

NEW BUSINESS

3. Consider adopting an ordinance adopting the Fiscal Year 2022

Finance Director Matt Wolff said although the city prepared the Revised Biennial Budget for FY 2021-2022, Kansas law requires annual budget approval. On September 7, the statutorily required budget hearing for the FY 2022 Budget was held in compliance with K.S.A. 79-2929. The budget is structurally sound, as represented by adequate reserves in both tax levy funds and the utility funds at the end of year (EOY) 2022. Projected EOY 2022 General Fund Balance is 37%. They are running a small operational deficit that is intentional to spend down fund balance over time. There is a 0.5 mill levy decrease as compared to the 2021 mill levy rate. The estimated FY 2022 mill levy is 20.165; FY 2021 had a mill levy of 20.665. The budget provides for continued investment in infrastructure to improve the quality of life for residents and support community growth. It includes funding for 6.5 new full-time equivalent positions to help maintain vital public services as the community continues to grow in terms of both volume and complexity. It includes a planned water rate increase of 3.7% in 2021 to support the water treatment plant expansion project. There are no planned rate increases for the electric and wastewater utilities.

Councilmember Baldwin met with staff to discuss what the number would be if they spent down to 30% in 2022, and it would be 18.165. if they dropped it, they would have to bring it back up in a year or two.

Mayor Shute commended Director Wolff and the finance staff.

Councilmember Deaton clarified that passing this doesn't change doing reviewing the pay scales. Pruetting said they are beginning salary reviews.

Councilmember Baldwin would like to start rate study on electric in the next 6 months so that this time next year they can discuss. They continue to raise water rates and wastewater rates will be next. They overcharge for electric, so they can use that to give residents a reprieve.

Councilmember Winters made a motion to adopt an ordinance adopting the 2022 Budget of the City of Gardner, Kansas

Councilmember Deaton Seconded.

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With all of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2718.

Deaton:	Yes
Roberts:	Yes
Winters:	Yes
Gregorcyk:	Yes
Baldwin:	Yes

PUBLIC COMMENTS

No members of the public came forward.

CONSENT AGENDA

1. **Standing approval of the minutes as written for the regular meeting on August 16, 2021**
2. **Standing approval of City expenditures prepared August 11, 2021 in the amount of $572,915.74; August 13, 2021 in the amount of $20,949.45; August 20, 2021 in the amount of $953,405.95; August 20, 2021 in the amount of $30,000.00; August 24, 2021 in the amount of $151,925.00; August 27, 2021 in the amount of $3,463,610.92; and August 27, 2021 in the amount of $1,002.07**
3. **Consider authorizing the execution of a change order for the installation of ultraviolet disinfection system and non-potable water system as part of the Belt Press Replacement at Kill Creek Water Recovery Resource Facility**
4. **Consider accepting permanent easements for the Regency West development**
5. **Consider an appointment to the Citizens Police Advisory Committee**

Councilmember Baldwin made a motion to approve the Consent Agenda.

Councilmember Deaton 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

COUNCIL UPDATES

Director Wolff said staff received comments on information people would like to see about the budget. They are developing something in between the budget book and the one page infographic. Mayor Shute would like to see something with links that people can drill down in certain aspects.

Mayor Shute noted they appointed Kerri Kruger to the Citizens Police Advisory Committee.

Chief Belcher gave an update to commercial vehicle certification. Staff was notified from the Kansas Highway Patrol that the city secured three spots for officers in the winter class.

Director Bruce said the aquatic center is officially closed for the season. Bruce recognized Jordyn Lester for overseeing aquatics operations, and her pool managers, lifeguards and concession workers. They did a great job with staffing challenges. He also recognized maintenance staff for finding the pool break at the start of the season. The Smoke on the Trails BBQ competition is this weekend at Celebration Park. They have over 50 teams from three states competing. Councilmember Gregorcyk asked about Grand Slam tickets. Bruce said they have sold over 100 and tickets will remain on sale until the day before the event. Mayor Shute asked about the pool break. Bruce said they had very minimal leakage. They will have small repairs to make in the off-season.

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Director Knopick said there is an EDAC meeting tomorrow evening. They will receive a presentation on the airport business and economic strategy. The meeting is at 6pm in Council Chambers. Mayor Shute said they need to leverage city property and this presentation is a move forward. Knopick said the presentation primarily identify strengths and weaknesses and opportunities with the property.

City Administrator Pruetting thanked the governing body for working through the budget with staff. They set a baseline with this one because of Senate Bill 13.

Councilmember Roberts asked about the turn eastbound on Santa Fe turning right on to Main St. It was going to be reworked. Director Headlee said they are getting pricing from contractors. They have a design to increase the radius for trucks and move the curb back.

Councilmember Gregorcyk said he met with a resident on N. Center, north of Madison regarding truck traffic. Not including the two businesses, there is still a lot of truck traffic. There are new developments hauling rock, concrete, etc. How would they change that? Would the officers going to training be able to help with that? Chief Belcher said any officer can deal with truck route violations. The certified officers are authorized to inspect the trucks once they are stopped, but any officer can make stops on truck violations. Belcher said that area may need a more focused enforcement. Gregorcyk asked if the CBSA officers need additional equipment. Belcher said they have one vehicle that does inspections, and they have a quote for additional scales that would provide for two vehicles. Pruetting said Director Headlee is working with directors from the county and Edgerton to see how they can route trucks through the entire SW JoCo area. The next step is to work with the GPS companies. Belcher said officers will ask trucks when stopped how they got there, was it a GPS issue or signage issue, so that they know what areas to address.

Councilmember Deaton said the CPAC meeting is on Monday, Sept 13.

Councilmember Baldwin asked for an update on Waverly to Blazer Dr/172nd Terr. Director Headlee will review the schedule and provide an update. Mayor Shute asked if there were weather delays. Pruetting said the delay was the redesign of the roundabout at Madison and Waverly.

Councilmember Winters noted a delay on the US 56 project. Pruetting said every delay is the result of outside entities. They started on ROW as soon as they could, and started condemnation earlier than preferred. KDOT's October letting includes a 2-month contract time. They are now looking at a January/February start. Mayor Shute asked about the city funds paid to get the project moved into 2021. Will they get some back because of the missed deadlines? Pruetting is looking into it.

Mayor Shute thanked the finance staff for work on the budget and thanked parks staff for the pool season. Fall sports start soon. He encouraged people to visit the BBQ event this weekend.

EXECUTIVE SESSION

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Gregorcyk and seconded by Councilmember Baldwin the meeting adjourned at 8:05 p.m.

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City Clerk

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VEND NO / INVOICE NO	SEQ#	VENDOR NAME / VOUCHER NO	P.O. NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0000331	00	KDHE - BUREAU OF WATER							
C20 17210183121004510				00	08/31/2021	531-9100-491.71-01	BULL CREEK I	CHECK #: 110	78,264.28
C20 17210183121004511				00	08/31/2021	531-9100-491.71-02	BULL CREEK I	CHECK #: 110	13,228.62
C20 17210183121004512				00	08/31/2021	531-9100-491.71-03	BULL CREEK I	CHECK #: 110	1,377.98
C20 19560183121004513				00	08/31/2021	531-9100-491.71-01	BBCWWTP	CHECK #: 110	236,419.37
C20 19560183121004514				00	08/31/2021	531-9100-491.71-02	BBCWWTP	CHECK #: 110	72,954.09
C20 19560183121004515				00	08/31/2021	531-9100-491.71-03	BBCWWTP	CHECK #: 110	8,896.84
							VENDOR TOTAL *	.00	411,141.18
							HAND ISSUED TOTAL ***		411,141.18
							TOTAL EXPENDITURES ****	.00	411,141.18
						GRAND TOTAL	**********		411,141.18

VEND NO / INVOICE NO	SEQ#	VENDOR NAME / VOUCHER NO	P.O. NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0000350	00	AFFINIS CORP.							
8462		PI0476 007539		00	08/26/2021	130-3130-431.62-04	ADDENDUM 1	EFT:	4,793.98
							VENDOR TOTAL *	.00	4,793.98
0004197	00	AID ANIMAL HOSPITAL, INC							
420569		004517		00	09/03/2021	001-2120-421.52-20	VET SERVICES-ZEUS	75.52	
							VENDOR TOTAL *	75.52	
0004340	00	ALL CITY MANAGEMENT SERVICES INC							
71569		004530		00	09/03/2021	001-2110-421.31-15	CROSSING GUARDS	EFT:	584.22
							VENDOR TOTAL *	.00	584.22
0000566	00	AMERICAN TOPSOIL, INC.							
137132		004530		00	09/03/2021	501-4130-441.52-12	DIRT`	EFT:	33.00
137119		004518		00	09/03/2021	521-4230-442.52-12	PULV	EFT:	198.00
							VENDOR TOTAL *	.00	231.00
0001986	00	ANIXTER, INC.							
5045935-00		004519		00	09/03/2021	501-4130-441.52-31	WEDGE TAP CONNECTOR	EFT:	582.41
5047598-00		004520		00	09/03/2021	501-4130-441.52-31	TRANSFORMER	EFT:	1,922.33
							VENDOR TOTAL *	.00	2,504.74
0099999	00	BAGGENSTOSS, LESLIE							
000067015		UT		00	08/26/2021	501-0000-229.00-00	FINAL BILL REFUND	85.00	
							VENDOR TOTAL *	85.00	
0000064	00	BIG O TIRES							
016001-148890		004521		00	09/03/2021	521-4230-442.52-04	NEW TIRE	EFT:	49.49
016001-148890		004522		00	09/03/2021	531-4330-443.52-04	NEW TIRE	EFT:	49.50
							VENDOR TOTAL *	.00	98.99
0004441	00	BLUE EARTH LABS LLC							
21-3232		004530		00	09/03/2021	521-4220-442.52-13	CHEMICALS	EFT:	4,364.88
							VENDOR TOTAL *	.00	4,364.88
0000312	00	C & G MERCHANTS SUPPLY, INC.							
145219		004530		00	09/03/2021	001-2110-421.52-20	SUPPLIES	56.35	
							VENDOR TOTAL *	56.35	
0002321	00	CES							
OLA/002248-CR		004523		00	09/03/2021	501-4120-441.52-12	CREDIT FOR RETURN	EFT:	421.01-
OLA/002248		004524		00	09/03/2021	501-4120-441.52-12	CONDUIT	EFT:	421.01
OLA/057880		004524		00	09/03/2021	501-4120-441.52-12	CONDUIT	EFT:	87.20
							VENDOR TOTAL *	.00	87.20
0000429	00	CINTAS FIRE PROTECTION							
5074506652		004524		00	09/03/2021	521-4220-442.31-15	MONTHLY BILLING	EFT:	109.59
							VENDOR TOTAL *	.00	109.59
0001656	00	COHORST ENTERPRISES INC.							

VEND NO / INVOICE NO	SEQ#	VENDOR NAME / VOUCHER NO	P.O. NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0001656	00	COHORST ENTERPRISES INC.							
5044		004524		00	09/03/2021	521-4230-442.52-12	MOBILIZATION	EFT:	3,400.00
5029		PI0485	007751	00	08/17/2021	521-4230-442.43-08	WATERLINE RELOCATION	EFT:	43,000.00
							VENDOR TOTAL *	.00	46,400.00
0000072	00	CONSTRUCTION MATERIALS, INC.							
15800		004524		00	09/03/2021	521-4230-442.52-20	SHOP SUPPLIES	EFT:	79.26
							VENDOR TOTAL *	.00	79.26
0004644	00	CORE & MAIN LP							
P451439		004524		00	09/03/2021	521-4230-442.52-31	METER PIT	1,440.00	
							VENDOR TOTAL *	1,440.00	
0001557	00	DATCO, INC							
212478		004524		00	09/03/2021	001-2120-421.53-02	EMBROIDERY	57.00	
							VENDOR TOTAL *	57.00	
0004998	00	DELTA DENTAL OF KANSAS							
1005114202109		004524		00	09/03/2021	001-1120-411.21-01	MONTHLY BILLING	EFT:	101.76
1005114202109		004524		00	09/03/2021	001-1140-411.21-01	MONTHLY BILLING	EFT:	71.32
1005114202109		004524		00	09/03/2021	001-1150-411.21-01	MONTHLY BILLING	EFT:	20.44
1005114202109		004524		00	09/03/2021	001-1305-413.21-01	MONTHLY BILLING	EFT:	71.32
1005114202109		004524		00	09/03/2021	001-1310-413.21-01	MONTHLY BILLING	EFT:	223.96
1005114202109		004524		00	09/03/2021	001-1330-413.21-01	MONTHLY BILLING	EFT:	101.76
1005114202109		004524		00	09/03/2021	001-2110-421.21-01	MONTHLY BILLING	EFT:	325.72
1005114202109		004524		00	09/03/2021	001-2120-421.21-01	MONTHLY BILLING	EFT:	781.78
1005114202109		004524		00	09/03/2021	001-2130-421.21-01	MONTHLY BILLING	EFT:	20.44
1005114202109		004524		00	09/03/2021	001-3120-431.21-01	MONTHLY BILLING	EFT:	295.28
1005114202109		004524		00	09/03/2021	001-3130-431.21-01	MONTHLY BILLING	EFT:	163.08
1005114202109		004524		00	09/03/2021	001-6105-461.21-01	MONTHLY BILLING	EFT:	163.08
1005114202109		004524		00	09/03/2021	001-6120-461.21-01	MONTHLY BILLING	EFT:	193.52
1005114202109		004524		00	09/03/2021	001-7110-471.21-01	MONTHLY BILLING	EFT:	173.08
1005114202109		004524		00	09/03/2021	001-7120-471.21-01	MONTHLY BILLING	EFT:	122.20
1005114202109		004524		00	09/03/2021	501-4110-441.21-01	MONTHLY BILLING	EFT:	122.20
1005114202109		004524		00	09/03/2021	501-4120-441.21-01	MONTHLY BILLING	EFT:	193.52
1005114202109		004524		00	09/03/2021	501-4130-441.21-01	MONTHLY BILLING	EFT:	397.04
1005114202109		004524		00	09/03/2021	521-4210-442.21-01	MONTHLY BILLING	EFT:	50.88
1005114202109		004524		00	09/03/2021	521-4220-442.21-01	MONTHLY BILLING	EFT:	213.96
1005114202109		004524		00	09/03/2021	521-4230-442.21-01	MONTHLY BILLING	EFT:	153.08
1005114202109		004524		00	09/03/2021	531-4320-443.21-01	MONTHLY BILLING	EFT:	142.64
1005114202109		004524		00	09/03/2021	602-1340-413.21-01	MONTHLY BILLING	EFT:	152.64
1005114202109		004524		00	09/03/2021	604-1320-413.21-01	MONTHLY BILLING	EFT:	142.64
1005114202109		004524		00	09/03/2021	721-0000-202.03-08	MONTHLY BILLING	EFT:	4,686.03
							VENDOR TOTAL *	.00	9,083.37
0004096	00	DESIGN 4 SPORTS							
36764		004530		00	09/03/2021	001-6130-461.53-02	STAFF UNIFORMS	EFT:	938.00
							VENDOR TOTAL *	.00	938.00
0005136	00	EMERY SAPP & SONS, INC.							

VEND NO / INVOICE NO	SEQ#	VENDOR NAME / VOUCHER NO	P.O. NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0005136	00	EMERY SAPP & SONS, INC.							
PAY APP 1		PI0479	007752	00	06/30/2021	403-4330-443.62-10	CONTRACTED WORK	EFT:	145,759.41
PAY APP 1		PI0480	007753	00	06/30/2021	403-4330-443.62-10	CONTRACTED WORK	EFT:	44,592.83
PAY APP 2		PI0482	007752	00	07/31/2021	403-4330-443.62-10	CONTRACTED WORK	EFT:	153,667.41
							VENDOR TOTAL *	.00	344,019.65
0004946	00	EVERGY							
4469208877		0821004524		00	09/03/2021	521-4220-442.40-05	MONTHLY BILLING	46.34	
6466308678		0821004524		00	09/03/2021	531-4320-443.40-05	MONTHLY BILLING	39.15	
7011930732		0821004524		00	09/03/2021	531-4320-443.40-05	MONTHLY BILLING	363.57	
							VENDOR TOTAL *	449.06	
0002956	00	FASTENAL CO.							
KSKA3144597		004531		00	09/03/2021	501-4130-441.52-02	DRILL BITS	EFT:	6.52
							VENDOR TOTAL *	.00	6.52
0000086	00	GALLS, LLC							
019144886		004524		00	09/03/2021	001-2120-421.53-02	CUFF & MAGAZINE CASE	EFT:	47.94
							VENDOR TOTAL *	.00	47.94
0000028	00	GARDNER NEWS							
08210032		004524		00	09/03/2021	001-1130-411.31-15	EVENT ADS	EFT:	1,260.00
08210034		004524		00	09/03/2021	001-1140-411.46-05	CLASSIFIED AD	EFT:	330.00
							VENDOR TOTAL *	.00	1,590.00
0000095	00	GRAYBAR							
9323132509		004531		00	09/03/2021	501-4120-441.52-12	LIGHTING	EFT:	597.32
							VENDOR TOTAL *	.00	597.32
0000285	00	HARRISON MACHINE SHOP & WELDING INC							
57027		004524		00	09/03/2021	501-4140-441.63-73	METER COVER	EFT:	1,693.00
							VENDOR TOTAL *	.00	1,693.00
0004993	00	HARTFORD, THE							
362711188694		004524		00	09/03/2021	001-1120-411.21-02	MONTHLY BILLING	EFT:	22.90
362711188694		004524		00	09/03/2021	001-1140-411.21-02	MONTHLY BILLING	EFT:	12.20
362711188694		004524		00	09/03/2021	001-1150-411.21-02	MONTHLY BILLING	EFT:	3.08
362711188694		004524		00	09/03/2021	001-1305-413.21-02	MONTHLY BILLING	EFT:	9.16
362711188694		004524		00	09/03/2021	001-1310-413.21-02	MONTHLY BILLING	EFT:	20.37
362711188694		004524		00	09/03/2021	001-1330-413.21-02	MONTHLY BILLING	EFT:	12.24
362711188694		004524		00	09/03/2021	001-2110-421.21-02	MONTHLY BILLING	EFT:	30.56
362711188694		004524		00	09/03/2021	001-2120-421.21-02	MONTHLY BILLING	EFT:	125.40
362711188694		004524		00	09/03/2021	001-2130-421.21-02	MONTHLY BILLING	EFT:	4.58
362711188694		004524		00	09/03/2021	001-3110-431.21-02	MONTHLY BILLING	EFT:	9.16
362711188694		004524		00	09/03/2021	001-3116-431.21-02	MONTHLY BILLING	EFT:	4.58
362711188694		004524		00	09/03/2021	001-3120-431.21-02	MONTHLY BILLING	EFT:	36.64
362711188694		004524		00	09/03/2021	001-3130-431.21-02	MONTHLY BILLING	EFT:	25.98
362711188694		004524		00	09/03/2021	001-6105-461.21-02	MONTHLY BILLING	EFT:	25.98
362711188694		004524		00	09/03/2021	001-6120-461.21-02	MONTHLY BILLING	EFT:	29.06
362711188694		004524		00	09/03/2021	001-7110-471.21-02	MONTHLY BILLING	EFT:	18.32

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0004993	00	HARTFORD, THE							
362711188694		004524		00	09/03/2021	001-7120-471.21-02	MONTHLY BILLING	EFT:	9.16
362711188694		004524		00	09/03/2021	501-4110-441.21-02	MONTHLY BILLING	EFT:	16.82
362711188694		004524		00	09/03/2021	501-4120-441.21-02	MONTHLY BILLING	EFT:	21.40
362711188694		004524		00	09/03/2021	501-4130-441.21-02	MONTHLY BILLING	EFT:	45.43
362711188694		004524		00	09/03/2021	521-4210-442.21-02	MONTHLY BILLING	EFT:	4.58
362711188694		004524		00	09/03/2021	521-4220-442.21-02	MONTHLY BILLING	EFT:	25.98
362711188694		004524		00	09/03/2021	521-4230-442.21-02	MONTHLY BILLING	EFT:	32.14
362711188694		004524		00	09/03/2021	531-4320-443.21-02	MONTHLY BILLING	EFT:	27.48
362711188694		004524		00	09/03/2021	551-4520-445.21-02	MONTHLY BILLING	EFT:	1.13
362711188694		004524		00	09/03/2021	602-1340-413.21-02	MONTHLY BILLING	EFT:	13.74
362711188694		004524		00	09/03/2021	603-3150-431.21-02	MONTHLY BILLING	EFT:	4.58
362711188694		004524		00	09/03/2021	604-1320-413.21-02	MONTHLY BILLING	EFT:	30.56
							VENDOR TOTAL *	.00	623.21
0000201	00	HASTY AWARDS							
08210239		004524		00	09/03/2021	001-6110-461.47-53	MEDALS	EFT:	71.13
08210804		004524		00	09/03/2021	001-6110-461.47-53	MEDALS	EFT:	446.39
08210958		004524		00	09/03/2021	001-6110-461.47-53	MEDALS	EFT:	15.77
							VENDOR TOTAL *	.00	533.29
0002095	00	HDR ENGINEERING, INC							
1200279162-1		004524		00	09/03/2021	001-3130-431.31-15	TRANSPORT. MASTER PLAN	EFT:	1,853.13
							VENDOR TOTAL *	.00	1,853.13
0000481	00	HOLLIDAY SAND AND GRAVEL							
1500274888		004524		00	09/03/2021	117-3120-431.43-06	SPOILS	EFT:	71.50
1500274892		004524		00	09/03/2021	117-3120-431.43-06	SPOILS	EFT:	71.50
1500275313		004524		00	09/03/2021	117-3120-431.43-06	SPOILS	EFT:	143.00
1500275314		004524		00	09/03/2021	117-3120-431.43-06	SPOILS	EFT:	71.50
1500276268		004536		00	09/03/2021	117-3120-431.43-06	SPOILS	EFT:	71.50
1500276267		004536		00	09/03/2021	117-3120-431.43-06	SPOILS	EFT:	143.00
1500276537		004524		00	09/03/2021	521-4230-442.52-12	LAYDOWN YARD	EFT:	715.00
1500276541		004524		00	09/03/2021	531-4330-443.52-12	LAYDOWN YARD	EFT:	643.50
							VENDOR TOTAL *	.00	1,930.50
0004224	00	INNOVATIVE CONCESSIONS ENTERPRISES							
KCSER001054		004531		00	09/03/2021	001-6130-461.52-15	CONCESSION SUPPLIES	541.20	
							VENDOR TOTAL *	541.20	
0099999	00	JONATHYN JAMES CRONIN							
98689		004527		00	09/03/2021	001-0000-228.30-00	CASH BOND REFUND	3.00	
							VENDOR TOTAL *	3.00	
0002760	00	KA-COMM, INC							
180710		004531		00	09/03/2021	001-2120-421.43-05	EQUIPMENT REMOVAL	EFT:	425.00
							VENDOR TOTAL *	.00	425.00
0003416	00	KANEQUIP INC-TOPEKA							
QU2546		PI0478	007748	00	08/09/2021	521-4220-442.61-04	MOWER	EFT:	9,339.00

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0003416	00	KANEQUIP INC-TOPEKA							
							VENDOR TOTAL *	.00	9,339.00
0002671	00	KANSAS GAS SERVICE							
105962227	0821	004524		00	09/03/2021	001-6120-461.40-04	MONTHLY BILLING	51.19	
161419073	0821	004531		00	09/03/2021	501-4130-441.40-04	MONTHLY BILLING	51.46	
							VENDOR TOTAL *	102.65	
0000332	00	KANSAS STATE TREASURER							
SERIES 2021A		004532		00	09/03/2021	301-9100-491.75-00	REGISTRAR FEES	400.71	
SERIES 2021B		004532		00	09/03/2021	301-9100-491.75-00	REGISTRAR FEES	3,061.25	
SERIES 2021A		004538		00	09/03/2021	301-9100-491.75-00	REGISTRAR FEES	2,031.62	
SERIES 2021A		004532		00	09/03/2021	531-9100-491.75-00	REGISTRAR FEES	395.08	
SERIES 2021A		004532		00	09/03/2021	531-9100-491.75-00	REGISTRAR FEES	252.59	
							VENDOR TOTAL *	6,141.25	
0099999	00	KIEFER JAMES GROSS							
94506		004528		00	09/03/2021	001-0000-228.30-00	CASH BOND REFUND	25.00	
							VENDOR TOTAL *	25.00	
0001103	00	KUTAK ROCK LLP							
2917461		004532		00	09/03/2021	001-1130-411.31-15	LEGAL SERVICES	EFT:	493.00
2917462		004532		00	09/03/2021	108-1130-411.31-02	LEGAL SERVICES	EFT:	2,523.70
2917458		004532		00	09/03/2021	301-9100-491.75-00	2021A COI FEES	EFT:	1,202.13
2917460		004532		00	09/03/2021	301-9100-491.75-00	2021B COI FEES	EFT:	5,000.00
2917458		004539		00	09/03/2021	301-9100-491.75-00	2021A COI FEES	EFT:	6,094.85
2917458		004532		00	09/03/2021	531-9100-491.75-00	2021A COI FEES	EFT:	1,185.24
2917458		004532		00	09/03/2021	531-9100-491.75-00	2021A COI FEES	EFT:	757.78
							VENDOR TOTAL *	.00	17,256.70
0004949	00	LEGAL RECORD, THE							
L92475		004524		00	09/03/2021	001-1150-411.47-01	ORDINANCE	EFT:	3.93
L92548		004524		00	09/03/2021	001-1150-411.47-01	EXCEED RNR HEARING	EFT:	6.11
L92549		004524		00	09/03/2021	001-1150-411.47-01	21 AMENDED BUDGET HEAR.	EFT:	15.96
L92550		004524		00	09/03/2021	001-1150-411.47-01	BUDGET HEARING	EFT:	29.88
L92474		004524		00	09/03/2021	001-7110-471.47-01	ORDINANCE	EFT:	46.23
L92449		004524		00	09/03/2021	501-4110-441.47-01	SUB 4 RFQ ADVERTISEMENT	EFT:	31.92
							VENDOR TOTAL *	.00	134.03
0002979	00	LOCHNER, H W INC							
17520-3		PI0481	007681	00	07/28/2021	001-3130-431.31-10	PROFESSIONAL SERVICES	EFT:	1,927.00
17520-4		PI0484	007681	00	08/31/2021	001-3130-431.31-10	PROFESSIONAL SERVICES	EFT:	1,878.26
19067-4		PI0477	007682	00	08/25/2021	551-4540-445.61-01	LAND AQUISITION	EFT:	1,500.00
17796-1		PI0483	007679	00	08/25/2021	551-4540-445.61-03	PROFESSIONAL SERVICES	EFT:	2,136.16
							VENDOR TOTAL *	.00	7,441.42
0001122	00	MADDEN RENTAL							
7729		004533		00	09/03/2021	001-2120-421.52-20	RENTAL	EFT:	510.00
							VENDOR TOTAL *	.00	510.00
0000233	00	MAXIMUM LAWN CARE							

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0000233	00	MAXIMUM LAWN CARE							
15917		004534		00	09/03/2021	001-2110-421.31-15	MOWING AND TRIMMING	EFT:	1,216.25
							VENDOR TOTAL *	.00	1,216.25
0000375	00	MID-AMERICAN SIGNAL, INC.							
R21-056		004536		00	09/03/2021	001-3120-431.31-15	SIGNAL REPAIR	EFT:	1,395.00
							VENDOR TOTAL *	.00	1,395.00
0003579	00	MID-STATES MATERIALS LLC							
108618		004524		00	09/03/2021	117-3120-431.43-06	ROCK	81.40	
108619		004524		00	09/03/2021	501-4130-441.52-12	ROCK FOR SHOP STOCK	73.61	
108619		004524		00	09/03/2021	501-4140-441.62-15	SCREENINGS FOR GRATA	197.40	
							VENDOR TOTAL *	352.41	
0003440	00	MIDWEST PUBLIC RISK- PL DEDUCTIBLES							
MPR200850		004524		00	09/03/2021	001-7120-471.91-03	CLAIM DEDUCTIBLE	EFT:	827.34
							VENDOR TOTAL *	.00	827.34
0003872	00	MOZINGO LAW FIRM, LLC							
097751		004534		00	09/03/2021	001-1330-413.31-02	COURT APPOINTED ATTORNEY	EFT:	60.00
094333		004534		00	09/03/2021	001-1330-413.31-02	COURT APPOINTED ATTORNEY	EFT:	114.00
							VENDOR TOTAL *	.00	174.00
0099999	00	MYKAH ANDREGG							
98129		004529		00	09/03/2021	001-0000-207.10-20	RESTITUTION	15.00	
							VENDOR TOTAL *	15.00	
0000132	00	NATIONAL SIGN CO., INC.							
IN-197861		004536		00	09/03/2021	001-3120-431.52-10	SIGNS	EFT:	77.40
IN-197894		004536		00	09/03/2021	001-3120-431.52-10	SIGNS	EFT:	679.40
							VENDOR TOTAL *	.00	756.80
0000142	00	OLATHE WINWATER WORKS							
162614	00	004524		00	09/03/2021	501-4140-441.63-73	GASKETS	EFT:	75.00
							VENDOR TOTAL *	.00	75.00
0000145	00	PEPSI-COLA							
46998104		004534		00	09/03/2021	001-6130-461.52-15	CONCESSION SUPPLIES	EFT:	601.50
48854954		004534		00	09/03/2021	001-6130-461.52-15	CONCESSION SUPPLIES	EFT:	870.42
							VENDOR TOTAL *	.00	1,471.92
0000590	00	PETTY CASH - PARKS AND RECREATION							
09022021		004537		00	09/03/2021	001-0000-229.00-00	SOTT PRIZE MONEY	10,500.00	
							VENDOR TOTAL *	10,500.00	
0004385	00	POMP'S TIRE SERVICE, INC.							
1180055302		004535		00	09/03/2021	501-4130-441.52-04	TIRES	EFT:	541.24
							VENDOR TOTAL *	.00	541.24
0000149	00	PRAXAIR DISTRIBUTION INC							

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0000149	00	PRAXAIR DISTRIBUTION INC							
65483345		004524		00	09/03/2021	001-3116-431.44-02	CYLINDER RENTAL	EFT:	50.46
							VENDOR TOTAL *	.00	50.46
0004932	00	QUADIENT LEASING USA, INC.							
N9015915		004524		00	09/03/2021	602-1340-413.44-02	MONTHLY BILLING	407.31	
							VENDOR TOTAL *	407.31	
0000150	00	QUILL CORPORATION							
18669237		004524		00	09/03/2021	521-4220-442.52-20	OFFICE SUPPLIES	138.19	
							VENDOR TOTAL *	138.19	
0002247	00	SHERWIN WILLIAMS- ACCT 6716-4600-8							
8077-2 CR		004524		00	09/03/2021	501-4120-441.43-01	PAINT RETURN	EFT:	149.25-
8076-4		004524		00	09/03/2021	501-4120-441.43-01	PAINT	EFT:	199.25
8027-7		004524		00	09/03/2021	501-4120-441.43-01	PAINTBRUSHES	EFT:	33.75
							VENDOR TOTAL *	.00	83.75
0000161	00	SIGN HERE, INC.							
24526		004535		00	09/03/2021	521-4220-442.52-20	PRINTED MAGNETS	EFT:	78.75
							VENDOR TOTAL *	.00	78.75
0003791	00	STANDARD AND POOR'S							
11419267		004541		00	09/03/2021	531-9100-491.75-00	2021A	EFT:	1,272.78
11419267		004542		00	09/03/2021	531-9100-491.75-00	2021A	EFT:	813.75
11419267		004543		00	09/03/2021	531-9100-491.75-00	2021A	EFT:	1,290.92
11419267		004544		00	09/03/2021	531-9100-491.75-00	2021A	EFT:	6,545.05
11419267		004545		00	09/03/2021	531-9100-491.75-00	2021A	EFT:	4,252.50
							VENDOR TOTAL *	.00	14,175.00
0004785	00	SUMNERONE, INC							
2962154		004524		00	09/03/2021	602-1340-413.43-02	MONTHLY BILLING	EFT:	301.78
							VENDOR TOTAL *	.00	301.78
0000203	00	SUPERIOR BOWEN ASPHALT, L.L.C.							
31204		004536		00	09/03/2021	117-3120-431.43-06	PATCHING	EFT:	637.08
31159		004536		00	09/03/2021	117-3120-431.43-06	PATCHING	EFT:	558.32
							VENDOR TOTAL *	.00	1,195.40
0000174	00	TAPCO PRODUCTS CO.							
144085		004535		00	09/03/2021	603-3150-431.42-01	MONTHLY BILLING	EFT:	126.60
144085		004535		00	09/03/2021	603-3150-431.42-01	MONTHLY BILLING	EFT:	28.35
144085		004535		00	09/03/2021	603-3150-431.42-01	MONTHLY BILLING	EFT:	28.35
144085		004535		00	09/03/2021	603-3150-431.42-01	MONTHLY BILLING	EFT:	70.95
144085		004535		00	09/03/2021	603-3150-431.42-01	MONTHLY BILLING	EFT:	53.10
144085		004535		00	09/03/2021	603-3150-431.42-01	MONTHLY BILLING	EFT:	82.95
144085		004535		00	09/03/2021	603-3150-431.42-01	MONTHLY BILLING	EFT:	90.52
144085		004535		00	09/03/2021	603-3150-431.42-01	MONTHLY BILLING	EFT:	72.75
144085		004535		00	09/03/2021	603-3150-431.42-01	MONTHLY BILLING	EFT:	212.93
							VENDOR TOTAL *	.00	766.50
0004078	00	TEXTCASTER							

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0004078	00	TEXTCASTER							
26875		004536		00	09/03/2021	602-1340-413.47-05	ANNUAL SERVICE FEES	EFT:	2,000.00
							VENDOR TOTAL *	.00	2,000.00
0000176	00	TIME WARNER CABLE							
0241458082121		004524		00	09/03/2021	602-1340-413.47-05	MONTHLY BILLING	950.00	
							VENDOR TOTAL *	950.00	
0003962	00	TRANSLATIONPERFECT.COM							
7095		004536		00	09/03/2021	001-1330-413.31-15	TRANSLATION SERVICES	EFT:	143.00
							VENDOR TOTAL *	.00	143.00
0000105	00	TYLER TECHNOLOGIES, INC							
025-346383		004524		00	09/03/2021	602-1340-413.47-05	MONTHLY BILLING	EFT:	200.00
025-345690		PI0486	007747	00	09/01/2021	602-1340-413.47-05	MAINTENANCE FEES	EFT:	9,370.09
							VENDOR TOTAL *	.00	9,570.09
0002484	00	US FOOD SERVICE							
3831427		004536		00	09/03/2021	001-6130-461.52-15	CONCESSION SUPPLIES	EFT:	776.60
4283076		004536		00	09/03/2021	001-6130-461.52-15	CONCESSION SUPPLIES	EFT:	282.77
4310694		004536		00	09/03/2021	001-6130-461.52-15	CONCESSION SUPPLIES	EFT:	26.04
							VENDOR TOTAL *	.00	1,085.41
							EFT/EPAY TOTAL ***		493,183.63
							TOTAL EXPENDITURES ****	21,338.94	493,183.63
							GRAND TOTAL **********		514,522.57

VEND NO / INVOICE NO	SEQ#	VENDOR NAME / VOUCHER NO	P.O. NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0004265	00	ACCESS INFORMATION PROTECTED							
8968077		004548		00	09/10/2021	001-1150-411.31-15	OFF-SITE STORAGE	1,569.59	
							VENDOR TOTAL *	1,569.59	
0004994	00	BENEFITS DIRECT							
A009940		004552		00	09/10/2021	001-1120-411.21-01	MONTHLY BILLING	EFT:	41.70
A009940		004551		00	09/10/2021	001-1140-411.31-15	MONTHLY BILLING	EFT:	382.50
A009940		004552		00	09/10/2021	001-1140-411.21-01	MONTHLY BILLING	EFT:	30.18
A009940		004552		00	09/10/2021	001-1150-411.21-01	MONTHLY BILLING	EFT:	6.50
A009940		004552		00	09/10/2021	001-1305-413.21-01	MONTHLY BILLING	EFT:	16.28
A009940		004552		00	09/10/2021	001-1310-413.21-01	MONTHLY BILLING	EFT:	62.10
A009940		004553		00	09/10/2021	001-1330-413.21-01	MONTHLY BILLING	EFT:	27.80
A009940		004553		00	09/10/2021	001-2110-421.21-01	MONTHLY BILLING	EFT:	77.54
A009940		004553		00	09/10/2021	001-2120-421.21-01	MONTHLY BILLING	EFT:	252.78
A009940		004553		00	09/10/2021	001-2130-421.21-01	MONTHLY BILLING	EFT:	6.50
A009940		004553		00	09/10/2021	001-3110-431.21-01	MONTHLY BILLING	EFT:	13.90
A009940		004553		00	09/10/2021	001-3116-431.21-01	MONTHLY BILLING	EFT:	9.78
A009940		004553		00	09/10/2021	001-3120-431.21-01	MONTHLY BILLING	EFT:	66.02
A009940		004553		00	09/10/2021	001-3130-431.21-01	MONTHLY BILLING	EFT:	57.08
A009940		004554		00	09/10/2021	001-6105-461.21-01	MONTHLY BILLING	EFT:	46.40
A009940		004554		00	09/10/2021	001-6120-461.21-01	MONTHLY BILLING	EFT:	64.48
A009940		004554		00	09/10/2021	001-7110-471.21-01	MONTHLY BILLING	EFT:	44.08
A009940		004554		00	09/10/2021	001-7120-471.21-01	MONTHLY BILLING	EFT:	33.46
A009940		004554		00	09/10/2021	501-4110-441.21-01	MONTHLY BILLING	EFT:	40.80
A009940		004554		00	09/10/2021	501-4120-441.21-01	MONTHLY BILLING	EFT:	47.30
A009940		004554		00	09/10/2021	501-4130-441.21-01	MONTHLY BILLING	EFT:	109.46
A009940		004554		00	09/10/2021	521-4210-442.21-01	MONTHLY BILLING	EFT:	13.90
A009940		004554		00	09/10/2021	521-4220-442.21-01	MONTHLY BILLING	EFT:	61.20
A009940		004554		00	09/10/2021	521-4230-442.21-01	MONTHLY BILLING	EFT:	69.18
A009940		004554		00	09/10/2021	531-4320-443.21-01	MONTHLY BILLING	EFT:	47.30
A009940		004552		00	09/10/2021	601-1230-412.21-01	MONTHLY BILLING	EFT:	13.90
A009940		004553		00	09/10/2021	602-1340-413.21-01	MONTHLY BILLING	EFT:	41.70
A009940		004554		00	09/10/2021	603-3150-431.21-01	MONTHLY BILLING	EFT:	6.50
A009940		004552		00	09/10/2021	604-1320-413.21-01	MONTHLY BILLING	EFT:	36.68
A009940		004549		00	09/10/2021	721-0000-202.03-07	MONTHLY BILLING	EFT:	10,183.68
A009940		004550		00	09/10/2021	721-0000-202.03-08	MONTHLY BILLING	EFT:	269.68
							VENDOR TOTAL *	.00	12,180.36
0000064	00	BIG O TIRES							
016001-148847		004555		00	09/10/2021	001-6120-461.43-05	TRUCK REPAIR	EFT:	63.00
							VENDOR TOTAL *	.00	63.00
0001201	00	COMMERCIAL AQUATIC SERVICES, INC							
40323-1		004555		00	09/10/2021	001-6130-461.52-01	EQUIPMENT REPAIR	EFT:	390.41
							VENDOR TOTAL *	.00	390.41
0004405	00	DELUXE SMALL BUSINESS SALES, INC							
00092902261		004555		00	09/10/2021	001-1310-413.52-20	ENVELOPES	49.35	
00092902261		004555		00	09/10/2021	604-1320-413.52-20	ENVELOPES	444.17	
							VENDOR TOTAL *	493.52	
0004096	00	DESIGN 4 SPORTS							

VEND NO / INVOICE NO	SEQ#	VENDOR NAME / VOUCHER NO	P.O. NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0004096	00	DESIGN 4 SPORTS							
36909		004555		00	09/10/2021	001-6110-461.47-53	UNIFORMS	EFT:	4,447.00
							VENDOR TOTAL *	.00	4,447.00
0005136	00	EMERY SAPP & SONS, INC.							
PAY APP 2		PI0488	007754	00	07/31/2021	403-3130-431.62-17	CONTRACTED WORK	EFT:	152,306.03
PAY APP 3		PI0491	007754	00	08/31/2021	403-3130-431.62-17	CONTRACTED WORK	EFT:	9,623.93
PAY APP 2		PI0487	007753	00	07/31/2021	403-4330-443.62-10	CONTRACTED WORK	EFT:	128,159.37
PAY APP 3		PI0490	007752	00	08/31/2021	403-4330-443.62-10	CONTRACTED WORK	EFT:	10,374.53
							VENDOR TOTAL *	.00	300,463.86
0002511	00	ENRIGHT LAWNS, INC							
24317		004555		00	09/10/2021	001-6120-461.31-15	MOWING AND TRIMMING	EFT:	3,810.00
							VENDOR TOTAL *	.00	3,810.00
0099999	00	FRAKES, MARILYN							
000009525		UT		00	09/08/2021	501-0000-229.00-00	FINAL BILL REFUND	248.85	
							VENDOR TOTAL *	248.85	
0001101	00	GARDNER DISPOSAL SERVICE, INC.							
01-0000114		0921004556		00	09/10/2021	001-6120-461.40-02	TRASH SERVICES	EFT:	380.00
							VENDOR TOTAL *	.00	380.00
0002095	00	HDR ENGINEERING, INC							
1200371641		PI0492	007570	00	09/07/2021	001-3130-431.31-10	PRAIRIE TRACE REVIEW	EFT:	3,498.30
							VENDOR TOTAL *	.00	3,498.30
0000102	00	ICMA RETIREMENT TRUST - 457							
602191		004559		00	09/07/2021	721-0000-202.03-04	CONTRIBUTIONS	CHECK #: 101	7,867.41
							VENDOR TOTAL *	.00	7,867.41
0003478	00	JCPRD							
1001694.020		004556		00	09/10/2021	001-6110-461.47-53	COURT RENTAL	2,564.21	
805		004556		00	09/10/2021	001-6110-461.47-53	COURT RENTAL	3,740.57	
							VENDOR TOTAL *	6,304.78	
0000332	00	KANSAS STATE TREASURER							
61300		004556		00	09/10/2021	001-0000-207.10-17	MUNICIPAL COURT REVENUE	180.00	
61300		004556		00	09/10/2021	001-0000-207.10-13	MUNICIPAL COURT REVENUE	979.00	
61300		004556		00	09/10/2021	001-0000-207.10-14	MUNICIPAL COURT REVENUE	242.00	
61300		004556		00	09/10/2021	001-0000-207.10-11	MUNICIPAL COURT REVENUE	193.00	
61300		004556		00	09/10/2021	001-0000-207.10-12	MUNICIPAL COURT REVENUE	3,333.50	
61300		004556		00	09/10/2021	001-0000-207.10-15	MUNICIPAL COURT REVENUE	500.00	
61300		004556		00	09/10/2021	001-0000-207.10-16	MUNICIPAL COURT REVENUE	600.00	
							VENDOR TOTAL *	6,027.50	
0001601	00	KAW VALLEY ENGINEERING, INC							
C34755		004557		00	09/10/2021	130-3130-431.62-04	CONSTRUCTION TESTING	EFT:	1,340.26
							VENDOR TOTAL *	.00	1,340.26
0002489	00	KPERS							

VEND NO / INVOICE NO	SEQ#	VENDOR NAME / VOUCHER NO	P.O. NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0002489	00	KPERS							
1610498		004560		00	09/08/2021	721-0000-202.03-01	090921 PAY PERIOD	CHECK #: 112	40,917.90
							VENDOR TOTAL *	.00	40,917.90
0002490	00	KPF							
1610512		004561		00	09/08/2021	721-0000-202.03-02	090921 PAY PERIOD	CHECK #: 113	29,368.17
							VENDOR TOTAL *	.00	29,368.17
0004949	00	LEGAL RECORD, THE							
L92690		004557		00	09/10/2021	001-7110-471.47-01	ADVERTISING	EFT:	5.90
							VENDOR TOTAL *	.00	5.90
0002525	00	MCANANY OIL COMPANY, INC							
6119		004563		00	09/10/2021	521-4220-442.52-09	GAS FOR GENERATOR	EFT:	1,259.52
							VENDOR TOTAL *	.00	1,259.52
0004464	00	MID-STATE RENTAL							
113146-2		004557		00	09/10/2021	521-4230-442.44-02	VACUUM EXCAVATOR RENTAL	EFT:	1,355.69
							VENDOR TOTAL *	.00	1,355.69
0000132	00	NATIONAL SIGN CO., INC.							
IN-197916		004564		00	09/10/2021	551-4520-445.43-04	SIGNS FOR AIRPORT	EFT:	119.80
							VENDOR TOTAL *	.00	119.80
0004985	00	ORRICK & ERSKINE, LLP							
8/31/21 STMT		PI0489	007687	00	08/31/2021	130-3130-431.62-04	PROPERTY ADVISOR SERVICES	EFT:	5,275.42
							VENDOR TOTAL *	.00	5,275.42
0001569	00	PAYCOR, INC							
INV02617574		004562		00	09/08/2021	001-1310-413.31-15	PAYROLL SERVICES	CHECK #: 107	758.15
							VENDOR TOTAL *	.00	758.15
0099999	00	PILES, BRETT							
000064919		UT		00	09/01/2021	501-0000-229.00-00	FINAL BILL REFUND	28.39	
							VENDOR TOTAL *	28.39	
0000149	00	PRAXAIR DISTRIBUTION INC							
65772388		004557		00	09/10/2021	001-3116-431.44-02	CYLINDER RENTAL	EFT:	176.65
							VENDOR TOTAL *	.00	176.65
0004198	00	PROTECT YOUTH SPORTS							
894750		004557		00	09/10/2021	001-6110-461.47-53	BACKGROUND CHECK	EFT:	440.30
							VENDOR TOTAL *	.00	440.30
0099999	00	ROECKER, SUSAN							
000066981		UT		00	09/08/2021	501-0000-229.00-00	FINAL BILL REFUND	115.01	
							VENDOR TOTAL *	115.01	
0000786	00	SERVPRO OF OLATHE/LENEXA							
4955776		004557		00	09/10/2021	001-6130-461.52-01	POOL R&M	EFT:	4,523.40

VEND NO / INVOICE NO	SEQ#	VENDOR NAME / VOUCHER NO	P.O. NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT, EPAY OR HAND-ISSUED AMOUNT
0000786	00	SERVPRO OF OLATHE/LENEXA							
							VENDOR TOTAL *	.00	4,523.40
0004321	00	SITEONE LANDSCAPE SUPPLY, LLC							
112423473-001		004557		00	09/10/2021	001-6120-461.52-01	IRRIGATION REPAIR	EFT:	395.86
							VENDOR TOTAL *	.00	395.86
0004418	00	STEEL IMAGES, INC.							
20453		004557		00	09/10/2021	001-6110-461.54-51	SOTT MEDALS	EFT:	878.00
							VENDOR TOTAL *	.00	878.00
0000203	00	SUPERIOR BOWEN ASPHALT, L.L.C.							
31327		004557		00	09/10/2021	117-3120-431.43-06	PATCHING	EFT:	583.38
30249		004557		00	09/10/2021	117-3120-431.43-06	PATCHING	EFT:	602.74
31316		004557		00	09/10/2021	117-3120-431.43-06	PATCHING	EFT:	713.91
31270		004557		00	09/10/2021	117-3120-431.43-06	PATCHING	EFT:	351.92
							VENDOR TOTAL *	.00	2,251.95
0099999	00	TAMMY WINTERRINGER							
32359192		004547		00	09/10/2021	001-0000-347.01-00	FLAG FOOTBALL REFUND	70.00	
							VENDOR TOTAL *	70.00	
0004635	00	TEST SMARTLY LABS							
17675		004557		00	09/10/2021	601-1230-412.31-15	SEASONAL DRUG TESTING	EFT:	24.00
							VENDOR TOTAL *	.00	24.00
0002484	00	US FOOD SERVICE							
3681604		004557		00	09/10/2021	001-6130-461.52-15	CONCESSION SUPPLIES	EFT:	201.40
5917323		004557		00	09/10/2021	001-6130-461.52-15	CONCESSION SUPPLIES	EFT:	12.29-
4310694		004557		00	09/10/2021	001-6130-461.52-15	CONCESSION SUPPLIES	EFT:	.80
4416652		004557		00	09/10/2021	001-6130-461.52-15	CONCESSION SUPPLIES	EFT:	295.09
							VENDOR TOTAL *	.00	485.00
							HAND ISSUED TOTAL ***		78,911.63
							EFT/EPAY TOTAL ***		343,764.68
							TOTAL EXPENDITURES ****	14,857.64	422,676.31
							GRAND TOTAL **********		437,533.95

COUNCIL ACTION FORM — CONSENT AGENDA ITEM NO. 3

MEETING DATE: SEPTEMBER 20, 2021

STAFF CONTACT: KELLEN HEADLEE, PUBLIC WORKS DIRECTOR

Agenda Item: Consider authorizing the execution of agreements to acquire right-of-way and easements for the US-56, Sycamore to Old US-56 Reconstruction Project

Strategic Priority: Infrastructure and Asset Management
Economic Development

Department: Public Works

Staff Recommendation:
Staff recommends authorizing the acquisition of right-of-way and easements necessary to construct the US-56, Sycamore to Old US-56 Reconstruction Project.

Background/Description of Item:
At the April 19, 2021 council meeting, staff received approval from council to spend up to $200,000 to acquire right-of-way and easements for US-56 reconstruction. The eminent domain process is now complete, which resulted in slightly increased costs to acquire right-of-way. An additional $5,000 is needed to cover the increased acquisition costs and the associated appraiser's fees.

Financial Impact:
The amount requested is included in the project budget and the funds will come from the Special Highway Fund.

Attachments included:
None

Suggested Motion:
Authorize the execution of agreements to acquire right-of-way and easements necessary to construct the US-56, Sycamore to Old US-56 Reconstruction Project for an additional amount of $5,000

COUNCIL ACTION FORM — CONSENT AGENDA ITEM NO. 4

MEETING DATE: SEPTEMBER 20, 2021

STAFF CONTACT: GONZ GARCIA, UTILITIES DIRECTOR

Agenda Item: Consider authorizing the purchase of smart electric meters for new developments

Strategic Priority: Increase Infrastructure and Asset Management
Fiscal Stewardship

Department: Utilities - Electric

Staff Recommendation:
Staff recommends authorizing the purchase of additional smart electric meters for new developments.

Background/Description of Item:
In recent years, the City of Gardner has experienced a development growth not seen since the early 2000s. In 2021, staff has installed 198 new electric meters. Based on the information for new construction planned through 2024, staff has estimated the need for 1,282 smart electric meters (1,234 residential and 48 commercial) with an estimated cost of $211,796. The lead time on these meters is 8-10 months.

New Construction	Units	Under Construction
Aspen Creek V	56	No
Meadows of Aspen Creek II	66	No
Copper Springs Meadow 1St PLAT	29	No
Enclave At Prairiebrooke	31	No
Prairiebrooke Villas First PLAT	32	No
Treadway Apartments	425	No
Prairie Trace Meadows 2nd PLAT	30	No
Prairie Trace Estates 2nd PLAT	13	No
Breckenwood Creek 1st PLAT	33	Yes
Hilltop Ridge 1ST PLAT	32	Yes
Prairie Trace Meadows First PLAT	28	Yes
Prairie Trace Estates First PLAT	30	Yes
Tuscan Farm 1st PLAT	42	Yes
Symphony Farms V	54	Yes
Lakes of Conestoga	96	Yes
The Tallgrass Apartments	160	Yes
Tallgrass 2nd PLAT	144	No
Cypress Creek	289	No
TOTAL	**1590**	

Financial Impact:
This purchase is not in the approved budget, but funds are available in the Electric Fund.

Attachments:
- NexGrid Quote

Suggested Motion:

Authorize City Administrator to purchase additional smart electric meters for new construction for a total of $211,796, and authorize a contingency of $21,796 (10%)

QUOTE

915 Maple Grove Dr
Suite 200
Fredericksburg, VA 22407
Toll Free: 1-833-NEXGRID
Fax: 540-328-9895

Quote # QGAR082021
SOW #
PO #
Erin Scalph

Gardner, KS

Date: August 20, 2021

Item	Part Number	Description	QTY	Unit Price	Extended Price
Electric AMI					
1	intelaMeter I210+c 2S 200 RD	Aclara I210+c Form 2S 200 Meter & intelaMeter Communication Module with RD	1,234	$164.53	$203,030.02
2	intelaMeter kV2c EPS 9S 20	Aclara kV2c EPS Form 9S 20 Meter & intelaMeter Communication Module	16	$289.67	$4,634.72
3	intelaMeter kV2c EPS 16S 200	Aclara kV2c EPS Form 16S 200 Meter & intelaMeter Communication Module	8	$289.67	$2,317.36
				Subtotal:	**$209,982.10**
Optional Accessories					
4	kV2c K	Incremental Switch for Aclara kV2c - K Switch	24	$75.56	$1,813.44
				Subtotal:	**$1,813.44**
				Final System Cost:	**$211,795.54**

Terms

Customer is responsible for all shipping and receiving charges from POO Fredericksburg VA. Executed PO must be received a minimum of 90 days prior to delivery date.
Finance terms: 50% due in advance, remaining balance due upon hardware delivery, net 30 with approved credit. Late payments will be assessed a late fee of one and one-half percent (1.5%) per month on outstanding balances. Service hours and customary expenses will be billed as incurred on a monthly basis.
All Nexgrid products include a 2 year limited warranty, all other hardware carries manufactures standard warranty.
The prices quoted above are applicable only to a firm, non-cancelable Purchase Order received within the Effective Period for the Products listed above.
Customer shall be responsible for all standard and customary travel related expenses and per diem.
Taxes, Import Fees, VAT and any other unknown government or transportation charge is the reponsibility of the customer. Quotes are valid for 30 days.

Nexgrid	Customer
Erin Scalph	
Signature	Signature
Erin Scalph	
Name	Name
8/20/2021	
Date	Date

End of Quotation

COUNCIL ACTION FORM — CONSENT AGENDA ITEM NO. 5

MEETING DATE: SEPTEMBER 20, 2021
STAFF CONTACT: GONZ GARCIA, UTILITIES DIRECTOR

Agenda Item: Consider authorizing the execution of an amendment to the current engineering services contract with TREKK Design Group, LLC

Strategic Priority: Fiscal Stewardship
Infrastructure and Asset Management

Department: Utilities – Wastewater Division

Staff Recommendation:
Staff recommends authorizing the execution of an amendment to the engineering services contract with TREKK Design Group, LLC. to include smoke testing of two priority I&I sub-basins, CCTV inspection of large diameter Kill Creek Interceptor for condition assessment and potential I&I sources, and to conduct accurate elevation survey of manholes along the Kill Creek interceptor to provide accurate mapping and ability to provide data for hydraulic capacity modeling on a separate contract. These field services are part of the Inflow and Infiltration Reduction program.

Background/Description of Item:
The city entered into an agreement with TREKK on March 5, 2018 to perform the Inflow and Infiltration Study and Analysis. The contract included providing various field services for data collection, evaluation, and assistance in development of the I&I reduction program for public and private infrastructure which included flow metering, rainfall monitoring, system capacity analysis, CCTV inspections, manhole inspections, smoke and dye testing, private I & I disconnections, and Lucity asset management integration. The original contract was valued at $432,943.00 for the Inflow and Infiltration Study and Analysis.

This amendment will authorize additional field service work including smoke testing of two priority I&I sub-basins, CCTV inspection of large diameter Kill Creek Interceptor for condition assessment and potential I&I sources, and conduct accurate elevation survey of manholes along the Kill Creek interceptor to provide accurate mapping and ability to provide accurate elevation data for a hydraulic capacity modeling on a separate contract. The amendment will help meet the following goals for the on-going I&I Reduction Program:

- Provide locations in priority sub-basins of public and private infrastructure defects.
- Provide data for system capacity modeling analysis of the Kill Creek Interceptor.
- Provide updated location of sanitary sewer manholes to update current mapping.
- Provide inspection of interceptor for defect locations and condition assessment.

Financial Impact:
Funding for the project is available in the Wastewater Fund.

Attachments included:

a. Amendment for Professional Services
b. Scope of Services & Fees

Suggested Motion:
Authorize the City Administrator to execute an amendment to the current engineering services with TREKK Design Group, LLC. for the Inflow and Infiltration Study and Analysis in the amount not to exceed $73,789.00

AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF GARDNER, KANSAS AND TREKK DESIGN GROUP, LLC.

AMENDMENT No. 1 **Date: August 6, 2021**

THIS AMENDMENT modifies the Agreement dated March 5, 2018 made by and between **TREKK Design Group, LLC,** (hereinafter called Consultant), and The City of Gardner Kansas (hereinafter called OWNER) for the following Project: **Inflow and Infiltration Study and Analysis, Project # WW1706.** For good and valuable consideration, the sufficiency of which is acknowledged, the parties agree to make the following changes to their Agreement.

1. The parties agree that the Consultant's Scope of Services is amended to add the following:

Consultant will provide assistance to the Owner amendment to the original scope of work will conduct smoke testing for determining defects and potential locations where inflow and infiltration can access and enter the sanitary sewer system. This work will include field work and data for the south and east lift station sub-basins. Additional details can be found on the attached Scope of Work.

2. The following adjustments are made to the Consultant's compensation:

   For the Scope of services, the Consultant's compensation shall be increased by $73,789 to a total contract value of $506,732.

3. The time for completion for the services shall be extended to December 31, 2022.

4. Other changes to the Agreement, if any, are stated below:

   None

5. The terms of this AMENDMENT supersede any contrary terms of the Agreement. This AMENDMENT will be deemed a part of, and be subject to, all other terms and conditions of the Agreement. Except as modified above, the Agreement will remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this AMENDMENT the day and year first written above.

OWNER: City of Gardner, Kansas	**Consultant: TREKK Design Group, LLC**
By: _____	By: _____
Name: _____	Name: Kimberly Robarett
Title: _____	Title: CEO / Managing Member

Attest: _____
City Clerk:

Approved as to Form: _____
City Attorney:

Scope of Work

Owner:	City of Gardner, KS
Consultant:	TREKK Design Group
Project Name:	18-049 City of Gardner KS – I/I Reduction Program

Overview

This amendment includes the following work:

- Smoke Testing – Smoke testing in the South-1, East-1, and East-1 basins of the sanitary sewer collection system to locate potential sources of I/I into the wastewater collection system.
- Survey – Collect state plane coordinates of the top of manhole in the Kill Creek basin of the sanitary sewer collection system.
- CCTV – Perform CCTV inspection in the Kill Creek basin of sanitary sewers collection system to locate and identify pipe defects and potential sources of I/I into the wastewater collection system.

PROJECT TASKS

Task 1 – Project Management and Administration

1.1 Project Administration
Provide project administration services necessary throughout the project to successfully manage and complete the Project, including project correspondence and consultation with City staff; supervision and coordination of services; assignment of personnel resources; continuous monitoring of work progress; and maintenance of project controls. Prepare and submit monthly invoices.

1.2 Project Meetings
Consultant will participate in up to two (2) project meetings during the Project to discuss work progress, coordination efforts, deliverable status, and any targeted discussion points or potential issues that may need resolved. The project manager and appropriate task leaders involved with current work activities shall attend on behalf of Consultant.

1.2 Deliverables: Meeting Materials and Meeting Notes

Task 2 – Public Sector Investigations

2.1 Smoke Testing
Up to 56,600 linear feet of smoke testing will be conducted on all line segments located within the Study Area to identify I/I sources from both the public and private sector. Each positively identified source is photographically documented, precisely located using GPS technology, and referenced to allow for efficient repair.

High rated smoke blowers combined with the use of liquid smoke will be used to allow for continuous and constant smoke production. During testing, field crews will canvas the corridor over tested line segments while conducting a perimeter check of all buildings in close proximity for evidence of smoke.

Smoke testing activities will include a minimum of 48 hours advance notification to all residents within the study areas. Notification will be done by placement of door hangers on homes and businesses. The notice will include general information about the testing; including instructions to fill infrequently used plumbing traps with water to prohibit smoke from entering buildings via service lines. Additionally, daily

notification of smoke testing boundaries will be provided via e-mail to Fire Dispatch, City Utilities and other designated personnel as determined with City.

Photographic records will be used to supplement and substantiate smoke testing observations. All smoke testing inspections will be recorded within the Consultant's electronic field database. An ArcGIS geodatabase/shapefile containing the location and description of smoke defects will be provided.

2.1 Deliverables:

- Summary of observed smoke defects (Excel table format)
- GIS geodatabase/shapefile of observed smoke defects
- Photos of observed smoke defects

2.2 Survey

Collect state plane coordinates of the top of each of up to twenty-two (22) manholes in the Kill Creek basin using GPS. Clearing for work and access shall be provided by City.

It is understood that no clearing is being provided, and that the City will provide all clearing and assist with providing adequate access to manholes as needed to perform work tasks. Survey work will be performed during late winter after leaf canopy has dropped to facilitate use of GPS technology.

2.2 Deliverables:

- GIS geodatabase/shapefile of state plane coordinate of top of each manhole

2.3 CCTV

Up to 5437 liner feet of CCTV investigation will be conducted within the study area to perform an inspection and condition assessment of the sanitary sewer pipes. The CCTV inspection efforts will be conducted with industry standard equipment. The camera shall be moved through the system in either direction at a uniform rate, stopping when necessary, to ensure proper documentation of the pipe conditions, but in no case will the television camera be moved at a speed greater than 30 feet per minute. If during the inspection, the camera will not pass through the pipe, equipment shall be reset in a manner so the inspection can be performed from the opposite direction. If the camera fails to pass through the entire pipe, the location and cause of the camera blockage will be documented, and information will be provided to the Client. The inspection shall be considered complete, and no additional inspection work will be required. The camera will be capable of stopping and panning the head of the camera 180 degrees to view any defects, observations, and connections. It shall also be capable of taking still photographs of any defects observed. All informational data on the storm sewer pipes will be collected in NASSCO PACP format.

During CCTV inspection of pipes, operator will tilt camera up at each structure and capture video footage where feasible.

Map edits will be documented where field conditions do not reflect the maps provided. This may include new structures, structures that don't exists, routing variances, etc. Hand markups on the provided maps will submitted at the completion of the project. Consultant will submit hand markup maps to City representative to make corrections to the City's online Interactive Maps. GPS survey services are not included as part of this project.

It is understood that no clearing is being provided, and that the City will provide all clearing and assist with providing adequate access to manholes as needed to perform work tasks. No cleaning of the sanitary sewer lines is being provided.

2.3 Deliverables:

- CCTV Video Data
- NASSCO Pipe Defect/Photo Summary Report
- PACP NASSCO 7 inspection database (ACCESS format)
- Hand Markup Maps

TREKK DESIGN GROUP, LLC

EXHIBIT B: FEE ESTIMATE

GARDNER, KS SMOKE TESTING 2021 (Basins - East-1, East-2, South-1)

		Project Principal	Project Manager	GIS Analyst	GIS Technician	Field Manager	Admin	Labor Sub- Total	UNIT COSTS		Units Sub- Total	TOTAL
		$229.00	$172.00	$143.00	$96.00	$105.00	$90.00		Quant	Rate*		
WORK TASK DESCRIPTION												
1	**Project Management and Administration - included in items below**							$0			$0	$0
1.1	Project Administration - included in items below							$0			$0	$0
1.2	Project Meetings (2 meetings) - included in items below							$0			$0	$0
2	**Public Sector Investigations**							$0			$0	$0
2.1	Smoke Testing - Inspection, Data QAQC, and Deliverable							$0			$0	$0
2.1.1	Basin East-1 - (assume 22,000 LF)	1	2	1	6	3	1	$1,697	5,350	$0.47	$2,515	$4,212
2.1.2	Basin East-2 - (assume 22,000 LF)	1	7	4	23	11	1	$5,458	22,000	$0.47	$10,340	$15,798
2.1.3	Basin South-1 - (assume 28,500 LF)	2	9	4	30	14	1	$7,018	29,250	$0.47	$13,748	$20,766
	TASK 4 TREKK DESIGN GROUP FEE SUBTOTAL	***$916***	***$3,096***	***$1,287***	***$5,664***	***$2,940***	***$270***	***$14,173***			***$26,602***	***$40,775***
	TOTAL MAN-HOURS / QUANTITY	4	18	9	59	28	3	121				

EXHIBIT B: FEE ESTIMATE

GARDNER, KS I/I REDUCTION (Kill Creek CCTV and Survey)

		Project Principal	Project Manager	PLS	Survey Crew	Admin	Labor Sub- Total	EQUIPMENT/ UNIT COSTS			Units Sub- Total	Mileage	Other Expenses	Direct Exp Sub-Total	TOTAL
		$229.00	$172.00	$137.00	$169.00	$90.00		Units	Quant	Rate*		$ 0.560	$		
WORK TASK DESCRIPTION															
1	**Project Management and Administration - included in items below**						$0				$0			$0	$0
2	**Public Sector Investigations**						$0				$0			$0	$0
2.2	Survey - Collect state plane coordinate of the top of each manhole						$0				$0			$0	$0
2.2.1	Basin Kill Creek 1 (assume 22 manholes)	1	1	8	16	1	$4,291				$0	143		$80	$4,371
2.3	CCTV- Inspections, Data QAQC, and Deliverable						$0				$0			$0	$0
2.3.1	Basin Kill Creek 1 (assume 5437 LF)	1	14			2	$2,817		5,437	$4.75	$25,826			$0	$28,643
	TASK 4 TREKK DESIGN GROUP FEE SUBTOTAL	***$458***	***$2,580***	***$1,096***	***$2,704***	***$270***	***$7,108***				***$25,826***			***$80***	***$33,014***
	TOTAL MAN-HOURS / QUANTITY	2	15	8	16	3	44								

Assumptions

1. Clearing/Access - No clearing is provided by this proposal. All clearing for access and access assistance for all work provided in this proposal will be by the City.
2. Cleaning - Does not include any cleaning of sewer lines or provisions for water. If cleaning is required to complete CCTV work, additional costs will be evaluated on a line-by-line basis as this will include limited access, availability of water, etc.
3. No CCTV Data Review, Rehabilitation Recommendations, Rehabilitation Schedule, and Plan Sets will be provided. These items will be completed by City.
4. Survey - Appears manholes are in trees and GPS will not be feasible while leaves in trees. Survey services will be performed when leaves off trees to obtain signal.

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

4/30/2022

DATE (MM/DD/YYYY) 8/13/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Companies
444 W. 47th Street, Suite 900
Kansas City MO 64112-1906
(816) 960-9000

CONTACT NAME:
PHONE (A/C, No, Ext):
FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : The Cincinnati Insurance Company	10677
INSURER B : Berkley Insurance Company	32603
INSURER C : The Cincinnati Casualty Company	28665
INSURER D :	
INSURER E :	
INSURER F :	

INSURED 1488732
TREKK DESIGN GROUP, LLC
1411 E 104TH STREET
KANSAS CITY MO 64131

COVERAGES **CERTIFICATE NUMBER:** 17765207 **REVISION NUMBER:** XXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC OTHER:	N	N	EPP0612820	4/30/2021	4/30/2023	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 1,000,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
								$
A	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY X HIRED AUTOS ONLY SCHEDULED AUTOS X NON-OWNED AUTOS ONLY	N	N	EBA0612820	4/30/2021	4/30/2022	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
							BODILY INJURY (Per person)	$ XXXXXXX
							BODILY INJURY (Per accident)	$ XXXXXXX
							PROPERTY DAMAGE (Per accident)	$ XXXXXXX
								$ XXXXXXX
A	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 10,000	N	N	EPP0612820	4/30/2021	4/30/2023	EACH OCCURRENCE	$ 5,000,000
							AGGREGATE	$ 5,000,000
								$ XXXXXXX
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	N	EWC0612825	4/30/2021	4/30/2022	X PER STATUTE OTH-ER	
							E.L. EACH ACCIDENT	$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000
B	PROFESSIONAL LIABILITY	N	N	AEC-9044062-03	4/30/2021	4/30/2022	$3,000,000 EACH CLAIM $3,000,000 AGGREGATE	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: TREKK JOB NO. 18-049 CITY OF GARDNER KS - II REDUCTION PROGRAM. EVIDENCE OF INSURANCE.

CERTIFICATE HOLDER

17765207
CITY OF GARDNER KANSAS
ATTN: RIC GERE
1150 E SANTA FE ST.
GARDNER KS 66030

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Joyce M Agnello

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COUNCIL ACTION FORM PLANNING CONSENT AGENDA ITEM NO. 1
MEETING DATE: SEPTEMBER 20, 2021
STAFF CONTACT: DAVID KNOPICK, COMMUNITY DEVELOPMENT DIRECTOR

Agenda Item: Consider accepting the dedication of right-of-way and easements on the final plat for Treadway Apartments

Strategic Priority: Quality of Life, Economic Development and Asset and Infrastructure Management

Department: Community Development Department

Planning Commission Action/Recommendation:
After review of Application FP-19-04, a final plat parcel ID CF231429-1008 and final plat dated June 7, 2021, and staff report dated July 26, 2021, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. Preliminary plat PP-21-03 shall be approved prior to the release of the final plat FP-21-04 for recording.
2. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.
3. The application shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the release of the plat for recording.

and recommends the Governing Body accept dedication of right-of-way and easements.

Staff Recommendation:
Staff recommended approval of the final plat for Treadway Apartments plat with the conditions outlined in the Planning Commission recommendation.

Background/Description of Item:
The property was annexed on September 3, 2019. On April 20, 2020, the governing body approved an application to rezone the property to C-3 (Commercial) and to R-3 (Garden Apartment) District. The development site for the apartments has increased slightly by 2.12 acres, therefore the developer was required to submit a new rezoning application. On August 16, 2021, the governing body approved an application to rezone the property to R-3 (Garden Apartment) District.

The Planning Commission considered this final plat at their July 26, 2021 meeting and voted unanimously to approve and forward the recommendation for the governing body to accept the dedication of right-of-way and easements.

Financial Impact:
None.

Attachments included:

- Final plat document
- Planning Commission packet
- Excerpt of the minutes from the July 26, 2021 Planning Commission meeting

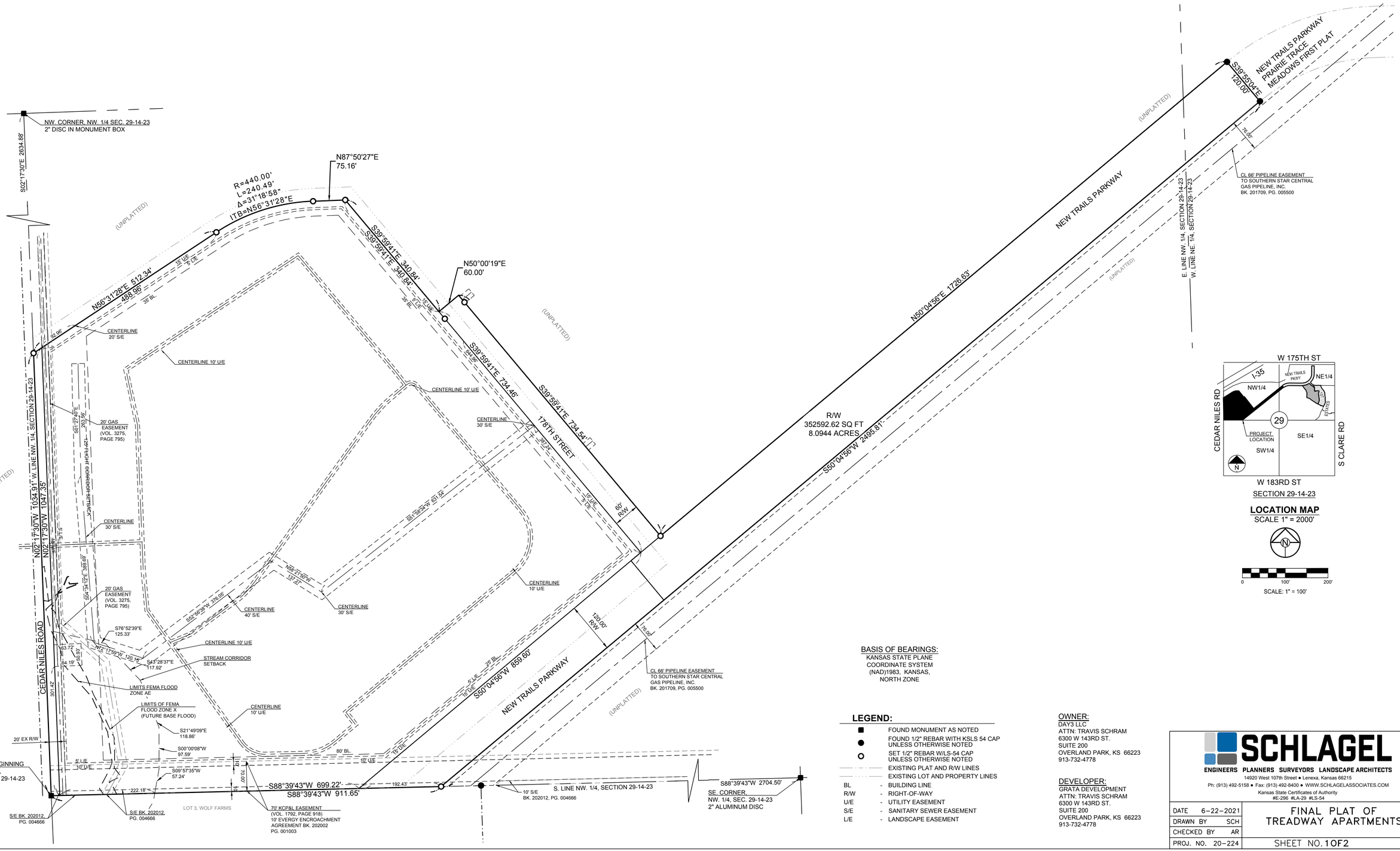
Suggested Motion:

Accept the dedication of right-of-way and easements on the final plat for Treadway Apartments plat (FP-21-04).

FINAL PLAT OF

TREADWAY APARTMENTS

PART OF THE NORTHWEST 1/4 OF SEC. 29-14-23
IN THE CITY OF GARDNER, JOHNSON COUNTY, KANSAS



BASIS OF BEARINGS:
KANSAS STATE PLANE
COORDINATE SYSTEM
(NAD)1983, KANSAS,
NORTH ZONE

LEGEND:

- ■ FOUND MONUMENT AS NOTED
- ● FOUND 1/2" REBAR WITH KSLS 54 CAP UNLESS OTHERWISE NOTED
- ○ SET 1/2" REBAR W/LS-54 CAP UNLESS OTHERWISE NOTED
- EXISTING PLAT AND R/W LINES
- EXISTING LOT AND PROPERTY LINES
- BL - BUILDING LINE
- R/W - RIGHT-OF-WAY
- U/E - UTILITY EASEMENT
- S/E - SANITARY SEWER EASEMENT
- L/E - LANDSCAPE EASEMENT

OWNER:
DAY3 LLC
ATTN: TRAVIS SCHRAM
6300 W 143RD ST.
SUITE 200
OVERLAND PARK, KS 66223
913-732-4778

DEVELOPER:
GRATA DEVELOPMENT
ATTN: TRAVIS SCHRAM
6300 W 143RD ST.
SUITE 200
OVERLAND PARK, KS 66223
913-732-4778

SCHLAGEL
ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS
14920 West 107th Street ● Lenexa, Kansas 66215
Ph: (913) 492-5158 ● Fax: (913) 492-8400 ● WWW.SCHLAGELASSOCIATES.COM
Kansas State Certificates of Authority
#E-296 #LA-29 #LS-54

DATE 6-22-2021	FINAL PLAT OF TREADWAY APARTMENTS
DRAWN BY SCH	
CHECKED BY AR	
PROJ. NO. 20-224	SHEET NO. 1 OF 2

I:\PROJECTS\2020\20-224\2.0 Survey\3.0 Plat\20-224F.dwg, 9/13/2021 11:38:21 AM, 1:1

AGENDA

Planning Commission Meeting
Monday July 26, 2021
7:00 pm
Gardner City Hall
120 E. Main Street

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT AGENDA

All matters listed within the Consent Agenda have been distributed to each member of the Planning Commission for study. These items are considered to be routine and will be enacted upon by one motion with no separate discussion. If separate discussion is desired on an item, from either the Planning Commission or from the floor, that item may be removed from the Consent Agenda and placed on the Regular Agenda.

1. Standing approval of the minutes as written for the meeting on June 28, 2021

REGULAR AGENDA

1. **Treadway Apartments**
   Locate at the southeast corner of I-35 and 175th Street approximately 2000' south of 175th Street
   a. **Rezoning (Z-21-03)**: Hold a public hearing and consider a rezoning for 2.12 acres from C-3 to R-3 District.
   b. **Site Plan (SP-21-03)**: Consider a site plan for Treadway Apartments, a 34 acre, 424 unit apartment complex
   c. **Preliminary Plat (PP-21-03)**: Consider a preliminary plat for a one lot, 34 acre subdivision.
   d. **Final Plat (FP-21-04)**: Consider a final plat for a one lot, 34 acre subdivision.

2. **Cypress Creek**
   Located between 167th Street and Madison Road just north of Gardner Edgerton High School.
   a. **Rezoning (Z-21-04):** Hold a public hearing and consider a rezoning for 98.59 acres from RUR (County) to RP-2 for a 289 lot single family detached-neighborhood subdivision.
   b. **Preliminary Development Plan (PDP-21-02)**: Consider a preliminary development plan for a 289 lot single family detached-neighborhood subdivision.
   c. **Preliminary Plat (PP-21-04):** Consider a preliminary plat for a 289 lot single family detached-neighborhood subdivision.

DISCUSSION ITEMS

ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Gardner will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact the City Clerk's office at 856-0945 a minimum of 48 hours prior to the meeting.

AGENDA

Planning Commission Meeting
Monday July 26, 2021
7:00 pm
Gardner City Hall
120 E. Main Street

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PLEDGE OF ALLEGIANCE

ROLL CALL

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PLANNING COMMISSION STAFF REPORT **NEW BUSINESS ITEM NO. 1A**
MEETING DATE: JULY 26, 2021
PREPARED BY: ROBERT CASE, PRINCIPAL PLANNER

PROJECT NUMBER / TITLE: Z-21-03(SP-21-03) Treadway Apartments

---

PROCESS INFORMATION

Type of Request: Rezoning and Site Plan
Date Received: June 7, 2021

APPLICATION INFORMATION

Applicant: Schlagel & Associates, P.A.
Owner: Grata LLC
Parcel ID: CF231429-1008
Location: Southeast corner of I-35 and 175th Street approximately 2000' south of 175th Street

REQUESTED ACTION

The applicant requests approval of a rezoning from C-3 to R-3 for approximately 2.12 acres in order to add acreage to an existing multi-family site zoned R-3. Along with this rezoning request is the associated site plan for the Treadway Apartments, a 34 acre multi-family, 424 unit apartment complex.

EXISTING ZONING AND LAND USE

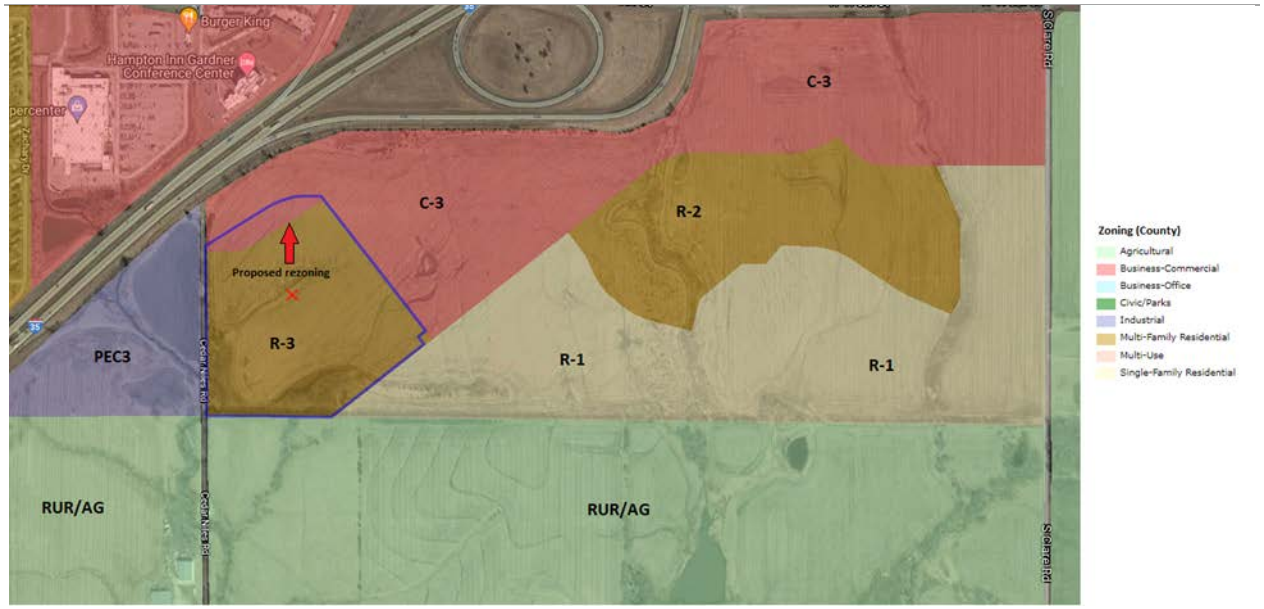
The subject property is currently zoned C-3 (Commercial) and is vacant land.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
C-3 (General Commercial) District	Undeveloped commercial property
East of subject property	
R-2 (Two-family) District	Undeveloped Single-family property
R-1 (Single-Family Residential) District	Undeveloped Single-family property
South of subject property	
County RUR (Rural, Agricultural) District	Agricultural property
West of subject property	
County PEC3 (Planned Light Industrial Park) District	Vacant property

EXISTING CONDITIONS

This property is currently not platted and is unimproved.



BACKGROUND / HISTORY

The property was annexed on September 3, 2019 per Ordinance 2622. On April 20, 2020 approved an application to rezone the property to C-3 (Commercial) per Ordinance 2657 and to R-3 (Garden Apartment) District per Ordinance 2658.

CONSISTENCY WITH COMPREHENSIVE PLAN

The Gardner Comprehensive Plan was adopted in 2014 and did not identify detailed future land use for areas on the east side of the interstate but designated it as "Southeast Quadrant Market Determined Growth Area" with Regional Commercial future land uses identified at the interchanges. The plan directed staff to further study that growth area in the near future. Staff proceeded with this direction and completed the process for two subarea plans at the interchanges. The subject properties are within the study boundaries of the *I-35 & 175th Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan in June 2018. At the time of the planning efforts, the subject property owner had proposed a concept for the property and that concept was utilized to guide the future land use for that area in the plan. The property is shown for Regional Commercial (red), Commercial and Light Industrial (lavender), Heavy Commercial and Industrial (dark purple) and Parks/Recreation/Open Space (green) future land uses. The subject parcel (yellow outline) is identified for Regional Commercial and Parks/Recreation/Open Space future land uses.

Additionally, the Comprehensive Plan has identified this area for "New Residential Growth" in the Residential Area Plan under the Housing section, which is undeveloped land that provides a clean slate for future residential development to contribute to and enforce the City's existing character and identity. One goal of New Residential Growth is to ensure a new development meets the requirements of the *Gardner Land Development Code* and provides flexibility where necessary to accommodate a variety of housing types and intensities. While the project itself does not provide a variety of housing types, the proposed addition of apartments would provide for a variety of housing in the area. The nearest apartment development is just over a mile to the east at E. Grand Street and Moonlight Road. With the growth of businesses in New Century AirCenter and 175th Street being a main corridor into Gardner, multi-family housing on the east side of Gardner will be important.

The New Residential Growth Areas plan values connectivity and open space preservation and conservation design. The proposed street layout connects the existing street stub of Gretna Street to the north into future phases of Copper Springs. Additionally a second connection from University Drive to Gretna Street with a new street to be called Evergreen Street is proposed. The Connection section not only talks about street connections but trail connections. The proposed project will extend the existing trail along Moonlight Road to the north to the extent of the property and also into the property.

The open space preservation and conservation design is supported with this project by way of stormwater detention areas throughout the project which will include native vegetation. Additionally as mentioned before, trails are incorporated into the plan. Staff finds this project is consistent with housing diversity goals of the Comprehensive Plan.

STAFF ANALYSIS - ZONING MAP AMENDMENT

17.03.030 (B) Review Criteria:

1. **The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; and the operation and uses of land and buildings;**

Staff Comment: *The area is mostly vacant with single-family to the east and commercial to the north. To the south is unincorporated Johnson County and New Century AirCenter industrial is north of 175th Street. This general location near a major highway interchange is well-situated to serve the needs of people who want to live and work in the region.*

2. **The zoning and use of properties nearby, and the compatibility with potential uses in the proposed district with these zoning districts;**

Staff Comment: *This area of the community has been in agricultural use for many years. Because of its proximity to a major highway interchange, however, this area is slated for growth opportunity. Regional commercial and medium-density residential land uses have evolved near the airport on the other side of this highway interchange with no known incompatibilities with airport operations. This application represents only a portion of the future development for this area, which is to include commercial, multi-family, and single-family land uses. This development is arranged in a transitional pattern with higher-intensity uses adjacent to the major roadways and less intense uses adjacent to remaining agriculture and very low-density residential uses. The R-3 (Garden Apartment) District would accommodate single-family, duplex, row house, garden apartment, and small civic building types. Garden apartments are the least dense of the apartment building types based on a 40% maximum building coverage limit and 40% minimum open space requirement with a 3-story height limit. With accommodation of concerns related to the flight corridor, it is anticipated that this zoning district can be compatible with nearby properties.*

3. **The suitability of the subject property for the uses to which it has been restricted;**

Staff Comment: *While under County zoning jurisdiction, the subject property was zoned for PRB2 (Planned Residential Neighborhood Retail Business) District which includes opportunity for limited neighborhood retail sales/service and personal service business uses; and PEC3 (Planned Light Industrial Park) District which provides opportunity for research and development, light fabrication/assembly, limited industrial/manufacturing, and warehousing uses. These are suitable land uses based on County plans. In the County, lands could be zoned to a planned district without any plan actually existing, unlike the City. So there are no applicable development plans for the subject parcel. This property has now transitioned into the City's zoning jurisdiction,*

and is thus subject to City plans. This application proposes to accommodate the transition from County to City zoning district.

4. The extent to which removal of the restrictions will detrimentally affect nearby property;

Staff Comment: *As the overall development is arranged to locate more intense uses close to major roadways and away from existing rural uses, it is anticipated that the removal of the restrictions will not detrimentally affect nearby property so long as issues pertaining to development near the primary flight corridor are resolved.*

5. The length of time the subject property has remained vacant as zoned;

Staff Comment: *The subject property has always been in agricultural use.*

6. The relative gain to economic development, public health, safety and welfare by the current restrictions on the applicant's property as compared to the hardship imposed by such restrictions upon the property;

Staff Comment: *As zoned within the County, the subject property has remained undeveloped for many years. This application provides an opportunity for the development of housing to meet the needs of workers as employment opportunities continue to grow in the area. When housing is located near jobs, it increases the economic welfare of workers by reducing transportation costs and supporting better quality of life. These opportunities promote engagement of citizens in the community where they live and work. These factors would indicate that there would be a net gain in favor of economic development and public health, safety, and welfare with consideration of this application.*

7. The recommendations of professional staff;

Staff Comment: *Staff recommends approval of this rezoning application subject to some basic conditions to acknowledge some of the major concerns of the County pertaining to operations of the nearby airport.*

8. The conformance of the requested change to the Comprehensive Plan, and in particular the relationship of the intent statement for the proposed district and how the specific application furthers that intent statement in relation to the Comprehensive Plan;

Staff Comment: *The intent of the R-3 (Garden Apartment) District is to provide residential living in a high-density pattern as a transition between neighborhoods and more intense uses, where a high level of accessibility, public amenity and support services are immediately available. The City has committed to providing infrastructure to this new growth area of the community. The subject parcel will be linked to major highway corridors with a new arterial roadway, providing convenient access to regional jobs and amenities. The location of the R-3 District would provide a transition between lower-density residential uses to the east and the I-35 corridor. This application supports housing diversity goals of the Comprehensive Plan*

9. The extent to which the proposed use would adversely affect the capacity or safety of any utilities, infrastructure or public services serving the vicinity; and

Staff Comment: *Per a development agreement, the City is committed to providing the necessary infrastructure to serve the subject property and adjacent properties. These actions will positively impact the capacity and safety of utilities and other infrastructure to serve not only this development, but other developments in this area in the future.*

10. Other factors relevant to a particular proposed amendment or other factors which support other adopted policies of the City.

Staff Comment: *The City of Gardner Strategic Plan indicates an opportunity for the city to annex adjacent land areas that could be developed into commercial and industrial properties that would diversify the tax base. The overall development project of which this application is a part provides for commercial land uses supported by adjacent multi-family and single-family residential land uses of various densities. Adjacent jurisdictions are capturing industrial development opportunity, providing an opportunity for Gardner to support the development of housing and commercial opportunities to compliment those job sources. This application supports economic opportunity and the diversification of the tax base and provides quality of life through diverse housing opportunity. It increases private investment in the community.*

STAFF ANALYSIS – INFRASTRUCTURE/OTHER

Utilities – All utilities are available to the site. The City of Gardner is the provider for sanitary sewer and electric. WaterOne is the provider for water.

Environmental Conditions - The site is in the Little Bull Creek watershed. A small portion of floodway and floodplain exist on the southwest corner of the site. Most of the site is characterized by silt loam soils with 1-3% slopes, constituting prime farmland somewhat poorly drained. A portion in the southwest corner is silty clay loam moderately well drained.

STAFF ANALYSIS – SITE PLAN

17.03.060 (B) Review Criteria:

1. In general, any site plan in compliance with all requirements of this Code shall be approved.

Staff Comment: *The site plan is in general compliance with the Code, with several items that will be conditions of approval.*

2. In making a determination of compliance, or for site plans accompanying any discretionary review or administrative relief, the review body shall consider whether:

a. The site is capable of accommodating the buildings, proposed use, access and other site design elements required by the Code and will not negatively impact the function and design of rights-of-way or adjacent property.

Staff Comment: *The site is capable of accommodating the buildings, proposed use, access and other site design elements required by the Code and will not negatively impact the function and design of rights-of-way or adjacent property.*

b. The design and arrangement of buildings and open spaces is consistent with good planning, landscape design and site engineering principles and practices.

Staff Comment: *The design and arrangement of the building is consistent with good planning and landscaping design principles and practices.*

c. The architecture and building design uses quality materials and the style is appropriate for the context considering the proportion, massing, and scale of different elements of the building.

Staff Comment: *The architecture and materials provide for a quality building. Proposed are stone accents with hardie siding and shingled roofing. This apartment complex is located on the east side of Interstate 35 and provides an attractive view of the complex from the highway.*

d. The overall design is compatible to the context considering the location and relationships of other buildings, open spaces, natural features or site design elements.

Staff Comment: *The overall design is compatible to the context considering the location near residential and commercial properties. Similar materials, colors, and roof styles help to create a relationship to the adjacent residential. Staff finds this criteria is met.*

e. Whether any additional site-specific conditions are necessary to meet the intent and design objectives of any of the applicable development standards.

Staff Comment: *No additional site specific conditions are necessary for this project.*

3. The application meets the criteria for all other reviews needed to build the project as proposed.

Staff Comment: *The project will need to complete the platting, Johnson County review due to proximity to New Century AirCenter, public improvement plan approval, and building permit processes.*

These are all recommended conditions of approval.

4. The recommendations of professional staff.

Staff Comment: *Staff recommends approval of the site plan SP-21-03 with conditions outlined in the staff report.*

ATTACHMENTS

I. Plan document
II. Property owner notice letter
III. Application

ACTIONS

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

EFFECT OF DECISION

Zoning Map Amendment (Rezoning) – Amendments to the official zoning map (rezoning) shall be approved by the Governing Body in the form of an ordinance. Approved changes shall be indicated on the official zoning map by the Director within 30 days following such action.

Preliminary Development Plan – Approval of a preliminary development plan shall constitute acceptance of the overall planning concepts and development parameters. In reviewing and approving a preliminary development plan, the Planning Commission may recommend or the Governing Body may require conditions that must be met before an applicant submits a final

development plan. An approved preliminary development plan shall lapse and be of no further force and effect if a final development plan (or a final development plan for a designated phase of the preliminary development plan) has not been approved within two years of the date of approval of the preliminary development plan.

RECOMMENDATION

Staff recommends approval of the rezoning from C-3 to R-3 and the associated site plan for Treadway Apartments with the conditions outlined in the Recommended Motion section.

Recommended Motion:

After review of Application Z-21-03 and SP-21-03, a rezoning for (parcel ID CF231429-1008), and site plan dated July 1, 2019, and staff report dated July 21, 2021, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. Revise the plans to show 8' wide sidewalks on internal areas of the site.
2. Revise the plans to either show 8' wide sidewalks long any parking with vehicle overhangs or move the existing 5' sidewalk 2' away from parking lot curb.
3. Revise the plan to show landscaping along the back side of all garages.
4. Prior to the issuance of a building permit, the application shall obtain approval from the Johnson County Board of Commissioners.
5. Prior to the issuance of a building permit, a final plat shall be approved by the Planning Commission, with rights-of-way and easements accepted by the Governing Body.

and recommends the Planning Commission forward the recommendation for approval to the Governing Body.

PLANNING COMMISSION STAFF REPORT **NEW BUSINESS ITEM NO. 1C & 1D**
MEETING DATE: JULY 26, 2021
PREPARED BY: ROBERT CASE, PRINCIPAL PLANNER

PROJECT NUMBER / TITLE: PP-21-03 Preliminary Plat & FP-21-04 Final Plat Treadway Apartments

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PROCESS INFORMATION

Type of Request: Preliminary and Final Plat
Date Received: June 7, 2021

APPLICATION INFORMATION

Applicant: Schlagel & Associates, PA, Mark Breuer, PE
Owner: Grata LLC, Travis Schram, Manager
Parcel IDs: CF231429-1008
Location: Southeast corner of I-35 and 175th Street approximately 2000' south of 175th Street

REQUESTED ACTION

The applicant is requesting approval of a preliminary and final plat for Treadway Apartments, a single lot multi-family subdivision.

EXISTING ZONING AND LAND USE

The property is currently vacant and undeveloped property. The property is currently zoned R-3 and C-3 (Garden Apartment and Commercial) District.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
C-3 (Commercial) District	Undeveloped commercial property
East of subject property	
R-2 (Two Family) District	Undeveloped Single-family property
R-1 (Single Family) District	Undeveloped Single-family property
South of subject property	
County RUR (Rural, Agricultural) District	Agricultural property
West of subject property	
County PEC3 (Planned Light Industrial Park) District	Vacant property

EXISTING CONDITIONS

This property is currently not platted and is unimproved.

BACKGROUND / HISTORY

The property was annexed on September 3, 2019 per Ordinance 2622. On April 20, 2020 approved an application to rezone the property to C-3 (Commercial) per Ordinance 2657 and to R-3 (Garden Apartment) District per Ordinance 2658.

CONSISTENCY WITH COMPREHENSIVE PLAN

The Gardner Comprehensive Plan was adopted in 2014 and did not identify detailed future land use for areas on the east side of the interstate but designated it as "Southeast Quadrant Market Determined Growth Area" with Regional Commercial future land uses identified at the interchanges. The plan directed staff to further study that growth area in the near future. Staff proceeded with this direction and completed the process for two subarea plans at the interchanges. The subject properties are within the study boundaries of the *I-35 & 175th Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan in June 2018. At the time of the planning efforts, the subject property owner had proposed a concept for the property and that concept was utilized to guide the future land use for that area in the plan. The property is shown for Regional Commercial (red), Commercial and Light Industrial (lavender), Heavy Commercial and Industrial (dark purple) and Parks/Recreation/Open Space (green) future land uses. The subject parcel (yellow outline) is identified for Regional Commercial and Parks/Recreation/Open Space future land uses.

Additionally, the Comprehensive Plan has identified this area for "New Residential Growth" in the Residential Area Plan under the Housing section, which is undeveloped land that provides a clean slate for future residential development to contribute to and enforce the City's existing character and identity. One goal of New Residential Growth is to ensure a new development meets the requirements of the *Gardner Land Development Code* and provides flexibility where necessary to accommodate a variety of housing types and intensities. While the project itself does not provide a variety of housing types, the proposed addition of apartments would provide for a variety of housing in the area. The nearest apartment development is just over a mile to the east at E. Grand Street and Moonlight Road. With the growth of businesses in New Century AirCenter and 175th Street being a main corridor into Gardner, multi-family housing on the east side of Gardner will be important.

The open space preservation and conservation design is supported with this project by way of stormwater detention areas throughout the project which will include native vegetation. Additionally as mentioned before, trails are incorporated into the plan. Staff finds that this project is consistent with housing diversity goals of the Comprehensive Plan.

STAFF ANALYSIS - PRELIMINARY PLAT

17.03.020 (D1) Review Criteria:

a. The application is in accordance with the Comprehensive Plan and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.

Staff Comment: *The subject property is located within the New Residential Growth Areas of the Comprehensive Plan which is undeveloped land that provides a "clean slate" for future residential development. This section states new residential growth areas should provide logical connections to the surrounding street grid, streetscapes that provide for trees to be planted in the parkway, and pedestrian connections.*

b. Compliance with the requirements of this Land Development Code, and in particular the blocks and lots proposed are capable of meeting all development and site design standards under the existing or proposed zoning.

Staff Comment: *The proposed plat is generally in compliance with the requirements of the Land Development Code (LDC) regarding lots and blocks.*

This development has internal access drives that mimic block structures. Sidewalks are provided for along the drives that also connect to trails through the blocks.

c. Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.

Staff Comment: *There is no phasing proposed with this plat.*

d. Any impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.

Staff Comment: *The provided studies and technical reports provided generally accepted and sound planning and engineering that reflect long-term solutions and fiscal investment.*

e. The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan.

Staff Comment: *The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan. The surrounding properties are developed and if redevelopment is proposed, that development will have to meet the goals and policies of the Comprehensive Plan.*

f. The design does not impede the construction of anticipated or planned future public infrastructure within the area.

Staff Comment: *The design does not impede the construction of anticipated or future public infrastructure in the area. This plat provides for the initial internal roadway improvements for the planned commercial development to the north.*

g. The recommendations of professional staff, or any other public entity asked to officially review the plat.

Staff Comment: *Staff recommends approval of the preliminary plat for Treadway.*

STAFF ANALYSIS - FINAL PLAT

17.03.020 (E1) Review Criteria:

a. The layout and design of the final plat is in substantial compliance with the approved preliminary plat considering the number of lots or parcels; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments.

Staff Comment: *The final plat in in substantial compliance with the preliminary plat regarding number of lots, block layout and the infrastructure elements.*

b. The construction plans for any utilities, infrastructure or public facilities shall have been found to meet all technical specifications, or final plat approval shall be conditioned on such plans meeting all technical specifications, before the recording of the final plat.

Staff Comment: *Public improvement plans shall be submitted and approved prior to the release of the final plat for recording at the County. The city is the provider for sanitary sewer, stormwater, and electric facilities in the area. Water service is being provided by WaterOne.*

c. The phasing and timing of public improvements ensures construction and performance guarantees.

Staff Comment: *Public improvement plans shall be submitted and approved prior to the release of the final plat for recording and issuance of building permits to ensure all improvements are in place.*

d. Any deviations in the final plat from the preliminary plat brings the application in further compliance with the Comprehensive Plan and the purposes and intent of this Code.

Staff Comment: *There are no deviations from the preliminary plat.*

e. The recommendations of professional staff or any other public entity asked to officially review the plat.

Staff Comment: *Staff recommends the Planning Commission forward a recommendation of approval of the final plat to the Governing Body with the conditions outlined below.*

EXCISE TAX

Excise tax is levied with the act of platting the portion of the property in the city. Any of the subject property that has never been a part of a final plat before is therefore subject to paying the excise tax. This tax is based on the square footage of the plat property, excluding any arterial type right-of-way dedication for streets and parkland dedication. This plat will not be required to pay excise tax as it qualifies for the following exemption: Any replat of previously platted land area which was approved by the City and recorded prior to January 5, 2000, and where the replat does not increase the density or intensity of the approved land uses. No excise tax will be levied with this plat.

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

Utilities – All utilities are available to the site. The City of Gardner is the provider for sanitary sewer and electric, WaterOne is the provider for water.

Environmental Conditions - The site is in the Little Bull Creek watershed. A small portion of floodway and floodplain exist on the southwest corner of the site. Most of the site is characterized by silt loam soils with 1-3% slopes, constituting prime farmland somewhat poorly drained. A portion in the southwest corner is silty clay loam moderately well drained.

NEW CENTURY AIRCENTER –

The subject property is within the New Century AirCenter Airport Interest Area and within 1 mile of airport owned property. The Johnson County Airport Board and Johnson County Board of County Commissioners will have to review and take action on these applications because of the proximity of the property to the airport.

ATTACHMENTS

I. Preliminary Plat
II. Final Plat
III. Applications

ACTIONS

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

EFFECT OF DECISION

Preliminary Plat – The approval of the preliminary plat does not constitute an acceptance of the subdivision, but authorizes preparation of the final plat. If the Planning Commission tables a plat, the applicant shall have 60 days to submit information sufficient for approval or the application shall be deemed denied. The applicant may request that a denied preliminary plat be submitted to the Governing Body and the Planning Commission shall submit all information to the Governing Body, which can make a determination consistent with these regulations. The approval of the preliminary plat shall be effective for 18 months, except that any approval of a final plat for any phase specifically indicated on a preliminary plat shall renew the 18-month period. The Planning Commission may grant an extension of this period for up to one year, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.

Final Plat – If the Planning Commission approves or conditionally approves the final plat, the plat shall be forwarded to the Governing Body with a recommendation that they accept dedication of land for public purposes such as easements, rights-of-way and public facilities. The approval of the final plat; acceptance of the dedication of land for public purposes; finding that the construction plans for any utilities, infrastructure or public facilities meet all City technical specifications; and payment of the excise tax if applicable, authorizes the filing of the plat with the Johnson County Records and Tax Administration. Any approval with conditions or exceptions to the rules shall be clearly stated on the plat. Any plat not recorded within two years from the date of acceptance of land by the Governing Body shall be null and void. Upon approval of the final plat, dedications, and construction plans and recording of the plat, the applicant may proceed with the construction of required improvements. No building permit shall be authorized until the completion, inspection and acceptance of all required improvements.

RECOMMENDATION

PRELIMINARY PLAT

Staff recommends approval of PP-21-03, a single lot multi-family preliminary plat for Treadway Apartments.

Recommended Motion:

After review of Application PP-21-03, a preliminary plat for parcel ID CF231429-1008, and preliminary plat dated June 7, 2021, and staff report dated July 26, 2021, the Planning Commission approves the application as proposed after finding all applicable requirements have been met.

FINAL PLAT

Staff recommends approval of FP-21-04, a final plat for Treadway Apartments with the conditions outlined in the recommended motion below and recommends the Planning Commission send the recommendation to the Governing Body to accept the dedication of right-of-way and easements.

Recommended Motion:

After review of Application FP-21-04, a final plat parcel ID CF231429-1008 and final plat dated June 7, 2021, and staff report dated July 26, 2021, the Planning approves the application as proposed, provided the following conditions are met:

1. Preliminary plat PP-21-03 shall be approved prior to the release of the final plat FP-21-04 for recording.
2. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.
3. The application shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the release of the plat for recording.

and recommends the Governing Body accept dedication of right-of-way and easements.

PLANNING COMMISSION STAFF REPORT **NEW BUSINESS ITEM NO. 1C & 1D**
MEETING DATE: JULY 26, 2021
PREPARED BY: ROBERT CASE, PRINCIPAL PLANNER

PROJECT NUMBER / TITLE: PP-21-03 Preliminary Plat & FP-21-04 Final Plat Treadway Apartments

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PROCESS INFORMATION

Type of Request: Preliminary and Final Plat
Date Received: June 7, 2021

APPLICATION INFORMATION

Applicant: Schlagel & Associates, PA, Mark Breuer, PE
Owner: Grata LLC, Travis Schram, Manager
Parcel IDs: CF231429-1008
Location: Southeast corner of I-35 and 175th Street approximately 2000' south of 175th Street

REQUESTED ACTION

The applicant is requesting approval of a preliminary and final plat for Treadway Apartments, a single lot multi-family subdivision.

EXISTING ZONING AND LAND USE

The property is currently vacant and undeveloped property. The property is currently zoned R-3 and C-3 (Garden Apartment and Commercial) District.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
C-3 (Commercial) District	Undeveloped commercial property
East of subject property	
R-2 (Two Family) District	Undeveloped Single-family property
R-1 (Single Family) District	Undeveloped Single-family property
South of subject property	
County RUR (Rural, Agricultural) District	Agricultural property
West of subject property	
County PEC3 (Planned Light Industrial Park) District	Vacant property

EXISTING CONDITIONS

This property is currently not platted and is unimproved.

BACKGROUND / HISTORY

The property was annexed on September 3, 2019 per Ordinance 2622. On April 20, 2020 approved an application to rezone the property to C-3 (Commercial) per Ordinance 2657 and to R-3 (Garden Apartment) District per Ordinance 2658.

CONSISTENCY WITH COMPREHENSIVE PLAN

The Gardner Comprehensive Plan was adopted in 2014 and did not identify detailed future land use for areas on the east side of the interstate but designated it as "Southeast Quadrant Market Determined Growth Area" with Regional Commercial future land uses identified at the interchanges. The plan directed staff to further study that growth area in the near future. Staff proceeded with this direction and completed the process for two subarea plans at the interchanges. The subject properties are within the study boundaries of the *I-35 & 175th Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan in June 2018. At the time of the planning efforts, the subject property owner had proposed a concept for the property and that concept was utilized to guide the future land use for that area in the plan. The property is shown for Regional Commercial (red), Commercial and Light Industrial (lavender), Heavy Commercial and Industrial (dark purple) and Parks/Recreation/Open Space (green) future land uses. The subject parcel (yellow outline) is identified for Regional Commercial and Parks/Recreation/Open Space future land uses.

Additionally, the Comprehensive Plan has identified this area for "New Residential Growth" in the Residential Area Plan under the Housing section, which is undeveloped land that provides a clean slate for future residential development to contribute to and enforce the City's existing character and identity. One goal of New Residential Growth is to ensure a new development meets the requirements of the *Gardner Land Development Code* and provides flexibility where necessary to accommodate a variety of housing types and intensities. While the project itself does not provide a variety of housing types, the proposed addition of apartments would provide for a variety of housing in the area. The nearest apartment development is just over a mile to the east at E. Grand Street and Moonlight Road. With the growth of businesses in New Century AirCenter and 175th Street being a main corridor into Gardner, multi-family housing on the east side of Gardner will be important.

The open space preservation and conservation design is supported with this project by way of stormwater detention areas throughout the project which will include native vegetation. Additionally as mentioned before, trails are incorporated into the plan. Staff finds that this project is consistent with housing diversity goals of the Comprehensive Plan.

STAFF ANALYSIS - PRELIMINARY PLAT

17.03.020 (D1) Review Criteria:

a. The application is in accordance with the Comprehensive Plan and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.

Staff Comment: *The subject property is located within the New Residential Growth Areas of the Comprehensive Plan which is undeveloped land that provides a "clean slate" for future residential development. This section states new residential growth areas should provide logical connections to the surrounding street grid, streetscapes that provide for trees to be planted in the parkway, and pedestrian connections.*

b. Compliance with the requirements of this Land Development Code, and in particular the blocks and lots proposed are capable of meeting all development and site design standards under the existing or proposed zoning.

Staff Comment: *The proposed plat is generally in compliance with the requirements of the Land Development Code (LDC) regarding lots and blocks.*

This development has internal access drives that mimic block structures. Sidewalks are provided for along the drives that also connect to trails through the blocks.

c. Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.

Staff Comment: *There is no phasing proposed with this plat.*

d. Any impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.

Staff Comment: *The provided studies and technical reports provided generally accepted and sound planning and engineering that reflect long-term solutions and fiscal investment.*

e. The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan.

Staff Comment: *The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan. The surrounding properties are developed and if redevelopment is proposed, that development will have to meet the goals and policies of the Comprehensive Plan.*

f. The design does not impede the construction of anticipated or planned future public infrastructure within the area.

Staff Comment: *The design does not impede the construction of anticipated or future public infrastructure in the area. This plat provides for the initial internal roadway improvements for the planned commercial development to the north.*

g. The recommendations of professional staff, or any other public entity asked to officially review the plat.

Staff Comment: *Staff recommends approval of the preliminary plat for Treadway.*

STAFF ANALYSIS - FINAL PLAT

17.03.020 (E1) Review Criteria:

a. The layout and design of the final plat is in substantial compliance with the approved preliminary plat considering the number of lots or parcels; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments.

Staff Comment: *The final plat in in substantial compliance with the preliminary plat regarding number of lots, block layout and the infrastructure elements.*

b. The construction plans for any utilities, infrastructure or public facilities shall have been found to meet all technical specifications, or final plat approval shall be conditioned on such plans meeting all technical specifications, before the recording of the final plat.

Staff Comment: *Public improvement plans shall be submitted and approved prior to the release of the final plat for recording at the County. The city is the provider for sanitary sewer, stormwater, and electric facilities in the area. Water service is being provided by WaterOne.*

c. The phasing and timing of public improvements ensures construction and performance guarantees.

Staff Comment: *Public improvement plans shall be submitted and approved prior to the release of the final plat for recording and issuance of building permits to ensure all improvements are in place.*

d. Any deviations in the final plat from the preliminary plat brings the application in further compliance with the Comprehensive Plan and the purposes and intent of this Code.

Staff Comment: *There are no deviations from the preliminary plat.*

e. The recommendations of professional staff or any other public entity asked to officially review the plat.

Staff Comment: *Staff recommends the Planning Commission forward a recommendation of approval of the final plat to the Governing Body with the conditions outlined below.*

EXCISE TAX

Excise tax is levied with the act of platting the portion of the property in the city. Any of the subject property that has never been a part of a final plat before is therefore subject to paying the excise tax. This tax is based on the square footage of the plat property, excluding any arterial type right-of-way dedication for streets and parkland dedication. This plat will not be required to pay excise tax as it qualifies for the following exemption: Any replat of previously platted land area which was approved by the City and recorded prior to January 5, 2000, and where the replat does not increase the density or intensity of the approved land uses. No excise tax will be levied with this plat.

STAFF ANALYSIS – INFRASTRUCTURE / OTHER

Utilities – All utilities are available to the site. The City of Gardner is the provider for sanitary sewer and electric, WaterOne is the provider for water.

Environmental Conditions - The site is in the Little Bull Creek watershed. A small portion of floodway and floodplain exist on the southwest corner of the site. Most of the site is characterized by silt loam soils with 1-3% slopes, constituting prime farmland somewhat poorly drained. A portion in the southwest corner is silty clay loam moderately well drained.

NEW CENTURY AIRCENTER –

The subject property is within the New Century AirCenter Airport Interest Area and within 1 mile of airport owned property. The Johnson County Airport Board and Johnson County Board of County Commissioners will have to review and take action on these applications because of the proximity of the property to the airport.

ATTACHMENTS

I. Preliminary Plat
II. Final Plat
III. Applications

ACTIONS

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

EFFECT OF DECISION

Preliminary Plat – The approval of the preliminary plat does not constitute an acceptance of the subdivision, but authorizes preparation of the final plat. If the Planning Commission tables a plat, the applicant shall have 60 days to submit information sufficient for approval or the application shall be deemed denied. The applicant may request that a denied preliminary plat be submitted to the Governing Body and the Planning Commission shall submit all information to the Governing Body, which can make a determination consistent with these regulations. The approval of the preliminary plat shall be effective for 18 months, except that any approval of a final plat for any phase specifically indicated on a preliminary plat shall renew the 18-month period. The Planning Commission may grant an extension of this period for up to one year, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.

Final Plat – If the Planning Commission approves or conditionally approves the final plat, the plat shall be forwarded to the Governing Body with a recommendation that they accept dedication of land for public purposes such as easements, rights-of-way and public facilities. The approval of the final plat; acceptance of the dedication of land for public purposes; finding that the construction plans for any utilities, infrastructure or public facilities meet all City technical specifications; and payment of the excise tax if applicable, authorizes the filing of the plat with the Johnson County Records and Tax Administration. Any approval with conditions or exceptions to the rules shall be clearly stated on the plat. Any plat not recorded within two years from the date of acceptance of land by the Governing Body shall be null and void. Upon approval of the final plat, dedications, and construction plans and recording of the plat, the applicant may proceed with the construction of required improvements. No building permit shall be authorized until the completion, inspection and acceptance of all required improvements.

RECOMMENDATION

PRELIMINARY PLAT

Staff recommends approval of PP-21-03, a single lot multi-family preliminary plat for Treadway Apartments.

Recommended Motion:

After review of Application PP-21-03, a preliminary plat for parcel ID CF231429-1008, and preliminary plat dated June 7, 2021, and staff report dated July 26, 2021, the Planning Commission approves the application as proposed after finding all applicable requirements have been met.

FINAL PLAT

Staff recommends approval of FP-21-04, a final plat for Treadway Apartments with the conditions outlined in the recommended motion below and recommends the Planning Commission send the recommendation to the Governing Body to accept the dedication of right-of-way and easements.

Recommended Motion:

After review of Application FP-21-04, a final plat parcel ID CF231429-1008 and final plat dated June 7, 2021, and staff report dated July 26, 2021, the Planning approves the application as proposed, provided the following conditions are met:

1. Preliminary plat PP-21-03 shall be approved prior to the release of the final plat FP-21-04 for recording.
2. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.
3. The application shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the release of the plat for recording.

and recommends the Governing Body accept dedication of right-of-way and easements.

EXCERPT

PLANNING COMMISION MEETING
City of Gardner, Kansas
Council Chambers
July 26, 2021
7 p.m.

CALL TO ORDER
The meeting of the Gardner Planning Commission was called to order at 7:06 p.m. on Monday July 26, 2021, by Chairman Scott Boden.

PLEDGE OF ALLEGIANCE
Chairman Boden led the Pledge of Allegiance.

ROLL CALL
Commissioners present:
Chairman Boden
Commissioner Ham
Commissioner Hansen
Commissioner Meder
Commissioner McNeer
Commissioner Jueneman
Commissioner Cooper

Staff members present:
David Knopick, Community Development Director
Robert Case, Planner
Melissa Krayca, Administrative Assistant
Spencer Low, City Attorney

REGULAR AGENDA
Item 1. Consider the following for Treadway Apartments

a. **Rezoning**
b. **Site Plan**
c. **Preliminary Plat**
d. **Final Plat**

Dave Knopick, Community Development Director provided an introductory overview of the components of this item.

APPLICANT PRESENTAION
Ryan Adam, Cityscape Residential introduced himself and his partnership with Grata Development. Grata is a Kansas City based development company focused on building intentional communities where families live and thrive. Cityscape is a full service real estate firm with over 25 years of experience in design, construction and management. Grata Development and Cityscape are partnering to build multi-family housing in a premier location to capture the growing workforce demand in the area. Treadway at New Trails will consist of 424 units at the southeast corner of 175th St. and I-35 providing convenient highway access and amenities currently not found in the market. Competitively priced compared to other Class A projects further north and east with rent targets for studios at $775, 1 bedroom starting at $985 and 2

bedroom starting at $1,166. Community amenities will include a clubhouse that includes work space and private conference rooms, pet spa, media & internet lounge, club room with television/arcade and fitness center. Site amenities will include saltwater pool, bbq grill stations, walking trails, full size bocce ball, pickle ball, dog park, package locker system, car washing station and Frisbee golf course.

An administrative adjustment is requested to revise the plans to show a 6' 4" wide sidewalks along areas abutting parking with vehicle overhangs. It is asked that the City to support this request to accommodate distance limitations associated with fire department requirement and they would also like to utilize a planting bed to break up the facades of the building for aesthetic purposes. By utilizing a 6' 4" sidewalk they are able to provide the necessary passages to meet ADA requirements of a 4' passage while contemplating a 2' overhang for the front of vehicles.

PUBLIC HEARING

Public Hearing opened by Planning Commission.

Steve Clary, 24850 W. 190th St expressed his concern about the infrastructure specifically internet service being overwhelmed in the area as he already has poor service with Century Link. Additionally he voiced the fact that a very large development would create more traffic than 175th is able to accommodate.

Ryan Adams stated that the conversations have begun with Century Link to obtain better service in the area.

Public Hearing closed by Planning Commission.

STAFF PRESENTATION

Mr. Case presented the information in the staff report for Treadway Apartments Items 1c & 1d. The application is generally consistent with the Comprehensive Plan and in compliance with the Land Development Code. All technical studies have been submitted and approved. The plat does not deter any existing or future development on adjacent lots.

Motion made after review of Application PP-21-03, a preliminary plat for parcel ID CF231429-1008, and preliminary plat dated June 7, 2021, and staff report dated July 26, 2021, the Planning Commission approves the application as proposed after finding all applicable requirements have been met.
Motion made by McNeer and seconded by Meder.
Motion passed 7-0

The final plat is in substantial compliance with the preliminary plat and the Land Development Code. The request for final platting is consistent with established goals and policies of the City. No adjustments are requested with this plat

Motion made after review of Application FP-19-04, a final plat parcel ID CF231429-1008 and final plat dated June 7, 2021, and staff report dated July 26, 2021, the Planning approves the application as proposed, provided the following conditions are met:

1. **Preliminary plat PP-21-03 shall be approved prior to the release of the final plat FP-21-04 for recording.**
2. **The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.**

3. **The application shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the release of the plat for recording.**

And recommends the Governing Body accept dedication of right-of-way and easements.

Motion made by Meder and seconded by McNeer.

Motion passed 7-0.

COUNCIL ACTION FORM COMMITTEE RECOMMENDATION NO. 1

MEETING DATE: SEPTEMBER 20, 2021

STAFF CONTACT: ROBERT CASE, PRINCIPAL PLANNER

Agenda Item: Consider adopting an ordinance approving a rezoning from A (Agricultural) District to CO-A (Neighborhood Business) District for a 3.82 acre commercial development at Moonlight Rd and Woodson Ln

Strategic Priority: Economic Development; Asset and Infrastructure Management

Department: Community Development

Planning Commission Recommendation:

After review of Application Z-21-05, a rezoning for 18085 Moonlight Road (parcel ID CF231430-2014), and the staff report dated August 23, 2021, the Planning Commission recommends rezoning such parcel from A - Agricultural District to CO-A – Neighborhood Business District, with the finding that the CO-A Neighborhood Business District is a lesser change then the C-2 General Business District request as demonstrated by Table 5-2: Use Table in Section 17.05 Zoning Districts and Use Standards of the Gardner Land Development Code (LDC), provided the following conditions are met:

1. Future use of the property be limited to the following uses from Table 5-2: Use Table and the associated use descriptions found in Section 17.05.030 General Use Standards of the LDC:
   - **RESIDENTIAL DWELLINGS**
     - Multi-Unit Household Living P
     - Mixed Use (apartment over commercial/service) P
     - Live/Work P
   - **CIVIC/INSTITUTIONAL**
     - Cultural and Public Service P
     - Open/Civic Space P
   - **RETAIL**
     - Retail – Micro (under 1K) P
     - Retail – Neighborhood (1K – 3K) P
     - Retail – Small (3K – 6K) P
     - Grocery – Market (under 10K) P
     - Grocery – Store (10K – 45K) C*
     - Outdoor Sales – Limited A*
     - Convenience Store/Fuel Station – Limited (1-4 pumps) P*
     - Convenience Store/Fuel Station – General (5-12 pumps) C*
   - **SERVICE AND EMPLOYMENT**
     - Animal Care – General P
     - Day Care Center P
     - Food and Beverage – Accessory Outdoor A*
     - Food and Beverage – General P*

    - Food and Beverage – Mobile T*
    - Health Care – Small P
    - Lodging – Bed and Breakfast (up to 5 rooms) P
    - Lodging – Inn (up to 20 rooms) P
    - Office – Limited (under 10K) P
    - Office – General (10K – 40K) C
    - Personal Services – Limited (under 3K) P
    - Personal Services – General (3K – 10K) P
    - Recreation/Entertainment – Indoor Minor (under 10K) P
    - Temporary Use T*
- **INDUSTRIAL**
    - Manufacturing – Limited/Artisan P
- **AGRICULTURAL**

  None
- **COMMUNICATIONS AND UTILITIES**
    - Small cell and distributed antenna systems mounted or collocated on monopoles, utility poles, or street lights in the public rights-of-way P*
    - Communication facilities designed as an architecturally compatible element mounted or collocated on nonresidential buildings A*
    - Communication facilities designed as an architecturally compatible element mounted or collocated on mixed use or live/work buildings A*
    - Wind Energy Conversion System – Small C*
    - Solar Collector – Roof Mounted A*
    - Solar Collector – Ground Mounted C*

A = Accessory Use; C = Conditional Use; P = Permitted Use; T = Temporary Use;* = Supplemental Use Regulations

2. That a preliminary and final development plan be submitted, reviewed and approved by the City Staff, Planning Commission and City Council through the prescribed public processes for such development plans found in Section 17.05.030 within 12 months of this rezoning action to add the P (Planned District) designation to the CO-A Neighborhood Business District. If a development plan is not approved within such timeframe, the zoning for this parcel will revert back to the A - Agricultural District.

The Planning Commission recommended approval, with conditions, by a vote of 6-0-1 (absent).

Staff Recommendation:
Staff recommends approval of the rezoning with the stated conditions and recommended the Planning Commission forward their recommendation for approval to the Governing Body.

Background/Description of Item:
The building on the property was built in 1920 and the site has been zoned A (Agricultural District) for many years. The property is currently vacant.

<u>ACTIONS</u>
Per Section 17.03.030 (D) of the *Gardner Land Development Code*, the Governing Body may:
1. Adopt such recommendation by ordinance, (simple majority vote);

2. Override the Planning Commission's recommendation by at least a two-thirds vote of the membership of the Governing Body; or
3. Return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendation, the Planning Commission after considering the same may resubmit its original recommendation giving the reasons therefor or submit new and amended recommendations. Upon the receipt of such recommendation, the Governing Body by a simple majority may adopt or may revise or amend and adopt such recommendation by ordinance or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

Financial Impact:
None.

Attachments included:
- Ordinance No. 2719
- Planning Commission packet
- August 23, 2021 draft Planning Commission minute excerpt

Suggested Motion:
Accept the recommendation, with conditions as outlined, of the Planning Commission and approve Ordinance No. 2719, an ordinance changing the zoning classification or districts of certain lands located in the City of Gardner, Kansas, under the authority granted by Title 17 of the Municipal Code of the City of Gardner, Kansas.

ORDINANCE NO. 2719

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF GARDNER, KANSAS, UNDER THE AUTHORITY GRANTED BY TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF GARDNER, KANSAS;

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: That having received a recommendation from the Planning Commission on March 24, 2020, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the Gardner, Kansas Land Development Code, the recommendation of the Planning Commission is hereby approved and the zoning classification or districts of the lands legally described hereby are changed in conformity therewith as follows:

The following described property located at the northeast intersection of Moonlight Road and Woodson Lane shall hereafter have a zoning classification of CO-A (Neighborhood Business) District with the following conditions:

1. Future use of the property be limited to the following uses from Table 5-2: Use Table and the associated use descriptions found in Section 17.05.030 General Use Standards of the LDC:

RESIDENTIAL DWELLINGS

- Multi-Unit Household Living P
- Mixed-Use (apartment over commercial/service) P
- Live/Work P

CIVIC/INSTITUTIONAL

- Cultural and Public Service P
- Open/Civic Space P
- RETAIL
- Retail – Micro (under 1K) P
- Retail – Neighborhood (1K – 3K) P
- Retail – Small (3K – 6K) P
- Grocery – Market (under 10K) P
- Grocery – Store (10K – 45K) C*
- Outdoor Sales – Limited A*
- Convenience Store/Fuel Station – Limited (1-4 pumps) P*
- Convenience Store/Fuel Station – General (5-12 pumps) C*

SERVICE AND EMPLOYMENT

- Animal Care – General P
- Day Care Center P
- Food and Beverage – Accessory Outdoor A*
- Food and Beverage – General P*
- Food and Beverage – Mobile T*
- Health Care – Small P
- Lodging – Bed and Breakfast (up to 5 rooms) P
- Lodging – Inn (up to 20 rooms) P
- Office – Limited (under 10K) P
- Office – General (10K – 40K) C
- Personal Services – Limited (under 3K) P

- Personal Services – General (3K – 10K) P
- Recreation/Entertainment – Indoor Minor (under 10K) P
- Temporary Use T*

INDUSTRIAL

- Manufacturing – Limited/Artisan P

AGRICULTURAL

- None

COMMUNICATIONS AND UTILITIES

- Small cell and distributed antenna systems mounted or collocated on monopoles, utility poles, or street lights in the public rights-of-way P*
- Communication facilities designed as an architecturally compatible element mounted or collocated on nonresidential buildings A*
- Communication facilities designed as an architecturally compatible element mounted or collocated on mixed-use or live/work buildings A*
- Wind Energy Conversion System – Small C*
- Solar Collector – Roof Mounted A*
- Solar Collector – Ground Mounted C*

A = Accessory Use; C = Conditional Use; P = Permitted Use; T = Temporary Use;* = Supplemental Use Regulations

2. That a preliminary and final development plan be submitted, reviewed, and approved by the City Staff, Planning Commission, and City Council through the prescribed public processes for such development plans found in Section 17.05.030 within 12 months of this rezoning action to add the P (Planned District) designation to the CO-A Neighborhood Business District. If a development plan is not approved within such a timeframe then the zoning for this parcel will revert to the A - Agricultural District.

CASE NO. Z-21-05

Rezoning from A (Agricultural) District to CO-A (Neighborhood Business) District:

LEGAL DESCRIPTION:

Beginning 955.70 feet South of the Northwest corner of the North Half of the Southwest Quarter of Section 30, Township 14, Range 23, thence East 1183.7 feet; thence South 368 feet; thence West 1183.7 feet; thence North 368 feet to the point of beginning, Johnson County, Kansas.

EXCEPT
The East 700 feet of the following described tract: Beginning 955.70 feet South of the Northwest corner of the North Half of the Southwest Quarter of Section 30, Township 14, Range 23, thence East 1183.7 feet; thence South 368 feet; thence West 1183.7 feet; thence North 368 feet to the point of beginning, Johnson County, Kansas, except that part in road.

AND EXCEPT
All that part of the North Half of the Southwest Quarter of Section 30, Township 14, Range 23, Johnson County, Kansas, described as follows: Commencing at the Southwest comer of the Southwest Quarter of said Section 30, thence North 0 degrees 09 minutes 42 seconds West, along the West line of the Southwest Quarter of said Section 30, a distance of 1323.49 feet, to the point of beginning, said point being the Southwest comer of the North Half of the Southwest

Quarter of said Section 30; thence continuing North 0 degrees 09 minutes 42 seconds West, along the West line of the Southwest Quarter of said Section 30, a distance of30.00 feet; thence South 89 degrees 57 minutes 56 seconds East, a distance of59.93 feet; thence Easterly, along a curve to the right having a radius of 330 .00 feet a central angle of 12 degrees 00 minutes 00 seconds a distance of 69.12 feet, thence South 77 degrees 57 minutes 56 seconds East, a distance of 81.23 feet; thence Easterly, along a curve to the left having a radius of 270.00 feet a central angle of 12 degrees 00 minutes 00 seconds a distance of 56.55 feet, to a point on the South line of the North Half of the Southwest Quarter of said Section 30; thence North 89 degrees 57 minutes 56 seconds West,, along the South line of the North Half of the Southwest Quarter of said Section 30, a distance of 264.20 feet to the point of beginning.

SECTION TWO: That upon the taking effect of this Ordinance, the above zoning changes shall be incorporated and shown on the Zoning District Map previously adopted by reference, and said Zoning District Map is hereby reincorporated as a part of the Land Development Code as amended.

SECTION THREE: That this Ordinance shall take effect and be in force from and after its adoption by the Governing Body and publication in the official City Newspaper.

PASSED by the Governing Body this 20th day of September, 2021.

SIGNED by the Mayor this 20th day of September, 2021.

CITY OF GARDNER, KANSAS

(SEAL)

_____
Steve Shute, Mayor

Attest:

_____
Sharon Rose, City Clerk

Approved as to form:

_____
Ryan B. Denk, City Attorney

PLANNING COMMISSION STAFF REPORT
REGULAR AGENDA ITEM NO. 1

MEETING DATE: AUGUST 23, 2021
PREPARED BY: ROBERT CASE, PLANNER

PROJECT NUMBER / TITLE: Z-21-05 Rezoning for 18085 Moonlight Rd

PROCESS INFORMATION

Type of Request: Zoning Map Amendment
Date Received: July 6, 2021

APPLICATION INFORMATION

Applicant: OSK LLC
Owner: Two Broke Brothers LLC
Parcel ID: CF231430-2014
Location: 18085 Moonlight Rd

REQUESTED ACTION

Hold a public hearing on and consider a request to rezone 3.82 acres located at 18085 Moonlight Rd from A (Agricultural District) to C-2 (General Business District) District.

EXISTING ZONING AND LAND USE

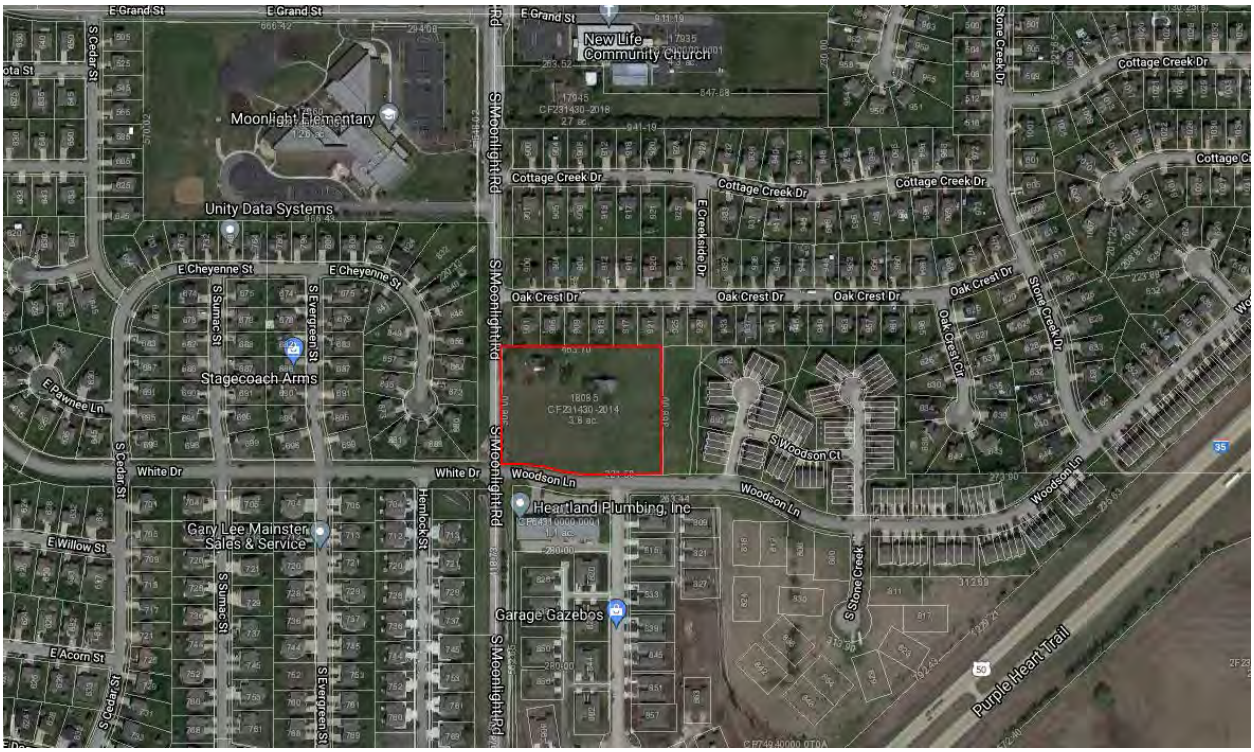
The site is currently zoned A (Agricultural District), and is not in use.

SURROUNDING ZONING AND LAND USE

Zoning	Use(s)
North of subject property	
R-1 (Residential) District	Single-Family Residential
East of subject property	
RP-3 (Residential) District	Multi-Family Residential
South of subject property	
M-1 (Industrial), RP-2 (Residential) District	Heartland Plumbing, Inc., Duplex Residential
West of subject property	
R-1 (Residential) District	Single-Family Residential

EXISTING CONDITIONS

The property is currently not platted and has one house and accessory structure located there. All utilities are available to the subject parcel.



BACKGROUND / HISTORY

The building on the property was built in 1920 and the site has been zoned A (Agricultural District) for many years. The property is currently vacant.

STAFF REVIEW:

Gardner Land Development Code Section 17.03.030 (B) Review Criteria:

1. **The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; and the operation and uses of land and buildings;**

Staff Comment: *The neighborhood includes single-family residential, higher-density residential, and the Heartland Plumbing building. The site is located along the minor arterial South Moonlight Road and the collector Woodson Lane. The property is located at a transition point from single-*

family residential to the north and west to higher-density townhomes and duplexes to the east and south, respectively.

2. **The zoning and use of properties nearby, and the compatibility with potential uses in the proposed district with these zoning districts;**

Staff Comment: *See the Surrounding Zoning and Land Use Table above. The requested C-2 zoning is a more intensive zoning district than the existing zoning of surrounding property - other than the property zoned M–1 to the south. The wide range of potential uses permitted under the C-2 zoning along with the proximity of adjacent residential uses raises compatibility concerns without further land use restrictions beyond the permitted land uses under C-2 zoning and/or a specific development plan accompanying the rezoning request.*

3. **The suitability of the subject property for the uses to which it has been restricted;**

Staff Comment: *The property has been restricted to uses allowed in the A – Agricultural District and is suitable for the allowed uses indicated in Table 5-2: Use Table of the Land Development Code given infrastructure availability although some allowed uses may raise compatibility issues in light of the existing residential development adjacent to the property.*

4. **The extent to which removal of the restrictions will detrimentally affect nearby property;**

Staff Comment: *Going from what would be considered the least intensive zoning district (A) to the intensity level of the C-2 district will create a variety of new issues that may affect nearby property within the existing development context of the parcel. In general, light, noise, service provision, outdoor activity and other facets of the uses allowed in the C-2 district have the potential to be detrimental to neighboring properties without additional use limitations and restrictions which could serve to mitigate impacts through the development plan review process and the planned district designation.*

5. **The length of time the subject property has remained vacant as zoned;**

Staff Comment: *The subject property has not been developed previously and currently has a residential and an accessory structure on the property which appears to be in support of small scale agricultural use.*

6. **The relative gain to economic development, public health, safety and welfare by the current restrictions on the applicant's property as compared to the hardship imposed by such restrictions upon the property.**

Staff Comment: *This rezoning request, if approved, would allow for the development of community commercial activity which would be of economic benefit to the City. But the size of the property and the lack of a development plan would likely limit that gain in light of other*

concerns related to the potential adverse impacts that may need to be mitigated given the variety of uses allowed in the C-2 district. In general, the relative gains resulting from the current restrictions appear negligible, as do the hardships imposed by such restrictions since the property can be developed further as a residential property or through rezoning the property to a residential district in conformance with the comprehensive plan.

7. The recommendations of professional staff;

Staff Comment: *Staff recommendation is provided below.*

8. The conformance of the requested change to the Comprehensive Plan, and in particular the relationship of the intent statement for the proposed district and how the specific application furthers that intent statement in relation to the Comprehensive Plan;

Staff Comment: *The future land map in the comprehensive plan shows the parcel shown to be low-density residential in the future while the intent statement for the requested C-2 (General Business) zoning is to allow retail and service uses that do not require a central location but can contribute to the overall vitality and mix of uses in an area at a strategic location. It should be noted that the plan does state the desire to promote community commercial spaces around strategic intersections but does not appear to designate this location as a strategic intersection for such community level commercial development.*

9. The extent to which the proposed use would adversely affect the capacity or safety of any utilities, infrastructure or public services serving the vicinity; and

Staff Comment: *The infrastructure is already existing and is capable of serving the area. With proper planning / design / construction there should be no large adverse effects on infrastructure.*

10. Other factors relevant to a particular proposed amendment or other factors which support other adopted policies of the City.

Staff Comment: *There appear to be several factors that may point to the future use of this property as a neighborhood level commercial location including: location on the corner of a minor arterial and collector intersection; being directly across the street from a parcel of property zoned M-1 Restricted Industrial District (which is a more intensive district than C-2); and being in close proximity to a variety of existing housing formats including single-family, duplex, and garden apartments which increases the residential density level above that of a typical suburban single-family neighborhood.*

Additionally, there are factors that point to the future use of the property for residential development in a variety of formats in keeping with the comprehensive plan. The consideration of all these factors point to the delicate nature of infill development and the need to determine the

zoning district that can best fulfill the desire to enhance and support neighborhood stability and development while utilizing the tools that require the higher level of planning / design necessary for properly integrating new development into an existing physical development context.

ATTACHMENTS

I. Rezoning Application
II. Public hearing mailed notice letters
III. Applicant Phasing Diagram
IV. Applicant Aerial Images

POTENTIAL ACTIONS

Per Section 17.03.010 (G) of the Gardner Land Development Code, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

EFFECT OF DECISION

Zoning Map Amendment (Rezoning) – Amendments to the official zoning map (rezoning) shall be approved by the Governing Body in the form of an ordinance. Approved changes shall be indicated on the official zoning map by the Director within 30 days following such action.

RECOMMENDATION

Staff recommends that the Planning Commission consider and recommend a less intensive zoning district then the requested C-2 General Business District for the property located at 18085 Moonlight Rd. The intent of the C-2 district is provided in the Land Development Code (LDC) as follows:

Section 17.05.010
12. General Business – "C-2." *The General Business District provides retail, service and employment uses that do not require a central location or that are not easily integrated with supporting compatible uses. This district can also be used in a limited manner for specific uses that are not easily integrated into the compact pattern of neighborhood or mixed-use centers, but that can contribute to the overall vitality and mix of uses of these areas at strategic locations.*

Given the development pattern, scale, type and intensity in the vicinity of this parcel, staff feels that the intensity of the uses allowed on this property should be limited to ensure compatibility with the surrounding neighborhood and adjacent properties. Therefore, the *CO-A Neighborhood Business District* appears to be a more appropriate district if commercial use is to be allowed at this location. The intent of the CO-A district per the LDC is as follows:

> Section 17.05.010
> *10.* Neighborhood Business – "CO-A." *The Neighborhood Business District provides small-scale retail, service and employment uses in a compact and walkable format that are well-integrated with residential neighborhoods or other supporting uses.*

Per Kansas State Statutes Section 12-757 (b) the Planning Commission may make a recommendation of a zoning classification of a lesser change than that set forth in the notice for this item as long as there has been a previously established table or publication available to the public addressing what zoning classifications are lesser changes. In this case the content of Section 17.05 Zoning Districts and Use Standards of the LDC meets this requirement for recommending the CO-A district instead of the C-2 district request.

Additionally, staff feels that for any future development of this property to be "well-integrated" with the surrounding residential neighborhoods and other uses; such development be subject to review and approval through the planned development review process as outlined in Section 17.03.040 of the LDC.

Recommended Motion:

After review of Application Z-21-05, a rezoning for 18085 Moonlight Road (parcel ID CF231430-2014), and the staff report dated August 23, 2021, the Planning Commission recommends rezoning such parcel from A - Agricultural District to CO-A – Neighborhood Business District with the finding that the CO-A Neighborhood Business District is a lesser change then the C-2 General Business District request as demonstrated by Table 5-2: Use Table in Section 17.05 Zoning Districts and Use Standards of the Gardner Land Development Code (LDC), provided the following conditions are met:

1. Future use of the property be limited to the following uses from Table 5-2: Use Table and the associated use descriptions found in Section 17.05.030 General Use Standards of the LDC:
   - **RESIDENTIAL DWELLINGS**
     - Multi-Unit Household Living P
     - Mixed Use (apartment over commercial/service) P
     - Live/Work P
   - **CIVIC/INSTITUTIONAL**
     - Cultural and Public Service P
     - Open/Civic Space P
   - **RETAIL**
     - Retail – Micro (under 1K) P
     - Retail – Neighborhood (1K – 3K) P
     - Retail – Small (3K – 6K) P
     - Grocery – Market (under 10K) P
     - Grocery – Store (10K – 45K) C*

- Outdoor Sales – Limited A*
- Convenience Store/Fuel Station – Limited (1-4 pumps) P*
- Convenience Store/Fuel Station – General (5-12 pumps) C*

- **SERVICE AND EMPLOYMENT**
  - Animal Care – General P
  - Day Care Center P
  - Food and Beverage – Accessory Outdoor A*
  - Food and Beverage – General P*
  - Food and Beverage – Mobile T*
  - Health Care – Small P
  - Lodging – Bed and Breakfast (up to 5 rooms) P
  - Lodging – Inn (up to 20 rooms) P
  - Office – Limited (under 10K) P
  - Office – General (10K – 40K) C
  - Personal Services – Limited (under 3K) P
  - Personal Services – General (3K – 10K) P
  - Recreation/Entertainment – Indoor Minor (under 10K) P
  - Temporary Use T*
- **INDUSTRIAL**
  - Manufacturing – Limited/Artisan P
- **AGRICULTURAL**

  None
- **COMMUNICATIONS AND UTILITIES**
  - Small cell and distributed antenna systems mounted or collocated on monopoles, utility poles, or street lights in the public rights-of-way P*
  - Communication facilities designed as an architecturally compatible element mounted or collocated on nonresidential buildings A*
  - Communication facilities designed as an architecturally compatible element mounted or collocated on mixed use or live/work buildings A*
  - Wind Energy Conversion System – Small C*
  - Solar Collector – Roof Mounted A*
  - Solar Collector – Ground Mounted C*

A = Accessory Use; C = Conditional Use; P = Permitted Use; T = Temporary Use;* = Supplemental Use Regulations

2. That a preliminary and final development plan be submitted, reviewed and approved by the City Staff, Planning Commission and City Council through the prescribed public processes for such development plans found in Section 17.05.030 within 12 months of this rezoning action to add the P (Planned District) designation to the CO-A Neighborhood Business District. If a development plan is not approved within such timeframe then the zoning for this parcel will revert back to the A - Agricultural District.

and forwards the recommendation for approval to the Governing Body.

EXCERPT

PLANNING COMMISSION MEETING
City of Gardner, Kansas
Council Chambers
August 23, 2021
7 p.m.

CALL TO ORDER
The meeting of the Gardner Planning Commission was called to order at 7:01 p.m. on Monday, August 23, 2021, by Chairman Scott Boden.

PLEDGE OF ALLEGIANCE
Chairman Boden led the Pledge of Allegiance.

ROLL CALL
Commissioners present:
Chairman Boden
Commissioner Ham
Commissioner Meder
Commissioner McNeer
Commissioner Jueneman
Commissioner Cooper

Staff members present:
David Knopick, Community Development Director
Robert Case, Principal Planner
Melissa Krayca, Administrative Assistant
Spencer Low, City Attorney

REGULAR AGENDA
Item 1. Rezoning request Z-21-05 is located at the northeast corner of Moonlight & Woodson.

Dave Knopick, Community Development Director provided an introductory overview of the components of this item.

APPLICANT PRESENTAION
Arsen Khratyan, STAK Architecture introduced himself and his partnership with the developer Muhammad Abubakar. Initially, the zoning request was for C- 2 (General Business) but have now agreed to seek CO-A (Neighborhood Business) after city staff recommendation. They would like to develop the property with neighborhood-scale developments that might include a gas station, liquor store, ice cream shop in phase 1. Phase 2 may include a market, coffee shop, and small retail.
Muhammad addressed the commissioners and explained he intends to provide what is best for the community. He owns stations in Cleveland MO, Garden City, MO, and 11 groceries in the Kansas City area.

STAFF PRESENTATION
Mr. Robert Case presented the information in the staff report for the Moonlight & Woodson rezoning. The property is currently not platted and has one house and accessory structure

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located there. All utilities are available to the subject parcel and are currently zoned A (Agriculture) District. The general character of the neighborhood includes two and four-family homes to the east and south along with a light industrial building directly south, single family to the west and north. The site is zoned for agriculture which could raise some concerns with the surrounding residential. With use restrictions and design standards, the change in zoning could allow more compatible development to occur on the property. The rezoning allows for a transition between the industrial zoning to the south and the residential that surrounds it. Staff recommends that the Planning Commission consider and recommend a less intensive zoning district than the requested C-2 General Business District for the property located at 18085 Moonlight Rd.

PUBLIC HEARING

Public Hearing opened by Planning Commission.

No one from the public spoke regarding this matter.

Public Hearing closed by Planning Commission.

COMMISSION DISCUSSION

Commissioner Ham expressed her concern with the potential noise and traffic.

Mr. Knopick stated that the applicant will have to come back before the commissioners with an approved development plan that would address such concerns.

Commissioner Meder echoed the same concern but also believed the development is needed for the area.

Commissioner Cooper commented she would prefer green spaces be taken into consideration when developing the plan.

Chairman Boden expressed his appreciation for the less intensive zoning request as he may not approve otherwise.

Mr. Knopick assured the commissioners that during the next steps city staff will be sensitive to the concerns and help guide the applicant to create an appropriate concept.

Motion made after review of Application Z-21-05, a rezoning for 18085 Moonlight Road (parcel ID CF231430-2014), and the staff report dated August 23, 2021, the Planning Commission recommends rezoning such parcel from A - Agricultural District to CO-A – Neighborhood Business District with the finding that the CO-A Neighborhood Business District is a lesser change then the C-2 General Business District request as demonstrated by Table 5-2: Use Table in Section 17.05 Zoning Districts and Use Standards of the Gardner Land Development Code (LDC), provided the following conditions are met:

1. Future use of the property be limited to the following uses from Table 5-2: Use Table and the associated use descriptions found in Section 17.05.030 General Use Standards of the LDC:

RESIDENTIAL DWELLINGS

- **Multi-Unit Household Living P**
- **Mixed-Use (apartment over commercial/service) P**
- **Live/Work P**

CIVIC/INSTITUTIONAL

- **Cultural and Public Service P**
- **Open/Civic Space P**

RETAIL o Retail – Micro (under 1K) P

- **Retail – Neighborhood (1K – 3K) P**
- **Retail – Small (3K – 6K) P**
- **Grocery – Market (under 10K) P**
- **Grocery – Store (10K – 45K) C***
- **Outdoor Sales – Limited A***
- **Convenience Store/Fuel Station – Limited (1-4 pumps) P***
- **Convenience Store/Fuel Station – General (5-12 pumps) C***

- **SERVICE AND EMPLOYMENT**
- **Animal Care – General P**
- **Day Care Center P**
- **Food and Beverage – Accessory Outdoor A***
- **Food and Beverage – General P***
- **Food and Beverage – Mobile T***
- **Health Care – Small P**
- **Lodging – Bed and Breakfast (up to 5 rooms) P**
- **Lodging – Inn (up to 20 rooms) P**
- **Office – Limited (under 10K) P**
- **Office – General (10K – 40K) C**
- **Personal Services – Limited (under 3K) P**
- **Personal Services – General (3K – 10K) P**
- **Recreation/Entertainment – Indoor Minor (under 10K) P**
- **Temporary Use T***

INDUSTRIAL

- **Manufacturing – Limited/Artisan P**

AGRICULTURAL

- **None**

COMMUNICATIONS AND UTILITIES

- **Small cell and distributed antenna systems mounted or collocated on monopoles, utility poles, or street lights in the public rights-of-way P***
- **Communication facilities designed as an architecturally compatible element mounted or collocated on nonresidential buildings A***
- **Communication facilities designed as an architecturally compatible element mounted or collocated on mixed-use or live/work buildings A***
- **Wind Energy Conversion System – Small C***
- **Solar Collector – Roof Mounted A***
- **Solar Collector – Ground Mounted C***

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- **A = Accessory Use; C = Conditional Use; P = Permitted Use; T = Temporary Use;* = Supplemental Use Regulations**

2. That a preliminary and final development plan be submitted, reviewed, and approved by the City Staff, Planning Commission, and City Council through the prescribed public processes for such development plans found in Section 17.05.030 within 12 months of this rezoning action to add the P (Planned District) designation to the CO-A Neighborhood Business District. If a development plan is not approved within such a timeframe then the zoning for this parcel will revert to the A - Agricultural District.

And forwards the recommendation for approval to the Governing Body.

Motion made by Commissioner Meder and seconded by Commissioner McNeer.
Motion passed 6-0.

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COUNCIL ACTION FORM — NEW BUSINESS ITEM NO. 1

MEETING DATE: SEPTEMBER 20, 2021
STAFF CONTACT: LEE KROUT, POLICE CAPTAIN

Agenda Item: Consider adopting a resolution to formally adopt the Kansas Homeland Security Region L Hazard Mitigation Plan

Strategic Priority: Quality of Life

Department: Administration

Staff Recommendation:
Staff recommends adopting a resolution to formally adopt the Kansas Homeland Security Region L Hazard Mitigation Plan.

Background/Description of Item:
Mitigation is commonly defined as sustained action taken to reduce or eliminate long-term risk to people and their property from hazards and their effects. Hazard mitigation planning provides communities with a roadmap to aid in the creation and revision of policies and procedures, and the use of available resources, to provide long-term, tangible benefits to the community. As stipulated in the Disaster Mitigation Act of 2000 (DMA 2000) Section 322, federally approved mitigation plans are a prerequisite for mitigation project grants. The city was represented by Captain Lee Krout during the organization, drafting, completion and adoption of this plan. The city adopted the last version of the plan in 2014. The new plan can be viewed at https://www.jocogov.org/dept/emergency-management/emergency-management-program/county-emergency-plans/mitigation-plan

Specifically, this hazard mitigation plan was developed to:

- Update the Kansas Region L 2014 Hazard Mitigation Plan
- Build for a safer future for all citizens
- Foster cooperation for planning and resiliency
- Identify, prioritize and mitigate against hazards
- Assist with sensible and effective planning and budgeting
- Educate citizens about hazards, mitigation and preparedness
- Comply with federal requirements

The regional mitigation plan was approved by FEMA on October 3rd, 2019 and was formally adopted via Resolution No. 059-19 by the Johnson County Board of County Commissioners on November 7th, 2019. FEMA is now requiring all plan participants to show their continued commitment to the county's mitigation efforts by adopting the plan through a formal resolution.

Attachments Included:

- Resolution No. 2093

Suggested Motion:
Adopt Resolution No. 2093, a resolution adopting the Kansas Homeland Security Region L Hazard Mitigation Plan

RESOLUTION NO. 2093

A RESOLUTION ADOPTING THE KANSAS HOMELAND SECURITY REGION L HAZARD MITIGATION PLAN.

WHEREAS, the City of Gardner recognizes the threat that natural hazards pose to people and property within our community; and

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

WHEREAS, the U.S. Congress passed the Disaster Mitigation Act of 2000 ("Disaster Mitigation Act") emphasizing the need for pre-disaster mitigation of potential hazards;

WHEREAS, the Disaster Mitigation Act made available hazard mitigation grants to state and local governments; and

WHEREAS, an adopted Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple Federal Emergency Management Agency (FEMA) pre- and post-disaster mitigation grant programs; and

WHEREAS, the City of Gardner fully participated in the FEMA prescribed mitigation planning process to prepare this Multi-Hazard Mitigation Plan; and

WHEREAS, the Kansas Division of Emergency Management and FEMA Region VII officials have reviewed the Kansas Homeland Security Region L Hazard Mitigation Plan, and approved it contingent upon this official adoption of the participating governing body; and

WHEREAS, the City of Gardner desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the Kansas Homeland Security Region L Hazard Mitigation Plan; and

WHEREAS, adoption by the governing body for the City of Gardner demonstrates the jurisdictions' commitment to fulfilling the mitigation goals and objectives outlined in this plan; and

WHEREAS, adoption of this legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: that the City of Gardner adopts the Kansas Homeland Security Region L Hazard Mitigation Plan as an official plan; and

SECTION TWO: the City of Gardner will submit this Adoption Resolution to the Kansas Division of Emergency Management and FEMA Region VII officials to enable the plan's final approval.

SECTION THREE: This Resolution shall take effect and be in force from and after its passage.

{The remainder of this page left intentionally blank.}

ADOPTED by the Gardner Governing Body this 20th day of September, 2021.

SIGNED by the Mayor this 20th day of September, 2021.

CITY OF GARDNER, KANSAS

[SEAL]

_____

Steve Shute, Mayor

ATTEST:

_____

Sharon Rose, City Clerk

APPROVED AS TO FORM:

_____

Ryan B. Denk, City Attorney

City of Gardner, KS

Council Actions

September 20, 2021

The City Council took the following actions at the September 20, 2021, meeting:

1. Approved the minutes as written for the regular meeting on September 7, 2021. (Passed unanimously)
2. Approved City expenditures prepared August 31, 2021 in the amount of $411,141.18; September 3, 2021 in the amount of $514,522.57; and September 10, 2021 in the amount of $437,533.95. (Passed unanimously)
3. Authorized the execution of agreements to acquire right-of-way and easements necessary to construct the US-56, Sycamore to Old US-56 Reconstruction Project for an additional amount of $5,000. (Passed unanimously)
4. Authorized the City Administrator to purchase additional smart electric meters for new construction for a total of $211,796, and authorize a contingency of $21,796 (10%). (Passed unanimously)
5. Authorized the City Administrator to execute an amendment to the current engineering services with TREKK Design Group, LLC. for the Inflow and Infiltration Study and Analysis in the amount not to exceed $73,789.00. (Passed unanimously)
6. Accepted the dedication of right-of-way and easements on the final plat for Treadway Apartments plat (FP-21-04). (Passed unanimously)
7. Accepted the recommendation, with conditions as outlined, of the Planning Commission and approve Ordinance No. 2719, an ordinance changing the zoning classification or districts of certain lands located in the City of Gardner, Kansas, under the authority granted by Title 17 of the Municipal Code of the City of Gardner, Kansas. (Passed unanimously)
8. Adopted Resolution No. 2093, a resolution adopting the Kansas Homeland Security Region L Hazard Mitigation Plan. (Passed unanimously)