The City Council of the City of Gardner, Kansas met in regular session on May 4, 2026, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with Mayor Todd Winters presiding. Present were Councilmembers Mark Baldwin, Kacy Deaton, Mark Wiehn, Steve McNeer, and Kelly Johnson. City staff present were City Administrator Jim Pruetting; Deputy City Administrator Amy Nasta; Finance Director Matt Wolff; Police Chief Pam Waldeck; Parks Director Jason Bruce; Community Development Deputy Director Magi Brewster; Public Works Director Kellen Headlee; Utility Director David Hunter; City Attorney Ryan Denk; City Clerk Renee Rich. Others present included those listed on the sign-in sheet and others who did not sign in.

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

PLEDGE OF ALLEGIANCE

Mayor Winters led those present in the Pledge of Allegiance.

PRESENTATIONS

PUBLIC HEARING

1. **Hold a public hearing for the purpose of receiving comments to a request for a Waiver of the Distance Limitation to allow for the sale and consumption of Alcohol for consumption within 200 feet of a school, church or library during the Abdallah Shriners event weekend at the Johnson County Fairground**

Councilmember McNeer made a motion to open a public hearing for the purpose of receiving comments to a request for a Waiver of the Distance Limitation to allow for the sale and consumption of alcoholic liquor and cereal malt beverages for consumption within 200 feet of a school, church or library during the Abdallah Shriners Rodeo & Demo Derby to be held June 11 through June 13, 2026 at the Johnson County Fairgrounds, 136 E. Washington St.

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 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.

PUBLIC COMMENT

The Mayor adjusted the agenda to move Public Comment after New Business Item 1.

CONSENT AGENDA

1. **Standing approval of the minutes as written for the regular meeting on April 20, 2026**
2. **Standing approval of City expenditures prepared April 16, 2026 in the amount of $589,027.59; April 21, 2026 in the amount of $108.80; and April 23, 2026, in the amount of $1,830,009.28**
3. **Consider authorizing the City Administrator to enter into an agreement with Streetscan USA Inc, DBA Citylogix, for pavement assessment services for the roads of the City of Gardner**
4. **Consider authorizing the City Administrator to execute individual purchase agreements and make payments for the acquisition of real property necessary to construct the planned 175th Street Improvements Project**
5. **Consider authorizing the City Administrator to execute individual purchase agreements and make payments for the acquisition of real property necessary to construct the planned 167th Street Improvements Project**
6. **Consider authorizing the purchase of Vehicles through the Sourcewell Cooperative Purchasing Program under the City's Vehicle and Equipment Replacement Policy**

Councilmember Deaton made a motion to approve the Consent Agenda.

Councilmember Baldwin Seconded.

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

PLANNING & ZONING CONSENT AGENDA

1. **Consider accepting the dedication of right-of-way and easements on the final plat for Aspen Place Final Plat**
2. **Consider accepting the dedication of right-of-way and easements on the final plat for Prairie Trace Meadows 6th Plat**
3. **Consider accepting the dedication of right-of-way and easements on the final plat for Prairie Trace Estates 5th Plat**

Councilmember Wiehn asked to remove Item 1 from the Planning & Zoning Consent Agenda.

Councilmember Deaton made a motion to approve the Items 2 and 3 on the Planning & Zoning Consent Agenda.

Councilmember Johnson Seconded.

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

Discussion of Item 1:

Consider accepting the dedication of right-of-way and easements on the final plat for Aspen Place Final Plat

Councilmember Wiehn asked what happens after this if the plat is for the streets and to really address the issues caused a year ago. What steps are necessary for them to start having occupancy again? They have to present a plan for the public improvements. They've identified right-of-way and we're going to require curb and gutters, sidewalks and all the setbacks. We are still working with them on wastewater through Johnson County and water lines. This is just dedication of right-of-way. We are still working through the other parts so there will be more coming.

Councilmember Wiehn made a motion to approve Item 1 on the Planning & Zoning Consent Agenda.

Councilmember Deaton Seconded.

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

COMMITTEE RECOMMENDATIONS
OLD BUSINESS
NEW BUSINESS

1. **Consider a request for a Waiver of the Distance Limitation and a Temporary Permit to allow for the sale of alcoholic beverages for consumption within 200 feet of a school, church, or library during the Abdallah Shriners event weekend at the Johnson County Fairground**

City Clerk Rich said this is annual event hosted by the Abdallah which requires a waiver of the distance.

Councilmember Deaton made a motion to approve a request for a Waiver of the Distance Limitation to allow for the sale and consumption of Cereal Malt Beverages within 200 feet of a school, church or library during the Abdallah Shriners Rodeo & Demo Derby to be held June 11 through June 13, 2026 at the Johnson County Fairgrounds, 136 E. Washington St.

Councilmember McNeer Seconded.

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

PUBLIC COMMENT

City Administrator Pruetting gave a brief explanation of what is happening. Why would Gardner entertain a data center? The simple answer is we received an application. We are statutorily required to review the application and put it before the Planning Commission and City Council. The City Council is a quasi-judicial body so they are required to review it, gather information and vote on it. The acceptance of the application in no way implies that the city or the council is in favor of the data center. It is a process we have to go through. That's how we got to this

point. It is not approved and there's been no adjudication of the application. The mayor confirmed there is no action being taken tonight and it is not an item on the agenda.

Many individuals provided public comment regarding the proposed data center. All comments can be viewed on the City of Gardner's YouTube Channel here: https://www.youtube.com/watch?v=E33tVCemkIY

NEW BUSINESS

2. **Consider adopting an ordinance authorizing the City of Gardner, Kansas, to make certain electric system improvements and authorizing the issuance of general obligation bonds of the City to pay the costs thereof, all pursuant to Charter Ordinance No. 28 of the City (Unit 1 Gas Turbine)**

Finance Director Wolff said this is the financing to go along with a contract that was previously approved for the Unit 1 Gas Turbine.

Councilmember Baldwin made a motion to adopt Ordinance No. 2878, an ordinance authorizing the City of Gardner, Kansas, to make certain electric system improvements and authorizing the issuance of general obligation bonds of the City to pay the costs thereof, all pursuant to Charter Ordinance No. 28 of the City (Unit 1 Gas Turbine).

Councilmember Deaton Seconded.

With a majority of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned number 2878.

McNeer:	Yes
Baldwin:	Yes
Deaton:	Yes
Wiehn:	Yes
Johnson:	Yes

3. **Consider adopting a Resolution to opt into House Bill 2481, Section 2. allowing expanded hours for the sale of alcoholic liquor and cereal malt beverages during a specific date range, commencing June 11, 2026, and ending July 19, 2026**

Deputy City Administrator Nasta said House Bill 2481 was passed in anticipation of the FIFA World Cup. It is required that any cities and counties pass a resolution to opt-in. The expanded hours would be concurrent with the World Cup. At this time, the city has not has not received any requests relating to this change.

Consensus of council to not take any action on this item.

COUNCIL UPDATES

Councilmember Johnson thanked everyone who came out and spoke during public comment and all who have contacted her. Thank you to those people that came out to the community conversation and shared thoughts.

Councilmember Mcneer thanked everyone who came out to share input. It was presented respectfully and calmly. There were some interesting points brought up, and the input will be considered.

Councilmember Wiehn thanked everyone who came out to the conversation last week and came out tonight. Lots to think about.

Vice President Deaton echoed the same sentiments of thanking those who came out here and sent emails. Know your thoughts are heard.

President Baldwin said he still had some emails to respond to. Want to echo that this has been good and the most packed we have seen this building since the intermodal. Give us time to fully vet the project.

EXECUTIVE SESSION

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

Councilmember McNeer made a motion to recess into executive session to discuss matters of attorney-client privilege relating to data centers pursuant to K.S.A. 75-4319(b)(2) beginning at 9:23 pm; returning to regular session at 9:38 pm.

Councilmember Deaton Seconded.

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

Councilmember Deaton made a motion to resume regular session at 9:38 pm.

Councilmember Johnson Seconded.

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

Councilmember Baldwin made a motion to return to executive session beginning at 9:39 pm; returning to regular session at 9:49 pm.

Councilmember McNeer Seconded.

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

Councilmember Johnson made a motion to resume regular session at 9:49 pm.

Councilmember McNeer Seconded.

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

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Deaton and seconded by Councilmember Wiehn the meeting adjourned at 9:50 pm.

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City Clerk