The City Council of the City of Gardner, Kansas met in regular session on September 21, 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; Deputy Police Chief Brittanie Pruitt; Parks Director Jason Bruce; Community Development Deputy Director Magi Brewster; Public Works Director Kellen Headlee; Utility Director David Hunter; City Attorney Ryan Denk; 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

1. **Proclaim September 17 through September 23 as Constitution Week in the City of Gardner**

PUBLIC HEARING

PUBLIC COMMENT

Someone came to discuss the address of 633 Colleen as it is being used as an Airbnb and does not have a permit. It is scheduled for the Planning Commission meeting on September 28th.

Ty Bingaman discusses Velocity Arts. Said the traffic near Walmart has been congested due to the construction at Gardner Rd. Believes another exit will be necessary with all of this construction if they are going to build something this size. Concerned there are no utilities there and rain will cause a lot of runoff due to pavement and buildings. Also concerned about the tax incentives. Asks council to think about whether this is something the city needs or wants.

CONSENT AGENDA

1. **Standing approval of the minutes as written for the regular meeting on September 8, 2026**
2. **Standing approval of City expenditures prepared September 3, 2026 in the amount of $1,054,922.29; September 10, 2026 in the amount of $1,496,542.28; and September 11, 2026, in the amount of $207,669.67**
3. **Consider authorizing the City Administrator to execute an addendum with HDR for the Elm and Main Traffic Signal Replacement Project**
4. **Consider authorizing the City Administrator to enter into an agreement with Cahills Const. Inc. for the design and installation of a new restroom facility at Veterans Park**
5. **Consider authorizing the City Administrator to amend current contract with ACMS (All City Management Service, Inc) to add one crossing guard at crossing north of Mustang St. on Kill Creek Rd. at the pedestrian crossing/respite island**

Councilmember McNeer made a motion to approve the Consent Agenda.

Councilmember Johnson Seconded.

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

PLANNING & ZONING CONSENT AGENDA

COMMITTEE RECOMMENDATIONS

1. **Consider adopting an ordinance approving a rezoning from A (Agriculture) and RUR (County Rural / Agricultural / Single-Family) Districts to ACP-3 (Activity Center Planned Heavy Commercial) District and associated preliminary development plan for a mixed-use development on approximately 215 acres**

Josh Sibler explains what Velocity Arts is and what it means for a community. They design it, build it and run it. The site is right off I35 and 175th Street between the railroad tracks and the interstate. Working to ensure there is adequate utility infrastructure. Continuing to work with KDOT to integrate the district into the plans for the 175th

Street Interchange. Offering to work with city to build any police and fire facilities that would serve the area. Are here to integrate into the community and enhance programs that are already here.

Community Development Deputy Director Brewster this is to rezone the approximately 215 acres. This is the first step in the development of the project. They will come back for the final development plan. The developer does plan to develop this as a single phase. Proposed approximately 2.5M square feet of building area. Projects of this scale will often go through a series of changes as development plans are refined. Review by the Airport Commission and Board of County Commissioners will be required.

Hannah Lawrence lives at 167th and Clare and runs a licensed home daycare. Concerned about the noise, construction and lighting.

Andrea Brammel lives at 167th and Clare as well. Spoke at Planning Commission meeting a few weeks ago. Feels the residential population has grown, but commercial development has not grown at the rate residential has. Not a lot of business on Main Street. Said commercial development is coming and it makes sense for this area.

Question about a timeline for the final development plan. Ben Gasper with Kimley-Horn said another preliminary development plan will be submitted in the next few months They are going to be adding more land to the project so they will be coming back to council in a few months adding a more in-depth plan and giving more information for the shared parking, traffic impact and storm water studies. This is a unique zoning district since it is along the highway and is more of a draw for the larger region.

Councilmember Deaton made a motion to adopt Ordinance No. 2893, an ordinance rezoning certain lands located within the City of Gardner from A (Agriculture) and RUR (County Rural / Agricultural / Single-Family) Districts to ACP-3 (Activity Center Planned Heavy Commercial) District and approving the associated preliminary development plan for a mixed-use development on approximately 215 acres

Councilmember McNeer Seconded.

With a majority of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned number 2893.

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

2. Consider adopting an ordinance approving a rezoning from RP-2 (Planned Two-Family Residential) to RP-3 (Planned Garden Apartment) and associated preliminary development plan for 5 row house lots on 2.01 acres located at the intersection of Kill Creek Road and 174th Street

Community Development Deputy Director Brewster said this is for the last five lots of this planned development area. The current owner was not involved in the original development and proposes to rezone these five lots and develop a single building quadplex on each of the lots for a total of 20 units. There was concern about the proposed layout and driveways leaving little room for on-street parking. Since the Planning Commission meeting, the applicant has submitted a final development plan. They are proposing to rotate the building at the corner of 174th Street and Pratt Street 90 degrees so the units would face Pratt Street which would allow for more on-street parking. Protest Petitions were submitted which requires three-quarters of the governing body to vote in the affirmative to pass the ordinance.

Tim Gates was the original realtor that helped with the rezoning back when the development was being built. Believes this plan is too dense for the area and won't allow for on-street parking. Would like this to be sent back for review.

Emil Schutzel said this is double the units in half the space. He has a big investment over there and hopes the council respects that.

Doug Uben with Phelps Engineering confirms each unit has three bedrooms, a single car garage and a space for one car in the driveway.

Discussion about street parking. Concern as to whether there would be enough on-street parking due to the driveways being close together. Question of how many on-street parking is planned for. Estimated there is enough street parking for each unit to have one car on the street. Streets were designed to allow for parking on both sides and still allow for emergency vehicles to get through.

Councilmember Deaton made a motion to adopt Ordinance No. 2894, an ordinance changing the zoning classification 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 with the addendum noted that the unit direction will be changed as stated.

Councilmember Baldwin Seconded. Deaton, Baldwin with the addendum that unit direction will be changed.

The Ordinance failed by the votes as follows.

Johnson:	No
McNeer:	No
Baldwin:	Yes
Deaton:	Yes
Winters:	Yes
Wiehn:	Yes

3. Consider authorizing the City Administrator to execute an amendment for the Progressive Design Build Phase II construction services contract to Crossland Heavy Contractors, Inc. for the Kill Creek Water Resource Recovery Facility Expansion, CIP Project No WW8012

Utilities Director Hunter said this amendment is to complete train three at the treatment facility. Trains one and two are currently under construction. This additional funding will upgrade train three to 2.5M gallon per day treatment giving a total capacity of 7.5M gallon per day treatment. The original treatment train has not been taken out of service since it was installed in 2002. This allows train three to be brought up to compliance to match the two trains currently being worked on.

Councilmember McNeer made a motion to authorize the City Administrator to execute an Amendment to the Progressive Design Build Phase II contract with Crossland Heavy Contractors, Inc. for the Kill Creek Water Resource Recovery Facility Expansion, CIP Project No WW8012., in the amount of $3,150,755.00 for a total contract value of $42,600,755.00.

Councilmember Wiehn Seconded.

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

4. Consider authorizing the City Administrator to execute contracts with Schweitzer Engineering Laboratories, Inc. (SEL) for the SCADA & RTU Replacement Project

Utlities Director Hunter said the current SCADA system is multi-vendor and outdated. This causes coordination problems for repairs. Plans for this to be a closed system. It will have remote access capabilities for the company to remote in if necessary and upon approval by the city.

Councilmember McNeer made a motion to authorize the City Administrator to execute contracts with SEL Engineering Services, Inc., for a combined total amount not to exceed $303,268.83.

Councilmember Baldwin Seconded.

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

OLD BUSINESS
NEW BUSINESS

1. Consider adopting a resolution amending a prior resolution of the City authorizing the construction of certain sewerage system improvements and authorizing general obligation bonds to be issued to pay the cost of such improvements, all pursuant to K.S.A. 12-617 and 12-618

Finance Director Wolff said this resolution updates our authorized amount for the general obligation bonds to cover the financing. We have already issued one series of bonds and we'll issue remaining amount either later this year or early next year. The construction contracts have already been approved and this is to approve the financing for those projects because we don't have the cash available

Councilmember Deaton made a motion to adopt Resolution No. 2205, a resolution amending Resolution No. 2139 of the City authorizing the construction of certain sewerage system improvements and authorizing the issuance of general obligation bonds to pay the cost thereof, all pursuant to K.S.A. 12-617 and 12-618; and repealing Resolution 2182.

Councilmember Johnson Seconded.

With a majority of the Councilmembers voting in favor of the motion, the Resolution passed and was assigned number 2205.

McNeer:	No
Baldwin:	Yes
Deaton:	Yes
Wiehn:	Yes
Johnson:	Yes

2. Consider adopting an ordinance amending a prior ordinance of the City of authorizing the issuance of general obligation bonds to pay the cost of certain water system improvements, all pursuant to Charter Ordinance No. 28 of the City

Finance Director Wolff said this ordinance updates the authorized amount of general obligation bonds to reflect the revised total project cost including cost of issuance. Future annual debt service payments will come from the water fund.

Councilmember Deaton made a motion to pass Ordinance No. 2895, an ordinance amending Ordinance No. 2808 of the City of Gardner, Kansas, authorizing the construction of certain water system improvements and authorizing the issuance of general obligation bonds to pay the cost thereof, all pursuant to Charter Ordinance No. 28 of the City; and repealing Ordinance No. 2854.

Councilmember Wiehn Seconded.

With a majority of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned number 2895.

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

3. Consider passing an ordinance amending a prior ordinance of the City authorizing the construction of certain electric system improvements and authorizing the issuance of general obligation bonds to pay the cost thereof, all pursuant to K.S.A. 12-617 and 12-618

Finance Director Wolff said the construction of new Substation 4 was approved and also approved the issuance of general obligation bonds. This updates project costs. One of the transformers originally purchased for the Substation 1 T2 project will be moved to Substation 4 due to not continuing with that project. Substation 1 is only rated for 12 MVA and this transformer is for 45 MVA which would require improvements to get that power out. It was determined that it was more cost-effective to put the transformer on the east side to match the load growth

that's going to occur in that area. There is an option to have it moved to substation 1 if we need to get more load in that area.

Councilmember Johnson made a motion to pass Ordinance No. 2896, an Ordinance amending Ordinance No. 2823 of the City of Gardner, Kansas, authorizing certain electric system improvements and authorizing the issuance of general obligation bonds to pay the costs thereof, all pursuant to Charter Ordinance No. 28 of the City; and repealing Ordinance No. 2821

Councilmember Baldwin Seconded.

With a majority of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned number 2896.

Deaton: Yes
Wiehn: Yes
Johnson: Yes
McNeer: No
Baldwin: Yes

COUNCIL UPDATES

Utilities Director Hunter said the transformer for substation 4 was delivered today and set. Moving ahead with the substation 4 project. The tear down and overhaul of unit one is complete. A full report will be brought back.

Community Development Deputy Director Brewster said Planning Commission is Monday the 28th at 7pm. The short-term rental that was discussed tonight will be on that agenda.

City Administrator Pruetting received an update from Commerce and a visitation study has been contracted. The feasibility study will be next. Once we are able to identify what we are eligible for star bonds, the city can consider what we want to issue in star bonds and identify what's left over to put in different buckets and do a development agreement.

Councilmember Johnson thanks those who spoke tonight and shared thoughts. Wants to shine a light on the initiative Det. Odle and the police department are doing with the upcoming domestic violence memorial garden in October. There will be flags displayed in front of the department with names on them to honor those survivors and victims of domestic violence. Anyone can submit names.

Councilmember Wiehn thanks everyone for exercising their 1st amendment rights on a night with a proclamation about the Constitution.

Council Vice-President Deaton asks for an update on the Gardner Rd bridge project. It is on schedule and completion date is December 2027. Echoes about the domestic violence memorial garden of flags for people to submit names and visit.

Council President Baldwin recognizes there are probably only a small percentage of those who will put their names out there. There were a lot of flags last year and it makes you stop and think.

EXECUTIVE SESSION

1. **Consider entering into executive session to discuss personnel matters of non-elected personnel relating to the City Administrator's contract**

Councilmember McNeer made a motion to recess into executive session discuss personnel matters of non-elected personnel relating to the City Administrator's contract pursuant to K.S.A. 75-4319(b)(1) beginning at 8:41 pm; returning to regular session at 8:51 pm.

Councilmember Baldwin Seconded.

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

Councilmember McNeer made a motion to resume regular session at 8:51 pm.

Councilmember Johnson Seconded.

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

Councilmember McNeer made a motion to recess into another executive session discuss personnel matters of non-elected personnel relating to the City Administrator's contract pursuant to K.S.A. 75-4319(b)(1) beginning at 8:52 pm; returning to regular session at 9:22 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 9:22 pm.

Councilmember Baldwin Seconded.

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

Councilmember McNeer made a motion to recess into another executive session discuss personnel matters of non-elected personnel relating to the City Administrator's contract pursuant to K.S.A. 75-4319(b)(1) beginning at 9:23 pm; returning to regular session at 9:53 pm.

Councilmember Johnson 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 9:55 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 Baldwin and seconded by Councilmember Johnson the meeting adjourned at 9:55 pm.

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City Clerk