

**City of Edgerton, Kansas
Minutes of City Council Regular Session
November 8, 2018**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on November 8, 2018. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	absent
Josh Lewis	present
Katee Smith	absent
Jody Brown	present

With a quorum present, the meeting commenced.

Staff in attendance: City Administrator Beth Linn
Assistant City Administrator Scott Peterson
City Clerk Rachel James
City Attorney Lee Hendricks
Development Services Director Katy Crow
Finance Director Karen Kindle
Public Works Director Dan Merkh
Codes Enforcement Charlie Lydon

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for October 25, 2018 Regular City Council Meeting
5. Approve Year-End Longevity Bonus for Employees
6. Approve Facility Use and Maintenance Agreement with Edgerton Historic Society for Edgerton Community Museum
7. Approve Agreement Renewing an Existing Facility Use and Maintenance Agreement for the Bank of Knowledge and Authorizing its use by the Board of Directors of the Johnson County Library as a Library Facility
8. Approve Animal Permit for Marvin Vail at 1405 W. 8th Street
9. Approve Animal Permit for Rick Magee at 1301 W. 8th Street
10. Approve Animal Permit for Glyn R. Powers at 1606 W. 8th Street
11. Approve Animal Permit for H.M. and B.K. Damet at 202 W. 8th Street PO Box 66
12. Approve Animal Permit for Jarold Owens at 410 W. Braun
13. Approve Animal Permit for Galaz Trust, Sergio Galaz, Trustee at 11566 S. Burch Cr. Olathe KS 66061
14. Approve Animal Permit for Darius Crist at 510 W. Braun Street
15. Approve Animal Permit for Michael Mabrey 1200 W. Braun Street

16. Accept 207th Street and Homestead Lane Easements and Right of Ways

Mayor Roberts requested that Agenda Item #6 be pulled from the Consent Agenda for further discussion.

Motion by Brown, Second by Lewis, to approve consent agenda except for Agenda Item #6.

Motion was approved, 3-0.

Agenda Item #6: Approve Facility Use and Maintenance Agreement with Edgerton Historic Society for Edgerton Community Museum

Beth Linn, City Administrator, spoke on the updates to the agreement for 2019. The additions were to clarify various areas in the agreement. The agreement outlines the Usage and Maintenance fee and allows Council to set the fee. In the past, the fee has been set at \$1.00.

Motion by Lewis, Second by Brown to approve agreement, subject to changes from City Attorney, with the Edgerton Historic Society for the Edgerton Community Museum in the amount of \$1.00.

Motion was approved, 3-0.

REGULAR AGENDA

17. Public Comments.

Tony Breeding, 32185 W. 187th Street, Edgerton, KS stated that the road conditions in front of their property have deteriorated. Mr. Breeding asked if gravel could be added to the street.

Karen Breeding, 32185 W. 187th Street, Edgerton, KS stated that her family needed to be able to get out of the subdivision and asked the council to fix the situation.

Paula and Ray Newton, 31245 W. 213th Street, Spring Hill, KS, stated that the closing of 207th and Waverly has led to inconvenience and asked to be notified when streets that impact them are closed.

Beth Linn, City Administrator, stated that adjoining property owners were notified, and the Public Works Department can confirm there are proper detour signs posted throughout the construction area. Staff will continue to monitor the state of the road. Citizens are asked to call City Hall directly if there are problems in the construction area. Staff is available 24/7 at (913) 893-6231 – if after hours press 0 and on-call staff will be notified of the messages.

18. Declaration. None.

19. Presentation by Public Works Regarding Snow/Ice Removal for Winter 2018/2019

Dan Merkh, Public Works Director, presented on snow removal operations for the City. The operational challenges during the removal operations is if cars remain on the road. Residents will be notified their vehicles need to be moved, if they are not moved, the vehicles will be towed.

A map outlining the priority of clearance routes throughout Edgerton was shown to the Council. All streets will be cleaned first and then trails will be cleared.

Charlie Lydon, Code Enforcement/Animal Control, stated he will be making sure sidewalks are cleared and assisting public works. The City enforces 2 inches for a snow event; at the end of the event, sidewalks must be cleared within 48 hours.

Councilmember Conus asked how City Staff handles snow removal for elderly or disabled citizens. Mr. Lydon responded that sections of the code allows for exceptions in specific circumstances. In addition to that, teens and volunteer groups from around town often help their neighbors or citizens they know need assistance. Councilmember Conus asked what happens if a resident is out of town. Mr. Lydon stated the resident will be contacted and neighbor or family member will need to take care of clearing the sidewalks.

Beth Linn, City Administrator, stated that the safety of school aged children walking to school was what led the conversation and creation of the sidewalk snow clearing ordinance.

BUSINESS REQUIRING ACTION

20. **CONSIDER RESOLUTION 11-08-18A A RESOLUTION DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE MAXIMUM AMOUNT OF \$17,000,000 TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING A COMMERCIAL PROJECT FOR THE BENEFIT OF NORTHPOINT DEVELOPMENT, LLC.**

Scott Anderson, City Bond Attorney, reviewed an application from NorthPoint for a Container Storage Lot located along south side of 191st Street west of Waverly Road, which is similar to the prior two Industrial Revenue Bonds for the TSL and CY Edgerton projects. There will be no ad valorem property tax abatement and follow the standard leasing process for Industrial Revenue Bonds. The project will be eligible for a sales tax exemption certificate.

There were no questions.

Motion by Brown, Second by Lewis to approve Resolution 11-08-18A

Motion was approved, 3-0.

21. **CONSIDER RESOLUTION 11-08-18B A RESOLUTION AUTHORIZING THE CITY TO EXECUTE AND DELIVER A THIRD AMENDMENT TO MASTER TRUST INDENTURE**

Scott Anderson, City Bond Attorney, reviewed the development agreement between the City and NorthPoint Development that created the Public Infrastructure Fund. Monies in the

Public Infrastructure Fund are deposited with Trustee who administers disbursements of those funds as governed by the Master Trust Indenture.

The Third Amendment to Master Trust Indenture amends the manner in which the City's annual administrative fee is paid from the Public Infrastructure Fund. Currently, the annual administrative fee is paid each year from non-origination fee funds available in the public infrastructure funds. As LPKC has grown in size, there have been occasions where there is not been sufficient non-origination fee funds available to pay the administrative fee in full.

Under the Third Amendment, if there is not sufficient non-origination fee funds available to pay the administrative fee, the deficiency will be paid from the origination fee fund. Any amount paid from the origination fee fund will need to be deposited in the City's economic development fund.

Motion by Brown, Second by Lewis to approve Resolution 11-08-18B.

Motion was approved, 3-0.

22. **CONSIDER ORDINANCE NO. 1094 AN ORDINANCE AUTHORIZING THE CITY OF EDGERTON, KANSAS, TO ISSUE HOME RULE REVENUE BONDS (LOGISTICS PARK INFRASTRUCTURE PROJECTS) SERIES 2018A, IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY OR REIMBURSE THE COSTS OF PUBLIC INFRASTRUCTURE IMPROVEMENTS; AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.**

Scott Anderson, City Bond Attorney, introduced the development agreement between NorthPoint Development and the City in regards to Home Rule Revenue Bonds for Public Infrastructure Improvements.

The Ordinance authorizes the City to issue up to \$10 million of home rule revenue bonds to reimburse or pay for the costs of the projects. The issuance of the bonds will convert the interest rate accruing on the costs paid by NorthPoint from a taxable 9.5% interest rate to a tax-exempt rate of 5.985%. This interest savings will ultimately result in more funds being available in the Public Infrastructure Fund (PIF). The issuance of the bonds will also allow the City to be reimbursed for funds it has spent or plans to spend on the various road projects throughout the City.

Motion by Lewis, Second by Brown to approve Ordinance No. 1094.

Motion was approved, 3-0.

23. **CONSIDER AGREEMENT WITH COLUMBIA CAPITAL FOR FINANCIAL ADVISORY SERVICES RELATED TO THE LPKC PHASE II MASTER TRUST INDENTURE AND HOME RULE REVENUE BONDS FOR LPKC PHASES I AND II**

Karen Kindle, Finance Director, introduced the agreement with Columbia Capital for Financial Advisory Service to the City. Columbia Capital has been utilized in the past in regards to LPKC Phase I Master Trust Indenture and Home Rule Revenue Bonds. Due to their experience with the process, City staff recommends utilizing Columbia Capital for the LPKC Phase II Master True Indenture and Home Rule Revenue Bonds for Phase I and Phase II.

The fees are paid to Columbia Capital once the home rule revenue bonds are issued and are paid from the bond proceeds. No general City revenues are used to pay the fees to Columbia Capital. The fee structure proposed is as follows: \$40,000 upon the issuance of the first series of Home Rule Revenue Bonds for LPKC Phase II, which covers services for the development of the Master Trust Indenture and the first Home Rule Revenue Bond Issue; \$15,000 for each subsequent Home Rule Revenue Bond issuance for either LPKC Phase I or Phase II.

Motion by Lewis, Second by Brown to approve agreement with Columbia Capital for Financial Advisory Services related to the LPKC Phase II Master Trust Indenture and Home Rule Revenue Bonds for LPKC Phases I and II.

Motion was approved, 3-0.

24. CONSIDER APPROVAL OF CONTRACT WITH ElevateEdgerton! FOR ECONOMIC DEVELOPMENT SERVICES FOR 2019

Beth Linn, City Administrator, introduced the contract renewal with ElevateEdgerton! ElevateEdgerton! was formed as a public/private venture to promote Edgerton for bringing business development to Edgerton. The draft agreement was included in the supplemental packet and includes minor changes made by the City Attorney to the 2019 Agreement.

James Oltman, President of ElevateEdgerton!, discussed the 2019 priorities for ElevateEdgerton!. Mr. Oltman stated he has been meeting with housing developers to discuss new residential development within Edgerton. Elevate funded a Hotel Feasibility Study for Edgerton that was completed in October 2018 and has limited distribution for commercial recruitment. Mr. Oltman will be attending the Global Retail Convention in May 2019. ElevateEdgerton! hosts a HR roundtable monthly as well as Career Connect, which allows for high school seniors to attend work for school credit. Mr. Oltman has also been focused on promoting Edgerton within the region, at Gardner/Edgerton Chamber of Commerce Events, as well as the Kansas Transportation Task Force.

Motion by Conus, Second by Lewis to approve the contract with ElevateEdgerton! for Economic Development Services in 2019.

Motion was approved, 3-0.

25. CONSIDER APPROVAL OF OFF-ALIGNMENT DESIGN AND FOREGO USE OF FEDERAL FUNDING FOR 207TH STREET GRADE SEPARATION PROJECT

Scott Peterson, Assistant City Administrator, state that at the October 25, 2018 City Council Work Session, Council was presented with the alignment options and the consensus had been reached for the off-alignment option. Council had also discussed the option to forgo the use of federal funds of \$500,000. After the October 25th meeting, City Staff met with approximately half of the property owners around the project. The next steps following those decisions are to tell HDR to move ahead with the design of the off-alignment option. City Staff will also send out a letter to property owners detailing the Council's decision. The project would be put out to bid in late 2019 and construction would start in Spring 2020.

Motion by Brown, Second by Lewis to approve the off-alignment design and forego the use of Federal Funding for the 207th Street Grade Separation Project.

Motion was approved, 3-0.

26. Report by the City Administrator

Beth Linn, City Administrator, presented the 3rd Quarter Financial Report covering revenue sources, liquor tax, and sales tax. Ms. Linn also gave an overview of the Water Fund as well as the Sewer Fund.

Ms. Linn also stated that staff has worked on compiling a Compensation and Benefits study which has not been a conversation since 2011. Ms. Linn would like Council to schedule a Work Session for Thursday November 15, 2018 at 7:00PM for a presentation on the Compensation and Benefits study findings.

Motion by Lewis, Second by Brown to schedule a Work Session Thursday November 15, 2018.

Motion was approved, 3-0.

27. Report by the Mayor None.

28. Future Meeting/Event Reminders:

- November 13th: 7PM – Planning Commission
- November 21st: Noon – Senior Lunch
- November 22nd: 7PM – City Council Meeting – Cancelled
- November 22nd and 23rd – Thanksgiving, City Offices Closed

29. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319 (B) (2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR, AND ASSISTANT CITY ADMINISTRATOR

Motion by Lewis, Second by Brown to recess into an executive session pursuant to K.S.A. 75-4319(b)(2) for City Security and to include City Attorney, City Administrator, and Assistant City Administrator for ten (10) minutes was considered.

Motion was approved 3-0.

Meeting recessed at 8:22 pm. Meeting reconvened at 8:32 pm.

Motion by Brown, Second by Lewis to return to regular session.

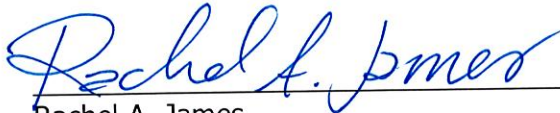
Motion was approved 3-0.

30. **Adjourn**

Motion by Lewis, Second by Brown to adjourn.

Motion was approved 3-0.

The meeting adjourned at 8:35 pm.



Rachel A. James
City Clerk

Approved by the Governing Body on: 12/13/18
