

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
March 13, 2014
7:00 PM**

Call to Order

1. **Roll Call** ____ Roberts____Longanecker ____Crooks____Cross____Wiseman____ Brown
2. **Welcome**
3. **Pledge of Allegiance**

Consent Agenda *(Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action)*

4. Agenda Approval
5. City Council Meeting Minutes February 27, 2014
6. Approve the re-appointment of Maria O'Neill to Planning Commission

Regular Agenda

7. **Public Comments.** Persons who wish to address the City Council regarding items not on the agenda and that are under the jurisdiction of the City Council may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court or other outside tribunals are not permitted. Please notify the City Clerk before the meeting if you wish to speak. Speakers are limited to three (3) minutes. Any presentation is for informational purposes only. No action will be taken.
8. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.
9. Request for Donation to Girl Scout Troop 1200 for 2014 Edgerton Easter Egg Hunt

Business Requiring Action

10. **CONSIDER A RESOLUTION FOR APPROVAL OF MAYOR'S APPOINTMENT OF INDIVIDUAL TO COMPLETE THE TERM OF CITY PROSECUTOR**

Motion: _____ Second: _____ Vote: _____

11. Report by the City Administrator

- o Parks and Recreation Spring Activity Guide

12. Report by the Mayor

- o Request for Feedback regarding Snow Removal on Sidewalks and Reminder of Work Session on Thursday, March 20th at 7:00 PM

13. Future Meeting/Event Reminders:

- March 19th Noon – Senior Lunch
- March 20th 7:00 PM – City Council Work Session – Snow Removal on Sidewalks
- March 27th 7:00 PM – City Council Meeting
- March 29th 10 AM to 1 PM – Annual Low Cost Vaccine Clinic

14. **CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319**
(b) (1) PERSONNEL MATTERS OF NONELECTED PERSONNEL

Motion: _____ Second: _____ Vote: _____

RECONVENE INTO OPEN SESSION

15. **Adjourn** Motion: _____ Second: _____ Vote: _____

**City of Edgerton, Kansas
Minutes of City Council Regular Session
February 27, 2014**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton Kansas on February 27, 2014. The meeting convened at 7:00 p.m. with Mayor Donald Roberts presiding, and City Clerk Janeice L. Rawles recording.

Council members in attendance: Heidi Wiseman
Clay Longanecker
Cindy Crooks
Frances Cross
Jody Brown

Staff in attendance: City Administrator Beth Linn
Administrative Services Director Anna-Marie Keena
City Attorney Patrick Reavey

Consultants in attendance: Johnson County Sheriff's Dept. Lt. Rokusek

1. ROLL CALL

City Clerk Janeice L. Rawles called the roll of the Governing Body.
With a quorum present, the meeting commenced.

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. The Agenda was considered and approved

5. PUBLIC COMMENTS

There were none

6. DECLARATIONS BY COUNCIL MEMBERS

There were none

7. MINUTES FOR FEBRUARY 13, 2014

The City Administrator asked for any discussion about the minutes. The Council Members asked for clarification on hours worked, and how sick and vacation time is accumulated. Inclement weather issues will be a topic for the March 20th 2014 City Council Workshop.

Motion by Longanecker, seconded by Cross to approve the February 13, 2014 minutes.

Motion carried 5-0-0

BUSINESS REQUIRING ACTION

8. ORDINANCE NO. 966 ADOPTING A RECOMMENDATION BY THE CITY PLANNING COMMISSION TO APPROVE REZONING OF APPROXIMATELY 31 ACRES OF LAND (LOCATED AT THE SOUTHEAST CORNER OF 191ST STREET AND HOMESTEAD LANE) IN EDGERTON, KANSAS FROM CITY OF EDGERTON A-G AGRICULTURE ZONING TO CITY OF EDGERTON L-P LOGISTICS PARK ZONING DISTRICT WAS CONSIDERED.

The City Administrator informed The Council that the City of Edgerton received an application for rezoning from International Transload Logistics, applicant, and Omar and India Holtgraver, owner requesting to rezone the Southeast corner of 191st and Homestead from City of Edgerton A-G Agriculture to City of Edgerton Logistics Park zoning. The Planning Commission held the first public hearing on November 12, 2013 and a second public hearing on February 11, 2014 regarding this rezoning. The Planning Commission recommended approval of the application.

Motion by Brown, seconded by Longanecker to approve Ordinance No. 966 adopting a recommendation by the City Planning Commission to approve rezoning of approximately 31 acres of land (located at the southeast corner of 191st Street and Homestead Lane) in Edgerton, Kansas from City of Edgerton A-G Agriculture zoning to City of Edgerton L-P Logistics Park zoning district.

Motion carried 5-0-0

9. ORDINANCE NO. 967 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT TO ALLOW USE OF LAND, IN THE L-P, CITY OF EDGERTON LOGISTICS PARK ZONING DISTRICT LOCATED AT THE SOUTHEAST CORNER OF 191ST STREET AND HOMESTEAD LANE, FOR "CARGO STORAGE, MAINTENANCE, AND REPAIR FACILITIES" WAS CONSIDERED.

The City Administrator informed The Council that an application requesting a conditional use permit for operation of a cargo container storage, maintenance, and repair facilities at the southeast corner of 191st and Homestead Road has been received from applicant/agent: International Transload Logistics (property owners: Omar and India Holtgraver). The Planning Commission held a public hearing on December 10, 2013 and February 11, 2014 regarding this conditional use permit application. The Planning Commission recommended approval of the conditional use permit application with Stipulations 1-7 as listed in the staff report dated December 10, 2013.

Motion by Longanecker, seconded by Wiseman to approve Ordinance No. 967 adopting The Planning Commission's recommendation to approve a conditional use permit to allow use of land, in the L-P, City of Edgerton Logistics Park Zoning district located at the southeast corner of 191st Street and Homestead Lane, for "cargo storage, maintenance, and repair facilities".

Motion carried 5-0-0

10. SUPPLEMENTAL AGREEMENT NO. 3 TO CONTRACT WITH BG CONSULTANTS, INC. FOR SURVEY SERVICES ASSOCIATED WITH BIG BULL CREEK WASTEWATER TREATMENT FACILITY WAS CONSIDERED.

In December 2011, the City of Edgerton entered into a contract with BG Consultants, Inc. to provide services necessary for the design of the Big Bull Creek Wastewater Treatment Facility and Conveyance System. In March 2012 and August 2012 the Edgerton City Council approved Agreements one and two, for additional survey services and additional contract provisions.

Motion by Cross, seconded by Crooks to approve supplemental agreement No. 3 to contract with BG Consultants, inc. for survey services associated with Big Bull Creek Wastewater Treatment Facility .

Motion carried 5-0-0

11. REPORT BY CITY ADMINISTRATOR

The City Administrator invited everyone to check out the new Edgerton Parks & Recreation Activity Guide for spring 2014. The Parks and Recreation coordinator has been very busy planning for the spring events. The Johnson County Library is excited to partner with The City of Edgerton. Listed on the event schedule are events for every one of all age groups. There is also a flyer for the annual low cost vaccine clinic to be held on March 29th, 2014 from 10:00am to 1:00 pm.

In regards to the upcoming snow storm the clearing of sidewalks was addressed by the Council and Mayor. It was the decision of the Mayor and City Council to place this item on the agenda for the March 20th 2014 City Council Workshop.

Motion by Crooks, seconded by Longanecker that we create community awareness at this time in regards to snow removal on sidewalks and do not enforce the abatement process at this time which is currently in the city code.

Motion carried 5-0-0

12. REPORT BY MAYOR

Council member Wiseman spoke about the Gardner Area Chamber of Commerce.
Council member Wiseman shared that the Chamber is changing their name to Southwest Johnson County Chamber.

The Mayor announced that Edgerton has won a National award for the Big Bull Creek Wastewater Treatment Facility. There is an award celebration in Washington D.C. on the 29th of April 2014. The Mayor suggested that Beth Linn, City Administrator should attend.

13. FUTURE MEETING / EVENT REMINDERS

March 13th – City Council Meeting
March 19th – Senior Lunch
March 20th – Council Workshop
March 27th – City Council Meeting
March 29th -- Annual Low Cost Vaccine Clinic

EXECUTIVE SESSION

Motion by Cross, seconded by Longanecker to recess into executive session for ten minutes for attorney-client privileged discussion.

Motion carried 5-0-0

The meeting recessed at 8:05 pm

The meeting reconvened at 8:15 with everyone present.

Motion by Crooks, seconded by Cross to return to regular session.

Motion carried 5-0-0

Motion by Cross, seconded by Crooks to extend executive session for fifteen minutes for attorney-client privilege and discussion of personnel matter.

Motion carried 5-0-0

The meeting recessed at 8:18 pm

The meeting reconvened at 8:34 pm with everyone present.

Motion by Brown, seconded by Cross to return to regular session.

Motion carried 5-0-0

Motion by Cross, seconded by Brown to extend executive session for fifteen minutes for attorney client privilege and discussion of personnel matter, and to invite City Administrator to participate in discussion.

Motion carried 5-0-0

The meeting recessed at 8:35 pm

The meeting reconvened at 8:50 pm with everyone present.

Motion by Brown, seconded by Crooks to return to regular session, only the items mentioned were discussed, and no votes were taken.

Motion carried 5-0-0

Motion by Brown, seconded by Cross to extend executive session for ten minutes for attorney client privilege and discussion of personnel matter, and to include City Administrator in the discussion.

Motion carried 5-0-0

The meeting recessed at 8:54 pm

The meeting reconvened at 9:04 pm with everyone present.

Motion by Cross, seconded by Brown to return to regular session, only the items mentioned were discussed, no votes were taken.

Motion carried 5-0-0

14. ADJOURN

Motion by Cross, seconded by Crooks to adjourn.

Motion carried 5-0-0

Meeting adjourned at 9:07 p.m.

Janeice L. Rawles, CMC

Approved by the Governing Body on XXXXXXXXXXXXXXXX

AGENDA ITEM INFORMATION FORM

Agenda Item: Resolution No. 03-13-14A For Approval of Mayor's Appointment of Individual to Complete the Term of City Prosecutor

Department: Administration

Background/Description of Item: As per K.S.A. 15-204; The Mayor, with the consent of the council, may appoint such officers as deemed necessary. Such officers shall hold an initial term of office of not to exceed one year and until their successors have been appointed and qualified.

The Edgerton Municipal Court process traffic and City of Edgerton ordinance violations. Court policies and procedures follow K.S.A. 12-4101 and the Kansas Code of Municipal Courts.

Recently the City was informed that current City Prosecutor, Jacquelyn Rokusek, has submitted her resignation. The position was posted with the Johnson County Bar Association, the Kansas Bar Association, as well as in the local newspaper. Because of the nature of the position, prior prosecution experience is required. A Juris Doctorate from an accredited law school is required and the candidate must be licensed in Kansas with no prior disciplinary suspensions. Using a scoring system, all applications were processed and interviews were conducted by the Municipal Court Clerk, the Codes Enforcement Officer as well as the Administrative Services Director. A final interview was completed by the Municipal Court Judge.

After careful review; staff presented Gerald W. Merrill to the Mayor for consideration as City Prosecutor. Mr. Merrill earned his Bachelor of Science from Missouri Western, where he graduated Cum Laude. He earned his Juris Doctor from the University of Missouri – Kansas City School of Law – where he ranked 36 out of 152. He currently practices in Johnson County. Mr. Merrill's application file is available for review upon request.

Compensation for the Prosecuting Attorney is set by Ordinance No. 917 adopted April 12, 2012. Based on this ordinance the Prosecuting Attorney is compensated \$75 per hour for in-court appearances and \$75 per hour for out-of-court preparation time. In addition, the ordinance dictates \$15 for travel fees per appearance. Mr. Merrill has agreed to that compensation schedule.

Enclosure: Draft Resolution No. 03-13-14A

Related Ordinance(s) or Statute(s): K.S.A. 15-204; K.S.A. 15-209; Charter Ordinance No. 16

Recommendation: Resolution No. 03-13-14A For Approval of Mayor's Appointment of Individual to Complete the Term of City Prosecutor

Funding Source: General Fund - Law Enforcement- Professional Services

Prepared by: Anna-Marie Keena, Administrative Services Director
Date: March 13, 2014

RESOLUTION NO. 03-13-14A

**A RESOLUTION FOR APPROVAL OF MAYOR'S APPOINTMENT OF INDIVIDUAL
TO COMPLETE THE TERM OF CITY PROSECUTOR**

WHEREAS, the current appointed City Prosecutor has indicated a desire to resign due to family and private law practice commitments; and

WHEREAS, the governing body accepts such resignation; and

WHEREAS, the Mayor has appointed Gerald Merrill to complete the remainder of the current prosecutor's term, which term expires on May 23, 2014; and

WHEREAS, Gerald Merrill is a Kansas licensed attorney, and his license is in good standing.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE
CITY OF EDGERTON, KANSAS, AS FOLLOWS:**

Section 1. The Mayor's appointment of Gerald Merrill to complete the remainder of the term for City Prosecutor is hereby approved.

Section 2. This Resolution will become effective upon its adoption by the Governing Body.

ADOPTED March 13, 2014.

CITY OF EDGERTON, KANSAS

Mayor, Donald Roberts

(SEAL)

ATTEST:

APPROVED AS TO FORM:

City Clerk, Janeice Rawles

City Attorney, Patrick G. Reavey



Youth

Spring Break FUN!

Enjoy a fun-filled spring break with Edgerton Parks and Recreation! **FREE!**

M

MARCH MADNESS

Start the spring break with a slam dunk! Have fun building skills with sports activities, games, and contests.

Monday March 17 2 - 4 p.m.
Edgerton Elementary Field Ages 7 and up

W

ULTIMATE GAMES

It's an afternoon of recess! Participants of all ages will enjoy popular outdoor games complete with contests and prizes.

Wednesday March 19 2 - 4 p.m.
Martin Creek Park Ages 7 and up

F

LIBRARY HANGOUT

Help us "Celebrate Green" for the Beginning of Spring and St. Patrick's Day! Activities will include craft projects followed by games. Don't forget to wear green to get a prize!

Friday March 21 2 - 4 p.m.
Edgerton Library Ages 7 to 10

Community Events for the Whole Family

ANNUAL EASTER EGG HUNT WITH THE EASTER BUNNY • FREE!

Ages 12 and under

Hosted by the Edgerton Girl Scouts

The Easter Bunny is hopping through Edgerton again and leaving hundreds of eggs scattered throughout the park! Kids 12 and under will be divided by age groups as they fill their baskets, meet the Easter Bunny, and win prizes!

Saturday, April 12 (rainout date - April 19) • 9am
Location: Martin Creek Park

EDGERTON ELEMENTARY FUN RUN • FREE!

Open to Everyone!

Hosted by Edgerton Elementary

Mark your calendars for this year's Fun Run! Whether you're running, walking or cheering, you won't want to miss this event as the "Cyclone Sprinters" show off their hard work and dedication after 5 weeks of practice.

Location: Edgerton Elementary

Thursday, April 24

Registration: 4:30 - 5:10 Start time: 5:15

PARKS & RECREATION

Activity Guide • Spring 2014

For more information about our activities, events & parks visit us at www.edgertonks.org or give us a call 913.893.6231.

**BIN
GO!**



Save the Date

June 20 – 22: Frontier Days!

July 3rd: Edgerton's Annual
Community Picnic & Firework Show!

Senior Programs

F

LUNCH AND FUN

Meet up every Friday for lunch, coffee, games, puzzles, and great company! Bring your lunch or order your C.H.O.I.C.E. meal a day in advance.

Every Friday beginning March 7th

11:30 a.m. – 1:00 p.m. City Hall

W

POTLUCK & BINGO

Enjoy Fellowship and fun at City Hall every 3rd Wednesday of each month! Beginning in April, stick around after lunch to try your luck in BINGO for prizes! Bring your favorite side dish, dessert, or a donation.

3rd Wednesday (3.19, 4.16 and 5.21) Noon City Hall

M

F

JOHNSON COUNTY NUTRITION —CHOICE PROGRAM

This program offers hot meals to all senior citizens ages 60+. To register for C.H.O.I.C.E. call 913.715.8886 for information on attending a one time enrollment session. Once enrolled, order your meals by calling 913.856.3471 between 9 a.m. and 11 a.m. a day in advance to make your reservation.

M – F pickup from 11 a.m. – Noon City Hall

60+ \$3 suggested donation

Group Trips on THE JO

Join us as we visit some of Kansas City's top attractions! Open to Everyone! Sign-ups and more information at Edgerton City Hall.

Bus Ride Price: over 50—Free / Under 50—\$5

May 1 – KC Zoo: Zoo Admission—\$10.50

June 5 – Crown Center: Shopping & Lunch

Did You Know?

VITAMIN
D

Time spent outdoors is the best way to get vitamin D. According to the journal Pediatrics, **70% of American kids are not getting enough vitamin D**, which can lead to a host of health issues.

Let's create some good habits this spring and **GET OUTDOORS!**

**Media Advisory**
March 5, 2014**Mayor Donald Roberts**
913.893.6231
mayor@edgertonks.org**Edgerton Mayor Roberts Encourages Citizen Input Regarding the City's Ordinances for Snow Removal on Sidewalks**

Recently, City Council alerted residents of its intent to proactively enforce the current Edgerton City Code, requiring property owners to remove snow and ice on the sidewalk within 12 hours from the time of snow fall or when the ice storm ceases. The code also states snow accumulation overnight should be removed within 12 hours after sunrise of the following day.

Mayor Roberts encourages citizens to provide feedback regarding sidewalk snow removal – positive or negative – by emailing mayor@edgertonks.org. Feedback and comments received by Monday, March 17th will be shared with all City Council Members prior to the upcoming work session on Thursday, March 20 at 7:00 p.m. at City Hall. If a citizen does not have access to email, written comments may be dropped off at City Hall during regular business hours or placed in the city's night deposit box.

Discussion at the Work Session will consider the future direction of the City's sidewalk snow removal regulations. Citizens are welcome to attend the Work Session with time allotted for limited public comments. To accommodate public participation, the Work Session may move from City Hall to an alternative location. In advance, alternative location information will be posted to www.edgertonks.org and at City Hall.

What: Citizens are encouraged to send feedback to mayor@edgertonks.org regarding sidewalk snow removal prior to March 17 so they may be shared with all City Council Members prior to the work session.

Where: The public is welcome to attend the City Council Work Session, Thursday, March 20 at 7:00 p.m. at City Hall.

-end-