

**City of Edgerton, Kansas
Minutes of City Council Special Session
November 20, 2014**

A Special Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on November 20, 2014. The meeting convened at 7:00 p.m. with Mayor Roberts presiding, and City Clerk Janeice L. Rawles recording.

1. ROLL CALL

Frances Cross	present
Cindy Crooks	present
Charlie Troutner	present
Jody Brown	present

Clay Longanecker	absent
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With a quorum present, the meeting commenced.

Staff in attendance: City Administrator Beth Linn
 Community Development Director Kenny Cook

Consultants in attendance: Johnson County Sheriff Representative
 Scott Anderson, SA Legal Advisors, LLC
 Johnson County Fire District Representative

2. WELCOME AND PLEDGE OF ALLEGIANCE

3. CONSENT AGENDA

A. Agenda Approval

A motion by Brown, seconded by Cross, to approve the Consent Agenda.

The motion was approved, 4-0.

4. PUBLIC COMMENTS

NONE

5. DECLARATIONS BY COUNCIL MEMBERS

None

6. AWARD OF RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL SERVICES TO GARDNER DISPOSAL AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT WAS CONSIDERED.

As directed, city staff solicited bids for residential solid waste collection through a formal bid process and on the 12th of November 2014 a public bid opening was held. There were two qualified bids, Gardner Disposal Service, Inc. and Deffenbaugh Industries, Inc. Upon review of the bid tabulations, staff recommends Gardner Disposal as the lowest and best bidder based on the bid amount for monthly rate for residents. If approved, City staff will be working closely with Gardner Disposal Services on a public information campaign to insure residents are informed about the new residential solid waste provider.

Motion by Crooks, seconded by Cross, to select Gardner Disposal to be exclusive solid waste collector within the City of Edgerton in accordance with Bid specifications, and direct staff to bring back finalized solid waste contract between the City of Edgerton and Gardner Disposal.

The motion was approved, 4-0.

7. PUBLIC HEARING REGARDING AMENDED RESOLUTION OF INTENT FOR INLAND PORT XI WAS CONSIDERED

Mayor Roberts opened the public hearing for the amended resolution of intent for Inland Port XI. Scott Anderson, Bond Counsel for the City of Edgerton, was present to answer any questions. This resolution of intent would increase the size of the project from 657,000 to 765,160 square feet and increase the land size from 39.5 to 46.2 acres. There being no questions, Mayor Roberts closed the public hearing.

8. RESOLUTION NO. 11-20-14A AMENDING RESOLUTION NO. 09-11-2014A DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING A COMMERCIAL FACILITY FOR THE BENEFIT OF ELHC XI, LLC. WAS CONSIDERED

Motion by Brown, seconded by Crooks, to approve Resolution No. 11-20-14A amending Resolution No. 09-11-2014A determining the intent of the City of Edgerton, Kansas, to issue its industrial revenue bonds to pay the cost of acquiring, constructing and equipping a commercial facility for the benefit of ELHC XI, LLC.

The motion was approved, 4-0.

9. PUBLIC HEARING REGARDING RESOLUTION OF INTENT FOR INLAND PORT XII WAS CONSIDERED

Mayor Roberts opened the public hearing regarding Resolution of intent for Inland Part XII. Scott Anderson, Bond Counsel for the City of Edgerton, was present to answer any questions. This public hearing is to consider the cost-benefit report and then approve the Resolution of Intent. The resolution of Intent evidences the City's intent to issue approximately \$29 million of industrial revenue bonds for the project (ELHC XII). There being no further questions, Mayor Roberts closed the public hearing.

10. RESOLUTION NO. 11-20-14B DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE APPROXIMATE AMOUNT OF \$29,000,000 TO PAY

THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING A COMMERCIAL FACILITY FOR THE BENEFIT OF ELHC XII, LLC. WAS CONSIDERED.

Motion by Crooks, seconded by Cross, to approve Resolution No. 11-20-14B determining the intent of the City of Edgerton, Kansas, to issue its industrial revenue bonds in the approximate amount of \$29,000,000 to pay the cost of acquiring, constructing and equipping a commercial facility for the benefit of ELHC XII, LLC.

The motion was approved, 4-0.

11. AWARD OF CONSTRUCTION OF THE 2014 ASPHALT PATCHING (EDGEWOOD CUT OUTS) TO KILLOUGH CONSTRUCTION, INC. AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT WAS CONSIDERED.

In July 2014, City of Edgerton put the 2014 Asphalt Patching project out to bid and a public bid opening was held on October 14, 2014. The bid was suspended while several core samples of the roadway were performed to better understand the magnitude of the road failure. This information was provided to the bidders prior to the opening of bids in October. The low bid is approximately \$27, 695 higher than the budgeted amount. However due to the severity of the road failure and the CARS overlay project scheduled for 2015, staff recommends proceeding with the project. If approved, staff will prepare a budget amendment for consideration by council to increase the budget authority to reflect the entire expenditure in 2015.

Motion by Brown, seconded by Crooks, to award the construction of the 2014 Asphalt Patching (Edgewood Cut Outs) to Killough Construction Inc. and authorize the mayor to execute the contract.

The vote on the motion; Yea: Crooks, Brown, and Cross. Nay; Troutner

The motion was approved, 3-1.

12. REPORT BY THE CITY ADMINISTRATOR.

Unified School District 231 Community Forum regarding Local Option Budget will have a public forum at the Edgerton Community Building, 404 East Nelson, Edgerton, Kansas on the 18th of December 2014 at 6:00 p.m.

12A.ADDITION TO AGENDA

Motion by Crooks, seconded by Troutner, to make an addition to the agenda.

The motion was approved, 4-0.

AGENDA ITEM

AMENDMENT TO LOAN AGREEMENT BETWEEN EDGERTON, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT IN THE AMOUNT OF \$750,000 FOR BIG BULL CREEK WASTEWATER TREATMENT FACILITY AND CONVEYANCY SYSTEM PROJECT WAS CONSIDERED.

City staff completed an audit of revenues and expenditures in preparation of submitting the final disbursement request to KDHE. The audit revealed that the City has an increase in several areas of eligible expenses of approximately \$750,000. Based on the increase in expenses, staff recommends amending the loan to increase the amount by \$750,000.

Motion by Brown, seconded by Crooks, to approve the amendment to Loan Agreement between Edgerton, Kansas and the State of Kansas, acting by and through the Kansas Department of Health and Environment in the amount of \$750,000 for Big Bull Creek Wastewater Treatment Facility and Conveyance System Project.

The motion was approved, 4-0.

13. REPORT BY THE MAYOR

NONE

14. FUTURE MEETING/EVENT REMINDERS

- November 19th Noon – Senior Lunch
- November 20th 7:00 p.m. Edgerton City Council Special Session
- November 27th and 28th Thanksgiving Holiday – CITY OFFICES CLOSED
- November 27th – City Council Meeting CANCELLED
- Week of November 28th – Trash Pickup on FRIDAY
- December 5th 6:30 pm - Mayor Holiday Tree Lighting and Meet Santa
- December 9th 7:00 pm - Planning Commission
- December 10th 7:00 pm - Christmas Light Judging
- December 11th 7:00 pm - City Council Meeting
- December 18th 6:00 pm - USD 231 Community Forum Local Option Budget
- December 25th - City Offices Closed
- December 26th - Trash Pickup FRIDAY
- January 1st City Offices Closed

15. EXECUTIVE SESSION

Motion by Crooks, seconded by Brown, to consider recessing for twenty minutes 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 Bond Counsel and city administrator.

The motion was approved, 4-0.

The meeting recessed at 7:35 p.m.

Motion by Crooks, seconded by Cross, to return to regular session, no action taken.

The motion was approved, 4-0.

The meeting reconvened at 7:55 p.m.

Motion by Crooks, seconded by Troutner, to return to executive session under same criteria for ten minutes.

The motion was approved, 4-0.

The meeting recessed at 8:00 p.m.

Motion by Crooks, seconded by Brown, to return to regular session, no action taken.

The motion was approved, 4-0.

The meeting reconvened at 8.10 p.m.

Motion by Crooks, seconded by Cross, to return to executive session under same criteria for ten minutes.

The motion was approved, 4-0

The meeting recessed at 8:15 p.m.

Motion by Crooks, seconded by Troutner, to return to regular session, no action taken.

The motion was approved, 4-0

The meeting reconvened at 8:25 p.m.

Motion by Crooks, seconded by Cross, to adjourn.

The motion was approved, 4-0.

Meeting adjourned at 8:30 pm.

Janeice L. Rawles, CMC

City Clerk

Approved by the Governing Body on