

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**February 12, 2015**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on February 12, 2015. The meeting convened at 7:00 p.m. with Mayor Roberts presiding, and City Clerk Janeice L. Rawles recording.

**1. ROLL CALL**

Charlie Troutner	present
Jody Brown	present
Frances Cross	present
Cindy Crooks	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  
  City Attorney Patrick Reavey

Consultants in attendance: Johnson County Sheriff's Department  
  Johnson County Fire District  
  Bond Counsel Scott Anderson  
  Financial Advisor Jeff White

**2. WELCOME AND PLEDGE OF ALLEGIANCE**

Girl Scout Troop #773 came forward to lead the Pledge of Allegiance

**3. CONSENT AGENDA**

- Agenda approval
- City Council Meeting Minutes January 8, 2015
- City Council Meeting Minutes January 22, 2015

Motion by Crooks, seconded by Cross, to approve the Consent Agenda.

The motion was approved, 4-0.

**4. PUBLIC COMMENTS**

Ginger Crist, 510 W. Braun, was present to inform the Mayor and council about "Joy Closet" a clothing closet sponsored by First Presbyterian Church located in Gardner, Kansas. They accept donations of clothes, sheets and etc. and sell their items for a small price. Vouchers were handed

out to everyone present to shop for free. They will be extending their hours soon, and are looking for volunteers. They accept leftovers from City Wide Garage Sales. Anyone needing community service hours may contact the "Joy Closet."

**5. DECLARATIONS BY COUNCIL MEMBERS**

None

**6. DONATION REQUEST FROM GIRL SCOUTS FOR EASTER EGG HUNT WAS CONSIDERED.**

Becky Blankenship and Girl Scout Troop #773 were present to ask for a donation for the annual Easter Egg Hunt. They asked for \$500.00 this year. They are adding a separate place for kids with special needs to be able to participate this year. The date of the Easter Egg Hunt is March 28<sup>th</sup>, 2015 and a rain out date of April 4<sup>th</sup>, 2015.

Motion by Crooks, seconded by Cross, to approve a donation to the Girl Scouts in the amount of \$500.00.

The motion was approved, 4-0.

**7. ORDINANCE NO. 991 AUTHORIZING THE CITY OF EDGERTON, KANSAS, TO ISSUE INDUSTRIAL REVENUE BONDS (ELHC XI, LLC PROJECT) SERIES 2015, IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$34,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A COMMERCIAL PROJECT, CONSISTING OF A WAREHOUSE AND DISTRIBUTION FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE CITY TO ENTER INTO A TRUST INDENTURE WITH THE TRUSTEE SET FORTH THEREIN; AUTHORIZING THE CITY TO ENTER INTO A LEASE AGREEMENT WITH ELHC XI, LLC; AUTHORIZING THE CITY TO ENTER INTO A BOND PURCHASE AGREEMENT IN CONNECTION WITH THE BONDS, AND AUTHORIZING AND APPROVING THE EXECUTION OF CERTAIN DOCUMENTS AND THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS WAS CONSIDERED.**

Scott Anderson, Bond Counsel for the City of Edgerton, was present to inform Mayor and Council about the Industrial Revenue Bonds and Property Tax Abatement for ELHC XI Project. The IRB for ELHC XI is not to exceed 34,000,000. The property for ELHC XI is located on approximately 46.2 acres of land at the southeast corner of 191<sup>st</sup> Street and Waverly Road in Edgerton, Kansas. A public hearing was held to the City on November 20, 2014.

Motion by Cross, seconded by Longanecker, to approve Ordinance No. 991 authorizing the City of Edgerton, Kansas to issue industrial revenue bonds (ELHC XI, LLC Project) series 2015, in an aggregate maximum principal amount not to exceed \$34,000,000 for the purpose of providing funds to pay the cost of acquiring, purchasing, construction, installing and equipping a commercial project, consisting of a warehouse and distribution facility, including land, buildings, structures, improvements, fixtures, machinery and equipment; authorizing the city to enter into a trust indenture with the trustee set forth therein; authorizing the city to enter into a lease agreement with ELHC XI, LLC; authorizing the city to enter into a bond purchase agreement in connection with

the bonds, and authorizing and approving the execution of certain documents and the taking of other action in connection with the issuance of the bonds.

The motion was approved, 4-0.

- 8. ORDINANCE NO. 992 AUTHORIZING THE CITY OF EDGERTON, KANSAS, TO ISSUE INDUSTRIAL REVENUE BONDS (ELHC XII, LLC PROJECT) SERIES 2015, IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$29,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A COMMERCIAL PROJECT, CONSISTING OF A WAREHOUSE AND DISTRIBUTION FACILITY, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE CITY TO ENTER INTO A TRUST INDENTURE WITH THE TRUSTEE SET FORTH THEREIN; AUTHORIZING THE CITY TO ENTER INTO A LEASE AGREEMENT WITH ELHC XII, LLC; AUTHORIZING THE CITY TO ENTER INTO A BOND PURCHASE AGREEMENT IN CONNECTION WITH THE BONDS, AND AUTHORIZING AND APPROVING THE EXECUTION OF CERTAIN DOCUMENTS AND THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS WAS CONSIDERED.**

Scott Anderson, Bond Counsel for the City of Edgerton, was present to inform the Mayor and Council about the Industrial Revenue Bonds and Property Tax Abatement for ELHC XII Project. The IRB for ELHC XII is not to exceed 29,000,000. The property for ELHC XII is located on approximately 39.5 acres of land at the southeast corner of 191<sup>st</sup> Street and Waverly Road in Edgerton, Kansas. A public hearing was held on November 20, 2014.

Motion by Crooks, seconded by Brown, to approve Ordinance No. 992 authorizing the City of Edgerton, Kansas to issue industrial revenue bonds (ELHC XII, LLC Project) series 2015, in an aggregate maximum principal amount not to exceed \$29,000,000 for the purpose of providing funds to pay the cost of acquiring, purchasing, construction, installing and equipping a commercial project, consisting of a warehouse and distribution facility, including land, buildings, structures, improvements, fixtures, machinery and equipment; authorizing the city to enter into a trust indenture with the trustee set forth therein; authorizing the city to enter into a lease agreement with ELHC XII, LLC; authorizing the city to enter into a bond purchase agreement in connection with the bonds, and authorizing and approving the execution of certain documents and the taking of other action in connection with the issuance of the bonds.

The motion was approved, 4-0.

- 9. FINAL ACCEPTANCE OF CHANGE ORDER NO. 2 EDGERTON QUIET ZONES PROJECT ( NELSON STREET AND 199<sup>TH</sup> STREET) WAS CONSIDERED.**

Beth Linn, City Administrator, gave some background information about the Quiet Zone Project and announced that on January 2, 2015 the City of Edgerton issued the Notice of Establishment that started the required 21 day waiting period for the quiet zones to begin. Both quiet zones officially went into effect at 12:01 am on January 24, 2015. Staff has notified the design engineer of the project and of the errors and omissions made during design of the project. The City has requested \$6447.00 be reimbursed by the design engineer for additional work required in Change Order No. 2

to bring the zone into compliance. City Attorney Patrick Reavey agrees that the amount is reasonable and if payment is not received in the required time frame, that legal fees will be added.

Motion by Crooks, seconded by Brown, to approve the Final Acceptance of Change Order No. 2 Edgerton Quiet Zones Project (Nelson Street and 199<sup>th</sup> Street).

The motion was approved, 4-0.

**10. PURCHASE OF A TRUCK FOR ANIMAL CONTROL/CODE ENFORCEMENT OFFICER THROUGH THE MID AMERICA REGIONAL COUNCIL'S METRO VEHICLE BID LIST WAS CONSIDERED.**

Kenny Cook, Community Development Director, presented information about the purchase of a truck for animal control/code enforcement. During preparation of the 2015 budget, a replacement truck for the Animal Control/Code Enforcement Officer was included. The current truck is a 1999 Ford Ranger in poor condition. Mr. Cook read an extensive list of problems with the Ford Ranger, indicating that a new truck is needed. Staff recommends the purchase of a 2015 Ford F150 Super Cab 4 X 4, with power windows, a 2.7 Eco boost V6 engine, and Cab Steps. The truck would be purchased through the Mid America Regional Council's Metro Vehicle bid list from Shawnee Mission Ford in the amount of \$24,399.

After much discussion and explanation about why so much truck now, the decision of the Council was to table the approval of the purchase of a new truck for Animal Control/Code Enforcement until the next meeting. They would like to have prices on used trucks for comparison.

Motion by Crooks, seconded by Troutner, to table purchase of truck for animal control/code enforcement officer until February 26, 2015.

The motion was approved, 4-0.

**11. ORDINANCE NO. 993 PROVIDING FOR THE RANGE OF SALARIES AND COMPENSATION OF VARIOUS CITY OFFICERS AND EMPLOYEES OF THE CITY OF EDGERTON, KANSAS WAS CONSIDERED.**

Beth Linn, City Administrator, provided information about the changes in the Ordinance for the range of salaries and compensation of various city officers and employees of the City of Edgerton, Kansas. The three changes at this time are the City Attorney, Municipal Court Judge and Prosecuting Attorney. The travel time has also been removed.

Motion by Crooks, seconded by Cross, to approve Ordinance No. 993 providing for the range of salaries and compensation of various city officers and employees of the City of Edgerton, Kansas, with no travel time.

The motion was approved, 4-0.

**12. RESOLUTION NO. 02-12-15A APPROVING AN AGREEMENT WITH THE SECRETARY OF THE KANSAS DEPARTMENT OF TRANSPORTATION AND BNSF RAILWAY COMPANY FOR A GRANT FOR A ROAD CONSTRUCTION PROJECT FOR THE LOGISTICS PARK KANSAS CITY WAS CONSIDERED.**

In October 2014, the Edgerton City Council approved a Letter of Intent with the Kansas Department of Transportation (KDOT) and Burlington Northern Santa Fe (BNSF) Regarding KDOT's financial contribution toward the costs to construct Waverly Road, from US-56 to 199 Street, including a grade separation. A summary of the major terms of the agreement include: the Project Scope and cost not to exceed thirty million dollars; method of construction and control of the project; and design-build method of construction. The project is a City of Edgerton led project therefore the method for acquisition of right-of-way and design criteria used for construction are determined by the City. The only funding source used for repayment of the project is LPKC Utility Sales Tax. No general fund or other city dollars will be used for this repayment.

Motion by Crooks, seconded by Brown, to approve Resolution No. 01-12-15A approving an agreement with the Secretary of the Kansas Department of Transportation and BNSF Railway company for a grant for a road construction project for the Logistics Park Kansas City.

The motion was approved, 4-0.

**13. DESIGN-BUILD AGREEMENT WITH CLARKSON CONSTRUCTION COMPANY FOR WAVERLY ROAD PROJECT WAS CONSIDERED.**

In October 2014, the Edgerton City Council approved a letter of intent with the Kansas Department of Transportation and Burlington Northern Santa Fe Railroad regarding KDOT'S financial contribution toward the costs to construct Waverly Road, from US/56 to 199<sup>th</sup> Street, including a grade separation. The City received five submittals that were due in December 2014. In January 2015 the selection committee selected the Clarkson-HDR team as the best, most qualified team for the project.

Motion by Brown, seconded by Cross, to approve the Design-Build Agreement with Clarkson Construction Company for Waverly Road Project.

The motion was approved, 4-0.

**14. REPORT BY THE CITY ADMINISTRATOR**

\*Designation of Voting Delegate and Alternate Delegate for 2015 Kansas Rural Water Association Conference

Motion by Crooks, seconded by Cross, to designate Charlie Troutner as Voting Delegate, and Mike Mabrey as the Alternate Delegate.

The motion was approved, 4-0.

\*Bridgewater Lake Algae Report – A report was presented from Tegan Meadors, Parks and Recreation Coordinator, about the management options to remove the Algae from the Bridgewater Lake.

\*Personnel Manual Section A-C given to Council members to review

\* Update on 207<sup>th</sup> Street Crossing – starting in March 2015 the crossing is scheduled for a complete re-build

\*Fourth Quarter 2014 Financial Report and 2014 Year End Financial Report - Fourth Quarter and year end reports were presented and discussed

\* Discussion about Deffenbaugh still having trash carts in the City of Edgerton. Deffenbaugh is to be in town on the 2<sup>nd</sup> of March for one final sweep.

\*Discussion about the sludge on the property north of the Edgerton Cemetery

### **15. Report by the Mayor**

Discussion about the Press Release “Public-Private Partnership Forms Logistics Training Center at Logistics Park Kansas City” A partnership including North Point Development, Johnson County Community College, the City of Edgerton, Workforce Partnership, BNSF Railway and the Southwest Johnson County Economic Development Corporation have joined forces to create the Logistics Training Center at LPKC. “The Logistics Training Center at LPKC will be an excellent addition to the City of Edgerton” said Edgerton Mayor Donald Roberts. The training center should be complete in late 2015.

### **16. FUTURE MEETING/EVENT REMINDERS:**

February 16<sup>th</sup> – City Offices Closed Presidents Day

February 18<sup>th</sup> Noon – Senior Lunch

February 19<sup>th</sup> 6pm - Mayor Roberts State of the City Address

February 26<sup>th</sup> 7:00 pm - City Council Meeting

### **17. RECESS INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319 (b) (1) PERSONNEL MATTERS OF NONELECTED PERSONNEL WAS CONSIDERED**

The executive session was tabled until the next regular session.

### **18. ADJOURN**

Motion by Crooks, seconded by Brown, to adjourn the meeting.

Meeting adjourned at 8:40 pm.

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Janeice L. Rawles, CMC  
City Clerk

Approved by the Governing Body on \_\_\_\_\_