

**City of Edgerton, Kansas  
Minutes of City Council Regular Session  
December 10, 2015**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on December 10, 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
Darius Crist	present
Jody Brown	present
Clay Longanecker	present

Cindy Crooks	absent
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With a quorum present, the meeting commenced.

Staff in attendance:           City Administrator Beth Linn  
  Community Development Director Kenny Cook  
  Johnson County Sheriff Department Representative

**2. WELCOME AND PLEDGE OF ALLEGIANCE**

**3. CONSENT AGENDA**

Motion by Brown, seconded by Longanecker, to approve the consent agenda with exception of item numbers 8, 9, and 16.

Motion was approved, 4-0

4. Agenda Approval was approved
5. City Council Meeting Minutes November 12, 2015 was approved
6. Special City Council Meeting Minutes November 10, 2015 was approved
7. Renewal of a Cereal Malt Beverage License Application for 2016 was approved
8. Resolution No. 12-10-15A waiving The City's Compliance with Generally Accepted Accounting Principles For Financial Reporting and Causes Such Reports To Be Prepared In Compliance with The Cash Basis And Budget Laws Of The State Of Kansas was removed for separate consideration.
9. Resolution No. 12-10-15B 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 was removed for separate consideration.

10. Resolution No. 12-10-15C Declaring the Boundaries of the City of Edgerton, Johnson County, Kansas was approved.
11. A One-Year Contract Extension with Clements Cleaning Service to Provide Janitorial Services for the Edgerton Community Building/City Hall/305 E Nelson for 2016 was approved.
12. Year-End Longevity Bonus for Employees was approved.
13. A One-Year Contract Extension with The Reflective Group to Provide Information Technology Services
14. Agreement with Transpec Leasing Incorporated In Regards to not Requiring the Construction of Sidewalks and Street Improvements and the Waiver Not To Protest the Formation of a Benefit District was approved.
15. Application FP2015-05, Final Plat, Logistics Park Kansas City – Southeast, Third Plat was approved
16. Acceptance of Dedication of Right-of-Way for the Widmer Property South of 191st Street and West of Homestead Lane was removed for separate consideration.

Item #8 removed for separate consideration regarding Resolution No. 12-10-15A waiving the City's Compliance with Generally Accepted Accounting Principles for Financial Reporting and Causes was considered. Mayor Roberts and City Administrator Beth Linn explained the Generally Accepted Accounting Principles that the City must follow to be in compliance with the laws of the State of Kansas.

Motion by Longanecker, seconded by Troutner, to approve item number eight from the consent agenda.

Motion was approved, 4-0.

Item #9 removed for separate consideration regarding Resolution No. 12-10-15B 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 was considered. This item was pulled from the consent agenda so the changes made could be explained. The changes were explained by City Attorney Patrick Reavey and he noted he approved the changes. Mr. Reavey explained that the old agreement was from before the building was done.

Motion by Crist, seconded by Longanecker, to approve item number nine from the consent agenda.

Motion was approved, 4-0.

Item #16 removed for separate consideration regarding Acceptance of Dedication of Right-of-Way for the Widmer Property South of 191<sup>st</sup> Street and West of Homestead Lane was

considered. This item was pulled from the consent agenda to offer a more indepth explanation about the Rights-of-Way on the Widmer property. There was discussion and explanation of where this property is located.

Motion by Longanecker, seconded by Brown, to approve item number sixteen from the consent agenda.

Motion was approved, 4-0.

## **17. PUBLIC COMMENTS**

- 1) Ted Voights, 100 W. McDonald, was present to address the Mayor and Council about the railroad crossing on 199<sup>th</sup> and the median which is causing trouble getting their property. It was explained to Mr. Voights that this is a state project, and hopefully the state will widen the intersection and install turn lanes.
- 2) Mary Pritchard, 317 W. Nelson, was present to address the Mayor and Council about the school bond issue. Ms. Pritchard wanted to know why no one was present at the meeting last Tuesday evening. She told the council that only four people were at the Edgerton Meeting. After some discussion and questions, it was told that The City of Edgerton had a Planning Commission Meeting that evening, which is where some of our citizens could have been.

## **18. DECLARATION**

Council member Troutner stated he would remove himself from item number nineteen which is to consider facility use and maintenance agreement with Edgerton Historic Society for Edgerton Community Museum for 2016.

No other Declarations at this time were noted.

## **19. FACILITY USE AND MAINTENANCE AGREEMENT WITH EDGERTON HISTORIC SOCIETY FOR EDGERTON COMMUNITY MUSEUM FOR 2016 WAS CONSIDERED**

Council member Troutner left his council seat and left the room for the Historic Society discussion.

City Attorney Patrick Reavey informed the Mayor and Council that the 2016 agreement is the same as the 2015 and he has approved the agreement. The Use and Maintenance fee of \$500.00 has been waived; however the \$1.00 annual fee was paid tonight. Mayor Roberts said he appreciated what the city has done for the Historic Society. Mary Pritchard, treasurer for the Edgerton Historic Society, announced that the Historic Society needs to do some fundraising events to help offset the price of the 501C3 and the cost of the Insurance. The Historical Society will be electing officers at their meeting on January 18<sup>th</sup> 2016. She encouraged all to attend the meeting.

Motion by Crist, seconded by Longanecker, to approve the Facility Use and Maintenance Agreement with Edgerton Historic Society for Edgerton Community Museum for 2016.

Motion was approved, 3-0 with Council member Troutner abstaining.

**20. AWARD OF CONSTRUCTION OF THE MANOR PARK IMPROVEMENTS PROJECT TO MEGA INDUSTRIES CORPORATION AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT WAS CONSIDERED**

Tegan Meadors, Edgerton Park and Recreation Coordinator introduced Carisa McMullen with Landworks and they presented information about when the fence would be installed at Manor Park, weather permitting the fence will be installed around the first of the year, with city staff doing some demolition. Tegan Meadors introduced Bryan Gordon the President of Mega Industries. Mega Industries was the low bidder for the Edgerton Manor Park Project. There were several questions about finances and the color of the shelter and the playground equipment.

Motion by Brown, seconded by Crist, to award the construction of the Manor Park Improvements Project to Mega Industries Corporation and authorize the Mayor to execute the contract.

Motion was approved, 4-0.

At this time Tegan Meadors handed out the judging cards for the Holiday Lighting Contest to the Mayor and Council members.

Council member Crooks arrived at the meeting at 7:41, during the park discussion.

**Motion by Crooks, seconded by Troutner, to close Manor Park with the commencing of construction.**

**Motion was approved, 5-0.**

**21. AGREEMENT WITH THE JOHNSON COUNTY SHERIFF'S DEPARTMENT FOR THE PROVISION OF LAW ENFORCEMENT SERVICES FOR FISCAL YEAR 2016 AND AUTHORIZES THE MAYOR TO EXECUTE THE AGREEMENT WAS CONSIDERED**

The new agreement will commence on the 1<sup>st</sup> of January 2016. The Johnson County Sheriff's department has moved their local office into the city owned building at 305 E. Nelson. There was some discussion about boundaries and district changes, these items are being discussed with the Sheriff's Office.

Motion by Longanecker, seconded by Crist, to approve the agreement with the Johnson County Sheriff's Department for the provision of law enforcement services for fiscal year 2016 and authorize the Mayor to execute the agreement.

Motion was approved, 5-0.

**22. A CONTRACT WITH CANDID MARKETING FOR MARKETING AND COMMUNICATIONS SERVICES FOR STRATEGIC MARKETING SERVICES FOR 2016 WAS CONSIDERED**

Beth Linn, City Administrator introduced Becky Freetly-Grabber with candid marketing. Becky passed out handouts for everyone with an annual update and 2016 recommendations. Candid

Marketing joined with The City of Edgerton in 2012 and several Council members thanked candid for a job well done.

Motion by Crooks, seconded by Troutner, to approve the contract with Candid Marketing for Marketing and Communications services for strategic marketing services for 2016.

Motion was approved, 5-0.

- 23. ORDINANCE NO. 1005 AUTHORIZING THE CITY OF EDGERTON, KANSAS, TO ISSUE INDUSTRIAL REVENUE BONDS (ELHC XIV, LLC PROJECT) SERIES 2015, IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$38,000,000, 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 XIV, 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 with SA Legal Advisors was present to discuss and answer any questions about Ordinance No. 1005, which pertains to Industrial Revenue Bonds. This ordinance also allows the City of Edgerton; to enter into a trust indenture, a lease agreement, a bond purchase agreement, and authorizes and approves the execution of documents in connection with the issuance of the bonds.

Motion by Brown, seconded by Longanecker, to approve Ordinance No. 1005 which pertains to Industrial Revenue Bonds.

Motion was approved, 5-0.

- 24. CONSIDER ORDINANCE NO. 1006 AUTHORIZING THE CITY OF EDGERTON, KANSAS, TO ISSUE HOME RULE REVENUE BONDS (LOGISTICS PARK INFRASTRUCTURE PROJECTS) SERIES 2015A, IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$10,155,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY OR REIMBURSE THE COSTS OF PUBLIC INFRASTRUCTURE IMPROVEMENTS; 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.**

Item #24 pulled from the agenda until later in the meeting.

- 25. REPORT BY THE CITY ADMINISTRATOR**

1) The confirmation of Job Descriptions will be coming in January

2) Electric Vehicle Charging Station – Kenny Cook, Community Development Director has spoke to Kansas City Power & Light Company and some contractors about the charging stations. Several questions have come up such as how many spaces are needed and where in the City of Edgerton is the best place to place these charging stations. It was the consensus of the council to wait and see what downtown development is going to bring in the future.

## 26. REPORT BY THE MAYOR

Planning Commissioner Braun has resigned from his position. The Mayor has recommended and appointed Leslie Hardin to fill the unfilled term that expires in September 2017.

The Mayor and City Administrator attended First Fridays an event in Ottawa, that was very good and the Mayor would like to host some similar events.

Motion by Crooks, seconded by Crist, to approve the appointment of Leslie Hardin to the Planning Commission.

Motion was approved, 5-0.

**AN ORDINANCE AMENDING FEES CONTAINED WITHIN CHAPTER II OF THE EDGERTON, KANSAS MUNICIPAL CODE, AND ESTABLISHING THAT VARIOUS FEES OF THE CITY HEREAFTER BE GROUPED TOGETHER IN ONE RESOLUTION, WHICH RESOLUTION SHALL BE AMENDED HEREAFTER BY RESOLUTION OF THE CITY COUJNCIL WAS CONSIDERED.**

Mayor and Council were informed that additional changes to the animal ordinance are being worked on and will be available in January or February,

Motion by Troutner, seconded by Longanecker to approve **Ordinance #1006**.

Motion was approved, 3-2.

Council member Crooks addressed Mayor and council about closing the City on Christmas Eve and giving all full time employees the day off as a holiday with pay.

Motion by Crooks, seconded by Crist, to give all full time employees Christmas Eve off as a holiday with pay.

Motion was approved 5-0.

Mayor recesses the meeting for a ten minute break from 9:07-9:16.

## 27. EXECUTIVE SESSION

Motion by Crooks, seconded by Longanecker to recess into executive session for ten minutes pursuant to K.S.A. 75-4319 (b)(6) Acquisition of real property, to include City Administrator and City Attorney.

Motion was approved, 5-0

Meeting recessed at 9:17 pm.

Motion by Crooks, seconded by Crist, to return from executive session. No action taken.

Meeting reconvened at 9:30 pm.

**28. EXECUTIVE SESSION**

Motion by Crooks, seconded by Brown, to recess into executive session for twenty minutes pursuant to K.S.A. 75-4310 (b) (2) for Attorney –Client privilege, to include Bond Counsel and City Administrator.

Motion was approved, 5-0.

Meeting recessed at 9:35.

Motion by Crooks, seconded by Brown to return from executive session. No action taken.

Motion was approved, 5-0.

Meeting reconvened at 9:57 pm.

Motion by Crooks, seconded by Brown, to recess for an additional ten minutes.

Motion was approved, 5-0.

Meeting recessed at 9:58

Motion by Brown, seconded by Crist, to return from executive session, no action taken.

Motion was approved, 5-0

Meeting reconvened at 10:08.

- 29. CONSIDER ORDINANCE NO. 1007 AUTHORIZING THE CITY OF EDGERTON, KANSAS, TO ISSUE HOME RULE REVENUE BONDS (LOGISTICS PARK INFRASTRUCTURE PROJECTS) SERIES 2015A, IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$10,155,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY OR REIMBURSE THE COSTS OF PUBLIC INFRASTRUCTURE IMPROVEMENTS; 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.**

The Ordinance approves the form of Master Trust Indenture and Supplemental Indenture No. 1 in the form presented to Council, but with two modifications. First, the Master Indenture will be modified to allow ELHC to be reimbursed for any funds it advances to cover deficiencies in the Priority Indebtedness Debt Service Reserve Fund. Second, the interest rate on the bonds shall be allowed to adjust to take in to account changes in the marginal tax rate, subject to approval of tax counsel.

Motion by Crooks, seconded by Longanecker, to approve Ordinance No. 1007 Home Rule Revenue Bonds.

Motion was approved, 5-0.

An agreement between the City of Edgerton and BG Consultants Incorporated, in the amount of \$31,000 for the purpose of obtaining services for the 2015 Interceptor Sewer Improvements, Topographic Survey, Strip Maps & Legal Descriptions was considered.

Motion by Crooks, seconded by Troutner, to approve the agreement between the City of Edgerton and BG Consultants.

Motion was approved, 5-0.

An agreement with Terra Technologies in the amount of \$21,670.00, for the purpose of environmental permitting was considered.

Motion by Brown, seconded by Longanecker, to approve the agreement with \_\_\_\_\_

Motion was approved, 5-0.

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

- December 16<sup>th</sup> Noon – Senior Lunch
- December 25<sup>th</sup> – City Hall Closed
- January 1<sup>st</sup> – City Hall Closed
- January 14<sup>th</sup> 7:00 PN – City Council Meeting

Mayor Roberts wished everyone a Merry Christmas and reminded that there will not be another meeting until January 14<sup>th</sup>.

### **31. ADJOURN**

Motion by Brown, seconded by Crist, to adjourn.

Motion was approved, 5-0

Meeting adjourned at 10:15 pm.

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Janeice L. Rawles, CMC

City Clerk

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