

**City of Edgerton, Kansas
Minutes of City Council Regular Session
April 28, 2016**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on April 28, 2016. 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
Clay Longanecker	present
Darius Crist	present
Jody Brown	present

Cindy Crooks	absent
--------------	--------

With a quorum present, the meeting commenced.

Staff in attendance:	City Administrator Beth Linn
	Community Development Director Kenny Cook
	City Attorney Patrick Reavey
	Public Works Superintendent Trey Whitaker
	Building Inspector Kenny Wiseman
	Johnson County Sheriff Dept. Representative

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. The agenda for April 28, 2016 was considered.
5. City Council meeting Minutes April 14, 2016 was considered.

Motion by Longanecker, seconded by Brown, to approve the consent agenda.

Motion was approved, 4-0.

6. PUBLIC COMMENTS

None

7. DECLARATION

None

BUSINESS REQUIRING ACTION

2015 FINANCIAL AUDIT

8. THE 2015 AUDIT OF FINANCIAL STATEMENTS AS PRESENTED BY VARNEY & ASSOCIATES WAS CONSIDERED.

Beth Linn, City Administrator introduced April Swartz with Varney & Associates, the City of Edgerton's new auditing firm. She advised Mayor and council the audit was clean and they found nothing wrong. She noted they were here one day, as staff sent information to them early to help the job go much smoother. Ms. Swartz told council that the staff at Edgerton was great to work with and they enjoyed being the auditors for the City of Edgerton. Ms. Linn issued a thank you to April Swartz and her staff. Ms. Linn also gave a thank you to the city staff for all their hard work. Mayor and council offered "Thank you to everyone."

Motion by Brown, seconded by Crist, to accept the 2015 Audit of Financial Statements as presented by Varney & Associates.

Motion was approved, 4-0.

AGREEMENT WITH SHAFER, KLINE, & WARREN

9. MASTER AGREEMENT FOR PROFESSIONAL SERVICES WITH SHAFER, KLINE, AND WARREN, INC. (SKW) FOR PLANNING AND ENGINEERING SERVICES WAS CONSIDERED.

Kenneth Cook, Community Development Director, presented information about Shafer, Kline, and Warren, Inc. Staff is recommending the City Council consider entering into an agreement with SKW to provide planning and engineering services on an on-call basis. Due to the large number of projects that have been submitted and which are anticipated to continue, staff has had concern of our ability to perform all reviews in a timely manner. The attached agreement allows for the City to work with SKW to perform these services as compared to requiring the city to hire additional employees to cover times when additional staff is needed.

Motion by Troutner, seconded by Longanecker, to approve the Master Agreement for Professional Services with Shafer, Kline, and Warren, Inc. for planning and engineering services.

Motion was approved, 4-0.

PUBLIC HEARING FOR FRONTIER DAYS

10. PUBLIC HEARING REGARDING A REQUEST BY THE FRONTIER DAYS ASSOCIATION FOR A WAIVER (AS ALLOWED PURSUANT TO SECTION 3-202 OF ARTICLE 1 OF CHAPTER III OF THE CITY CODE) OF THE PROHIBITION AGAINST SERVING ALCOHOLIC LIQUOR WITHIN 300 FEET OF THE LIBRARY FOR THE JUNE 17 AND 18, 2016 ANNUAL FRONTIER DAYS FESTIVAL WAS CONSIDERED.

The Mayor opened a Public Hearing for a waiver of the prohibition against serving alcoholic liquor within 300 feet of the library for the June 17 and 18, 2016 annual Frontier Days Festival. The public hearing was opened and closed with no comments by the audience or Mayor and City Council.

RESOLUTION NO. 04-28-16A ALCOHOL FOR FRONTIER DAYS

- 11. RESOLUTION NO. 04-28-16A TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY, AND RECOGNIZING FRONTIER DAYS AS A “PUBLIC FESTIVAL” FOR PURPOSES OF THE CITY’S NOISE RESTRICTIONS WAS CONSIDERED.**

This Prohibition may be waived by the governing body after public notice, followed by a public hearing and the governing body finding that the proximity of the location is not adverse to the public welfare or safety. The public hearing was held earlier in the meeting.

Motion by Brown, seconded by Crist, to approve Resolution No 04-28-16A temporarily waiving city prohibition as to the sale and consumption of alcoholic liquor on certain public property, and recognizing Frontier Days as a “public festival” for purposes of the city’s noise restrictions.

Motion was approved, 4-0.

RESOLUTION NO 04-28-16B- SPECIAL EVENT PERMIT PUBLIC FESTIVAL

- 12. RESOLUTION NO. 04-28-16B AUTHORIZING SPECIAL EVENT PERMIT FOR SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS WAS CONSIDERED.**

Beth Linn, City Administrator presented information about the special event permit that will be needed for the Frontier Days “Public Festival.” She informed the council that in order to sell and serve alcoholic liquor on public property other than 3.2%, a state permit is also required. Resolution No. 04-28-16B authorizes the City Clerk to issue the Frontier Days Association a Special Event Permit. Additionally, the resolution states that in appreciation for the many benefits enjoyed by the community from the annual Frontier Days festival, the City waives application or permit fees for issuance of the Special Event Permit.

Motion by Brown, seconded by Longanecker, to approve Resolution No. 04-28-16B authorizing special event permit for sale and consumption of alcoholic liquor on certain public property within the City of Edgerton, Kansas.

Motion was approved, 4-0.

PUBLIC HEARING – RESOLUTION NO 04-28-16C-INDUSTRIAL REVENUE BONDS

- 13. PUBLIC HEARING REGARDING RESOLUTION NO. 04-28-16C CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC XXXI, LLC OR ITS SUCCESSORS IN INTEREST WAS CONSIDERED.**

City Administrator Beth Linn introduced Jeff White, with Columbia Capital, to answer any questions and give some background information about the partial assignment of a resolution of intent. Mayor Roberts opened and closed the public hearing, as there were no questions or comments. City Administrator Beth Linn distributed to City Council a letter received from Gardner Edgerton School District dated April 28, 2016. After some discussion regarding the concerns cited by the school district, it was noted that the Mayor and Council would like to see the presence of members of the school board, and for them to bring ideas for discussion regarding their items of concern.

RESOLUTION NO. 04-28-16C

- 14. RESOLUTION NO. 04-28-16C CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC XXXI, LLC OR ITS SUCCESSORS IN INTEREST WAS CONSIDERED.**

The public notice was duly published, the public hearing was held earlier in the meeting and the cost benefit report is complete.

Motion by Longanecker, seconded by Troutner, to approve Resolution No. 04-28-16C consenting to the partial assignment of a resolution of intent from Edgerton Land Holding Company, LLC to ELHC XXXI, LLC or its successors in interest.

Motion was approved, 4-0.

ORDINANCE NO 1015-MUNICIPAL CODE (LICENSING CONTRACTORS)

- 15. ORDINANCE NO. 1015 AMENDING ARTICLE 7 OF CHAPTER IV OF THE EDGERTON, KANSAS MUNICIPAL CODE TO REVISE PROVISIONS PERTAINING TO LICENSING REQUIREMENTS OF CONTRACTORS ENGAGED IN NON-RESIDENTIAL CONSTRUCTION WORK WITHIN THE CITY WAS CONSIDERED.**

Kenny Wiseman, Building Inspector, and Kenny Cook, Community Development Director, were both present to discuss the licensing requirements of contractors. This ordinance is to apply to non-residential building contractors. It was noted that this is a good starting point for contractor licensing. Council member Troutner would like to see residential and non-residential both requiring contractor licensing.

Motion by Longanecker, seconded by Brown, to approve Ordinance No. 1015 amending Article 7 of Chapter IV of the Edgerton, Kansas Municipal Code to revise provisions pertaining to licensing requirements of contractors engaged in non-residential construction work within the city.

Motion was approved, 3-1.

STREET MAINTENANCE PROGRAM

- 16. STREET MAINTENANCE PROGRAM FOR 2016 & 2017 WAS CONSIDERED.**

Trey Whitaker, Public Works Superintendent, was present to discuss the street maintenance program for 2016 and 2017. City staff worked with BG Consultants to take a look at the current condition of the roadway network in Edgerton. Public Works staff will continue to collect information on an on-going basis. Due to the current condition of the roadway network, it is the recommendation of the Public Works Department that the City utilize Granite Chip Seal process. Starting in the fall the Public Works Department will begin the implementation of geotechnical sampling which will help to determine the sections of roadway that are accepting of a mill and overlay and/or Ultra-thin Bonded Asphalt Surface. This sampling will be performed by the Public Works Staff.

Motion by Longanecker, seconded by Crist, to approve the Street Maintenance Program for 2016 and 2017.

Motion was approved, 4-0.

HARBOUR CONSTRUCTION-2016 CHIP AND SEAL PROGRAM

17. PROPOSAL FROM HARBOUR CONSTRUCTION, INC. FOR 2016 CHIP AND SEAL PROGRAM WAS CONSIDERED

Trey Whitaker, Public Works Superintendent, informed Mayor and Council about the process that is being proposed with Harbour Construction. The City's purchasing policy allows and encourages the practice of cooperative purchases used most frequently with vehicles and equipment. The City's purchasing policy allows for the City to "piggy back" on contracts entered into by other jurisdictions. City Staff has identified cooperative purchasing provisions in the City of Lenexa Chip and Seal contract with Harbour Construction, Inc.

Motion by Longanecker, seconded by Troutner, to approve the proposal from Harbour Construction, Inc.

Motion was approved, 4-0.

18. REPORT BY THE CITY ADMINISTRATOR

- Manor Park -- equipment installed
- Summer Block Party – Saturday May 14th starting 2:00 pm.
- Wednesday May 4th Job Fair at the Learning and Career Center 4:00- 7:00
- CARS Project for 2016 – Sunflower Road overlay
2017 – Quiet Zone Areas
- Quarterly Reports were available to Mayor and Council, Beth Linn went through and explained some of the numbers and stated that as of the end of the first quarter everything is looking good.

19. REPORT BY THE MAYOR

The Mayor passed comments to Council member Troutner. Mr. Troutner wanted to say "Thank you" for the opportunity to attend the Kansas Rural Water Association Conference. In March, Mr. Troutner, Mike Mabrey, Collin Williams and Janeice L. Rawles attended the KRWA Conference where they learned a lot and attended many different classes.

The Mayor reminded everyone present that Sunday May 1st is the Gardner Grange Open House from 1:00-3:00 pm at the fairgrounds building in Gardner.

20. FUTURE MEETING/EVENT REMINDERS

- April 30th – Citywide garage sale
- May 4th – 4:00 – 7:00 PM – Learning & Career Center Hiring Fair
- May 7th - Citywide Clean Up

- May 10th 7:00 PM Planning Commission Meeting
- May 12th 7:00 PM – City Council Meeting
- May 18th Noon – Senior Lunch
- May 26th 7:00 PM – City council Meeting

MAYOR ROBERTS REQUESTED A BREAK BEFORE EXECUTIVE SESSION

Meeting recessed at 9:04 PM

Meeting reconvened at 9:09 PM

EXECUTIVE SESSION – ACQUISITION OF REAL PROPERTY

- 21. RECESS INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319 (b)(6) FOR PRELIMINARY DISCUSSION RELATED TO ACQUISITION OF REAL PROPERTY TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR WAS CONSIDERED.**

Motion by Longanecker, seconded by Troutner, to recess into executive session for ten minutes to include City Attorney and City Administrator.

Motion was approved 4-0.

Meeting recessed at 9:10 PM

Motion by Longanecker, seconded by Troutner, to reconvene regular meeting.

Motion was approved 4-0.

Meeting reconvened at 9:20.

Motion by Troutner, seconded by Crist, to award \$106,500.00 made payable to the Clerk of the District Court for the award of monies approved by the Appraisers for the drainage easement at LPKC Sewer Project and Waverly Road Drainage Project.

Motion was approved, 4-0.

EXECUTIVE SESSION – PERSONNEL MATTERS OF NONELECTED PERSONNEL

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

Motion by Brown, seconded by Crist, to recess into executive session for five minutes to include City Attorney.

Motion was approved, 4-0.

Meeting recessed at 9:27 PM

Motion by Troutner, seconded by Brown, to reconvene regular meeting.

Motion was approved, 4-0.

Meeting reconvened at 9:34 PM with no action taken.

23. ADJOURNMENT

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

Motion was approved, 4-0.

Meeting adjourned at 9:35 pm.

Janeice L. Rawles, CMC

Approved by the Governing Body on _____