

City of Edgerton, Kansas
Minutes of City Council Regular Session
February 23, 2017

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on February 23, 2017. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

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| Clay Longanecker | present |
| Cindy Crooks | present |
| Darius Crist | present |
| Ron Conus | present |

With a quorum present, the meeting commenced.

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| Jody Brown | absent |
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Staff in attendance: City Administrator Beth Linn
 Community Development Director Kenneth Cook
 City Attorney Patrick Reavey
 Public Works Superintendent Trey Whitaker
 Finance Director Karen Kindle

2. WELCOME

3. PLEDGE OF ALLEGIANCE

BUSINESS REQUIRING ACTION

APPOINTMENT

4. The appointment of Ron Conus to the City Council membership was considered.

Motion by Crooks, seconded by Crist, to approve the appointment of Ron Conus to the City Council.
Motion was approved, 4-0.

Mr. Conus joined the Councilmembers.

CONSENT AGENDA

5. Agenda Approval.
6. Approve Application for FP2017-01, Final Plat, Logistics Park Kansas City Rail Served, 1st Plat and acceptance of dedications.
7. Approve application for FP2017-02, Final Plat, Logistics Park Kansas City Phase III, 1st Plat and acceptance of dedications.

Motion by Longanecker, seconded by Crooks to approved the Consent Agenda as presented.
Motion was approved, 4-0.

REGULAR AGENDA

8. PUBLIC COMMENTS

None

9. DECLARATION

None

10. INTRODUCTION OF NEW STAFF MEMBER

Parks and Recreation Coordinator, Tegan Meadors, introduced new staff member Bob McVey, as Maintenance Technician II for Parks and Recreation.

DONATION

11. DONATION REQUEST FROM PROJECT GRADUATION

A motion considering a request for donation from the City of Edgerton for benefit of Project Graduation was considered.

Motion by Crooks, seconded by Crist, to donate the same amount as in 2016 to Project Graduation.
Motion was approved, 4-0.

INTRODUCTION

12. Steve Hale, president of ElevateEdgerton!, was introduced to the Governing Body and audience.

BUSINESS REQUIRING ACTION

CHARTER ORDINANCE

13. CHARTER ORDINANCE NO. 23 EXEMPTING THE CITY OF EDGERTON, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-201, RELATING TO THE ELECTION OF OFFICERS, THEIR TERMS OF OFFICE, TRANSITIONS TO NOVEMBER ELECTIONS, THE FILLING OF GOVERNING BODY VACANCIES, AND NOMINATION PETITIONS; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT, AND REPEALING CHARTER ORDINANCE NO. 4 WAS CONSIDERED.

The Council was reminded this matter was tabled at the February 9, 2017 meeting.

The City Attorney indicated in talking with representatives from the League of Kansas Municipalities (LKM), they recommended this because with doing nothing, there is no specified terms. It was noted this action will extend the terms to 2018. They were informed the LKM also recommends this to make it clear for people running for office, and highly recommends doing this.

Ms. Crooks asked about the details of what happens if the City does not enact the ordinance.

Mayor Roberts indicated that the City can use the ordinance to include the details as provided by state law; however, then if state law changes then the city ordinance would have to change. He also noted that it confirms the state law and extends term.

Mr. Reavey stated that the LKM notes this brings clarity. He also noted the new statute required as nomination petition and the need for a specified number. He indicated the proposed charter ordinance is set at five (5), noting most cities are setting between five (5) and ten (10).

Ms. Crooks stated she like the ordinance because it spells out the action.

Mr. Conus stated favor with including a number.

Motion by Crooks, seconded by Crist, to approve Charter Ordinance No. 23 regarding election changes. YEA: Longanecker, Crooks, Crist, and Conus. NAY; Roberts. Motion was approved, 4-1.

ANNEXATION

14. ORDINANCE NO. 1049 ANNEXING LAND [OWNED BY HASTINGS FAMILY HOLDINGS, LLC] INTO THE CITY OF EDGERTON, KANSAS WAS CONSIDERED.

Motion by Crooks, seconded by Longanecker, to table this item until March 9, 2017. Motion was approved, 4-0.

INDUSTRIAL REVENUE BONDS – PUBLIC HEARING

15. RESOLUTION NO. 02-23-2017A DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS TO ISSUE ITS INDUSTRIAL REVENUE BONDS, SEREIS A, IN THE APPROXIMATE AMOUNT OF \$25,300,000 TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING A COMMERCIAL FACILITY FOR THE BENEFIT OF MIDWEST GATEWAY VENTURE, LLC. WAS CONSIDERED.

Mayor Roberts opened the public hearing at 7:50 p.m.

No one appeared to oppose or support.

The public hearing was closed at 7:51 p.m.

Bond Counsel, Scott Anderson, made the presentation and overviewed the request. Jeff White, Columbia Capital Management, the City's Financial Advisor, reviewed the Cost Benefit Analysis for the project. Representatives for Midwest Gateway Venture, LLC were present.

Mr. Anderson noted that the City had received a letter from the Gardner Edgerton School District citing concerns about the percentage of abatement being considered by the City. Mr. Anderson noted this requires knowledge of the appraised value. It was also noted the bond amount does not equal appraised value of the buildings. It was also indicated that the USD #231's bond equals appraised value. It was also mentioned these proposed facilities are difficult to appraise and are generally 85 – 90% of the bond issue. Mr. Anderson stated his best guess is the appraised values may be in the upper 80's%

Mr. Anderson also noted the Kansas Statutes permits three types of costs be collected in conjunction with industrial revenue bonds abatements: 1.) reimbursed actual costs; 2.) charge of origination fee; 3. Payments in lieu of taxes (PILOT) is distributed among tax entities.

Motion by Longanecker, seconded by Crooks, to approve the resolution. Motion was approved, 4-0.

INDUSTRIAL REVENUE BONDS – PUBLIC HEARING

- 16. RESOLUTION NO. 02-23-2017B DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS, SERIES B, IN THE APPROXIMATE AMOUNT OF \$18,300,000 TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING A COMMERCIAL FACILITY FOR THE BENEFIT OF MIDWEST GATEWAY VENTURE, LLC WAS CONSIDERED.**

Mayor Roberts opened the public hearing at 8:05 p.m.

No one appeared to oppose or support.

The public hearing was closed at 8:06 p.m.

Motion by Longanecker, seconded by Crist, to approve the resolution. Motion was approved, 4-0.

INDUSTRIAL REVENUE BONDS - AUTHORIZATION

- 17. ORDINANCE NO. 1050 AUTHORIZING THE CITY OF EDGERTON, KANSAS TO ISSUE INDUSTRIAL REVENUE BONDS (ELHC XIII, LLC PROJECT), SERIES 2017, IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$35,325,000, FOR THE PURPOSE OF FINANCING A WAREHOUSE AND DISTRIBUTION FACILITY; AUTHORIZING THE CITY TO ENTER INTO A TRUST INDENTURE WITH UMB BANKS, N.A., AS TRUSTEE; AUTHORIZING THE CITY TO ENTER INTO A BASE LEASE AND LEASE AGREEMENT WITH ELHC XIII, LLC; AND AUTHORIZING AND APPROVING THE EXECUTION OF ADDITIONAL DOCUMENTS AND TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE FOR THE BONDS WAS CONSIDERED.**

Motion by Crooks, seconded by Longanecker, to approve the ordinance authorizing issuance of bonds. Motion was approved, 4-0.

AGREEMENT – TRANSPORTATION PROJECT

- 18. AN AGREEMENT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION AND JOHNSON COUNTY FOR INTERSECTION IMPROVEMENTS INCLUDING TURN LANES AT THE INTERSECTION OF US-56 AND 199TH STREET WAS CONSIDERED.**

Motion by Crooks, seconded by Crist, to approve the agreement. Motion was approved, 4-0.

19. CITY ADMINISTRATOR REPORT

The City Administrator informed the Council a Council Work Session is scheduled for March 16, 2017 at 7:00 p.m. to discuss the Parks Master Plan.

20. REPORT BY THE MAYOR

21. FUTURE MEETINGS/EVENT REMINDERS

- March 9th 7:00 PM – City Council Meeting
- March 14th 6:00 PM – Planning Commission Work Session
- March 14th 7:00 PM - Planning Commission Meeting
- March 15th Noon – Senior Lunch
- March 16th 7:00 PM– City Council Work Session Parks Master Plan
- March 23rd 7:00 pm – City Council Meeting

EXECUTIVE SESSION – ATTORNEY CLIENT

22. RECESS 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 CITY ATTORNEY AND CITY ADMINISTRATOR WAS CONSIDERED.

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

Motion was approved, 4-0.

Meeting recessed at 8:37 p.m.

Motion by Crooks, seconded by Longanecker, to reconvene, no action taken.

Motion was approved, 4-0.

Meeting reconvened at 8:49 pm.

15. ADJOURN

Motion by Conus, seconded by Longanecker, to adjourn the meeting.

Motion was approved, 4-0. Meeting adjourned at 8:55 p.m.

Beth Linn
City Administrator

Approved by the Governing Body on
