

**EDGERTON CITY COUNCIL**  
**AMENDED MEETING AGENDA**  
**CITY HALL, 404 EAST NELSON STREET**  
**April 13, 2017**

**Call to Order**

1. **Roll Call** \_\_\_\_ Roberts \_\_\_\_ Longanecker \_\_\_\_ Crooks \_\_\_\_ Brown \_\_\_\_ Crist \_\_\_\_ Conus
2. **Welcome**
3. **Pledge of Allegiance**

**Consent Agenda** *(Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action)*

4. Agenda Approval
5. Approve Minutes of February 9, 2017 City Council Meeting
6. Approve Minutes of February 23, 2017 City Council Meeting
7. Approve Minutes of March 9, 2017 City Council Meeting
8. Approve Minutes of March 23, 2017 City Council Meeting

**Regular Agenda**

9. **Public Comments.** Persons who wish to address the City Council regarding items not on the agenda and that are under the jurisdiction of the City Council may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court or other outside tribunals are not permitted. Please notify the City Clerk before the meeting if you wish to speak. Speakers are limited to three (3) minutes. Any presentation is for informational purposes only. No action will be taken.
10. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.
11. Presentation by Johnson County CERT

**Business Requiring Action**

12. **CONSIDER ACTION TO CLARIFY OWNERSHIP OF THE EDGERTON COMMUNITY MUSEUM STRUCTURE**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

13. **CONSIDER THE 2016 AUDIT OF FINANCIAL STATEMENTS AS PRESENTED BY VARNEY & ASSOCIATES**

Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

14. **Report by the City Administrator**

- West 8<sup>th</sup> Street Sidewalk Update
- Report on Previous Resident Concerns
- Request for Qualifications for Design of 207<sup>th</sup> Street Grade Separation
- 2018 Budget Calendar

**15. Report by the Mayor**

**16. Future Meeting/Event Reminders:**

- April 19<sup>th</sup> Noon – Senior Lunch
- April 20<sup>th</sup> 7:00 PM – City Council Work Session: 2018 Budget
- April 27<sup>th</sup> 7:00 PM – City Council Meeting
- May 4<sup>th</sup> – Gardner Edgerton Chamber of Commerce Annual Dinner
- May 11<sup>th</sup> 7:00 PM – City Council Meeting
- May 25<sup>th</sup> 7:00 PM – City Council Meeting

**17. Adjourn** Motion: \_\_\_\_\_ Second: \_\_\_\_\_ Vote: \_\_\_\_\_

**City of Edgerton, Kansas  
Minutes of City Council Regular Session  
February 9, 2017**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on February 9, 2017. The meeting convened at 6:00 p.m. with Mayor Roberts presiding, and City Clerk Janeice L. Rawles recording.

**1. ROLL CALL**

|                  |         |
|------------------|---------|
| Clay Longanecker | present |
| Jody Brown       | present |
| Darius Crist     | present |
| Cindy Crooks     | present |

|                  |        |
|------------------|--------|
| Charlie Troutner | absent |
|------------------|--------|

With a quorum present, the meeting commenced.

|                      |   |
|----------------------|---|
| Staff in attendance: | Community Development Director Kenneth Cook |
|                      | City Attorney Patrick Reavey                |
|                      | Public Works Superintendent Trey Whitaker   |
|                      | Utility Superintendent Mike Mabrey          |
|                      | Financial Director Karen Kindle             |
|                      | Park & Recreation Director Tegan Meadors    |

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

Mayor Roberts read a letter from Councilmember Troutner announcing his resignation from the Council effective on February 8, 2017.

The Mayor indicated he would consider requests to fill the remainder of the term.

**CONSENT AGENDA**

4. Agenda Approval
5. City Council Meeting Minutes of January 26, 2017
6. Final Plat, FP2016-014, Midwest Gateway and accept any dedications
7. Ordinance No. 1048 granting to Kansas Gas Service, A Division of One Gas, Inc., a non-exclusive natural gas franchise and the right and privilege to construct, use and maintain natural gas service line in the public right-of-way within the present or future corporate limits of the City of Edgerton, Kansas for the purpose of supplying natural gas services to the City of Edgerton, Kansas and its inhabitants pursuant to K.S.A. 12-2001 et. Seq.

Consent Agenda Item No. 6 was removed from the Consent Agenda.

Motion by Crooks, seconded by Longanecker, to approve the Consent Agenda Items No. 4, 5, and 7. Motion was approved, 4-0.

Motion by Longanecker, seconded by Crooks, to table Consent Agenda Item No. 6, Final Plat, FP2016-014, and table until March 23, 2017. Motion was approved 4-0.

#### **ITEMS ADDED TO AGENDA REQUIRING ACTION**

##### **PLANNING COMMISSION ACTIONS**

8. A motion to remove Planning Commission Desiree' Goans from the Planning Commission was considered.

Mayor Roberts informed the Governing Body that he has asked Ms. Goans for her resignation, noting she has moved out of town. It was noted that if the Governing Body takes any action to remove Ms. Goans, it is subject to a 14-day appeal period.

Motion by Brown, seconded by Longanecker, to remove Desiree' Goans from the Planning Commission. Motion was approved, 4-0.

9. A motion to appoint John Daley to the Planning Commission as an Alternate Planning Commissioner was considered.

Motion by Crooks, seconded by Crist, to appoint John Daley to the Planning Commission. Motion was approved, 4-0.

Mayor Roberts welcomed Mr. Daley to the Planning Commission.

##### **12. PUBLIC COMMENTS**

None

##### **13. DECLARATION**

None

#### **BUSINESS REQUIRING ACTION**

##### **Charter Ordinance**

14. **CHARTER ORDINANCE NO. 23 EXEMPTING THE CITY OF EDGERTON, KANSAS, FROM THE PROVISION 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 City Administrator overviewed this request, noting the members of the Governing Body with terms expiring in April, 2017 would be extended through the second Thursday in January, 2018.

If this item is approved, it would be published once a week for two (2) consecutive weeks and become effective 61 days following final publication, provided no protest petition is filed.

It was requested that within Section 7, line three, the word verbiage be changed as "...a nomination petition *and* a declaration of candidacy,..."

It was also the consensus to table this time until the next meeting to allow for additional research by City Attorney.

Motion by Longanecker, seconded by Crist, to table Charter Ordinance No. 23 until February 23, 2017. Motion was approved, 4-0.

## **15. REPORT BY THE CITY ADMINISTRATOR**

### **JOB DESCRIPTION**

The City Administrator reviewed the proposed job description for Maintenance Technician II. She asked for Council confirmation.

It was requested the salary range be changed.

Ms. Crooks stated she would like to see copies with red-line changes.

Motion by Longanecker, seconded by Crooks, to approve the proposed job description. Motion was approved, 4-0.

### **NOTIFY JOCO SUBSCRIPTIONS**

Beth Linn, City Administrator, overviewed the services provided under Notify JOCO.

The members were supportive of this matter and to go forward.

Ms. Linn indicated staff will have training in this matter.

The Council expressed their thanks to Public Works and Utility crews for their work in City Hall.

The members offered congratulations to City Clerk Janeice Rawles for her 25-year anniversary with the City.

### **BUILDING CODES**

Community Development Director Kenneth Cook spoke to the Council in regards to a request for a lot split on West 5<sup>th</sup> Street. He addressed the square footage minimum lot area, and setbacks required under code. He briefly overviewed the letter from property owner request the lot split of a duplex.

The Council directed staff to review and update the codes to allow lot splits on duplexes with a text amendment.

Motion by Longanecker, seconded by Crist, to direct staff to address the R-2 zoning to allow lot splits on duplexes. Motion was approved, 4-0.

**16. REPORT BY THE MAYOR**

**POLICY GOVERNANCE**

Mayor Roberts reviewed the City of Edgerton Governance Policies as adopted by City Council in May 2011. These policies as adopted includes policies on the governance process, staff conduct and council/staff linkage.

**17. FUTURE MEETINGS/EVENT REMINDERS**

- February 14<sup>th</sup> 6:00 pm – Planning Commission Work Session
- February 14<sup>th</sup> 7:00 pm Planning Commission Meeting
- February 15<sup>th</sup> Noon – Senior Lunch
- February 20<sup>th</sup> City Offices Closed President's Day
- February 23 7:00 pm – City Council Meeting

**EXECUTIVE SESSION**

**18. RECESS INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319 (b) (2) CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR WAS CONSIDERED.**

Motion by Brown, seconded by Longanecker, to recess into executive session for a period of 15 minutes to include City Attorney and City Administrator.

Motion was approved, 4-0.

Meeting recessed at 8:00 pm.

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

Motion was approved, 4-0.

Meeting reconvened at 8:15 pm.

**19. ADDITIONAL ITEMS**

**WATER CONFERENCE**

The Mayor questioned who would be attending the Kansas Rural Water Association Meeting. The Mayor and Council were informed Mike Mabrey would be the delegate and Chase Forrester would be the second.

Motion by Brown, seconded by Longanecker, to approve the delegate choices. Motion was approved, 4-0.

The City Administrator presented the 2018 Budget Calendar, which officially kicked off on February 1, 2017.

**20. ADJOURN**

Motion by Longanecker, seconded by Brown, to adjourn. Motion was approved, 4-0.

The meeting adjourned at 8:22 p.m.

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**Janeice L. Rawles, CMC**  
City Clerk

**Approved by the Governing Body on**

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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**

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

With a quorum present, the meeting commenced.

|            |        |
|------------|--------|
| Jody Brown | absent |
|------------|--------|

|                      |   |
|----------------------|---|
| 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, 1<sup>st</sup> Plat and acceptance of dedications.
- 7.** Approve application for FP2017-02, Final Plat, Logistics Park Kansas City Phase III, 1<sup>st</sup> 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 199<sup>TH</sup> 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 9<sup>th</sup> 7:00 PM – City Council Meeting
- March 14<sup>th</sup> 6:00 PM – Planning Commission Work Session
- March 14<sup>th</sup> 7:00 PM - Planning Commission Meeting
- March 15<sup>th</sup> Noon – Senior Lunch
- March 16<sup>th</sup> 7:00 PM– City Council Work Session Parks Master Plan
- March 23<sup>rd</sup> 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.

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**Beth Linn**  
**City Administrator**

**Approved by the Governing Body on**

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**City of Edgerton, Kansas  
Minutes of City Council Regular Session  
March 9, 2017**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on March 9, 2017. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

**1. ROLL CALL**

|                  |         |
|------------------|---------|
| Clay Longanecker | present |
| Darius Crist     | present |
| Jody Brown       | present |
| Ron Conus        | present |
| Cindy Crooks     | absent  |

With a quorum present, the meeting commenced.

|                      |   |
|----------------------|---|
| 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**

**CONSENT AGENDA**

**4. Agenda Approval**

Motion by Brown, seconded by Crist, to approve the items in the Consent Agenda. Motion was approved, 4-0.

**5. The resignation of Ron Conus from the Planning Commission was accepted.**

**6. PUBLIC COMMENTS**

None

**7. DECLARATION**

None

**BUSINESS REQUIRING ACTION**

**8. AN APPOINTMENT OF JOHN DALEY TO THE PLANNING COMMISSION WITH EXPIRATION OF TERM AS SEPTEMBER, 2018 WAS CONSIDERED.**

Motion by Crist, seconded by Longanecker, to appoint John Daley to the Planning Commission, with expiration of term as September, 2018. Motion was approved, 4-0.

**9. AN APPOINTMENT OF JAMIE CUNNINGHAM TO THE PLANNING COMMISSION WITH EXPIRATION OF TERM AS SEPTEMBER, 2017 WAS CONSIDERED.**

Motion by Longanecker, seconded by Brown, to appoint Jamie Cunningham to the Planning Commission, with expiration of term as September, 2017.

**TRUCK PURCHASE – PARKS & RECREATION**

**10. AUTHORIZATION OF PURCHASE OF A TRUCK FOR PARKS & RECREATION THROUGH MID AMERICA REGIONAL COUNCIL'S METRO VEHICLE BID LIST WAS CONSIDERED.**

Public Works Superintendent Whitaker provided background for the truck to be purchased for Parks and Recreation.

Motion by Longanecker, seconded by Brown, to authorize purchase of a Ford F350 Crew Cab truck through the Mid America Regional Council's Metro Vehicle Bid List from Shawnee Mission Ford for Parks & Recreation with a total of \$39,488.09 for the vehicle and all accompanying equipment. Motion was approved, 4-0.

**11. CITY ADMINISTRATOR REPORT**

Scott Anderson, Bond Counsel for City of Edgerton, provided a report to City Council regarding correspondence with USD 231 following the February 23, 2017 meeting.

**BUDGET – FISCAL YEAR 2018**

The 2018 Budget Calendar was discussed.

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

**EDGERTON WASTEWATER TREATMENT PLANT CONVERSION PROJECT**

City Administrator Linn provided an update regarding the Edgerton Wastewater Treatment Plant Conversion to Pump Station/Force Main project including schedule and usage of allowance dollars. Staff presented options to the City Council for consideration for spending available allowance dollars on additional work associated with decommissioning the current Edgerton Wastewater Treatment Plant.

Motion by Longanecker, seconded by Crist, to proceed with allocation of \$119,325.47 towards decommissioning the wastewater treatment plant. Motion was approved, 4-0.

## **12. REPORT BY THE MAYOR**

## **13. FUTURE MEETINGS/EVENT REMINDERS**

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

## **EXECUTIVE SESSION – ATTORNEY CLIENT**

### **14. 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 WAS CONSIDERED.**

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

Motion was approved, 4-0.

Meeting recessed at 7:55 p.m.

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

Motion was approved, 4-0.

Meeting reconvened at 8:00 pm.

Motion by Brown, seconded by Crist, to approve settlement terms with the City of Gardner regarding Big Bull Creek Wastewater Treatment Plant to include approving Raftelis Financial Consultants as the Independent Rate Consultant; payment of \$35,000; and setting the Wholesale Rate at \$2.00 per 1,000 gallons beginning November 2016 until the rate study is complete.

Motion was approved, 4-0.

## **15. ADJOURN**

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

Motion was approved, 4-0. Meeting adjourned at 8:10 p.m.

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**Beth Linn**  
**City Administrator**

**Approved by the Governing Body on**

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

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

**1. ROLL CALL**

|                  |         |
|------------------|---------|
| Clay Longanecker | present |
| Darius Crist     | present |
| Jody Brown       | present |
| Ron Conus        | present |
| Cindy Crooks     | present |

With a quorum present, the meeting commenced.

Staff in attendance:       City Administrator Beth Linn  
                                  Community Development Director Kenneth Cook  
                                  City Attorney Patrick Reavey **via phone**  
                                  Public Works Superintendent Trey Whitaker

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

**AGENDA**

**4. Agenda Approval was considered and approved.**

**5. SETTLEMENT AGREEMENT WITH GARDNER**

The Settlement Agreement and Release with City of Gardner was considered and approved.

**6. MIDWEST GATEWAY FINAL PLAT**

The request by applicant to remand of Application FP2016-04, Final Plat, Midwest Gateway back to Planning Commission for further consideration at the April 11, 2017 meeting was considered and approved.

Motion by Crist, seconded by Brown, to approve the items in the Consent Agenda. Motion was approved, 5-0.

**7. PUBLIC COMMENTS**

Linda Florence, 605 W. Hulett was present to address the council about several items. She told council that the Intermodal is good and bad for the city, some things are being neglected. Several streets need pot hole repairs, the street's in the older part of town need to be fixed.

Fred Fraley, 18845 Waverly Road, was present to ask the Mayor and Council to monitor what is really happening and what they are actually doing. Mr. Fraley referenced his farm out by the Intermodal, next to JB Hunt. JB Hunt has a dumpster on the south property line; he states that you can see the trash from the road. The other issue is the drainage water/ runoff water. He indicated nothing has been done and the erosion is getting worse. He presented Mayor and Council with pictures of the trash and of the erosion from the JB Hunt property. Mr. Fraley spoke also about the road improvements on Waverly Road. He indicated that the road in front of his property was raised approximately eight feet, so now the ditches overflow into his yard. Staff will contact with Mr. Fraley in the near future.

Yvette Hinojose, President of the Edgerton Elementary Parent Teacher Organization, was present to talk about "one book-one school" program. This program will reach 140 families this year. However in order for this to happen they need a donation to help purchase the books. They are asking for \$850.00 for this program.

Motion by Crooks, seconded by Crist, to approve the donation of \$850.00 to Edgerton Elementary for "one book-one school" program.

Motion was approved, 5-0.

The city will talk with the new companies that have moved in town and possibly look for a sponsor for this program.

#### **8. DECLARATION**

None

#### **BUSINESS REQUIRING ACTION**

##### **RENEWAL OF CORPORATE INSURANCE POLICY**

#### **9. RENEWAL OF CORPORATE INSURANCE POLICY FOR APRIL 1, 2017 TO MARCH 31, 2018 WAS CONSIDERED.**

Kevin O'Brien with Reilly Insurance was here to present an overview of the City of Edgerton's insurance coverage. He noted for the Edgerton Wastewater Treatment Plant, they are going to extend the period of coverage, for the next 30-45 days or until the plant is decommissioned. City Administrator Beth Linn told Mayor and Council that total cost is now less and offered "Thanks to Kevin for all the help." The insurance company has offered a one, two or three year tail program for the old treatment plant in case any old claims that have not yet surfaced. The Mayor and Council need time to think about the extended coverage.

Motion by Crooks, seconded by Longanecker, to approve the renewal of insurance coverage with the ability to revisit the tail plans.

Motion was approved, 5-0.

**ORDINANCE NO 1051 ANNEXING LAND**

- 10. ORDINANCE NO. 1051 ANNEXING LAND (REQUEST BY EDGERTON LAND HOLDING COMPANY AS AUTHORIZED AND CONSENTED BY THE OWNER MICHAEL J. DEGRANDE REV TRUST, ETAL) INTO THE CITY OF EDGERTON, KANSAS WAS CONSIDERED.**

Kenny Cook, Community Development Director, presented to Mayor and Council the background information about Ordinance No. 1051. Edgerton Land Holding Company has submitted consent for annexation on property of which they are considered the authorized representative and is owned by the Michael J. DeGrand Rev Trust, ETAL.

Motion by Longanecker, seconded by Crooks, to approve Ordinance NO. 1051 annexing land.

Motion was approved, 5-0.

**ORDINANCE NO 1052—AMENDING THE EDGERTON UNIFIED DEVELOPMENT CODE**

- 11. ORDINANCE NO. 1052 AMENDING THE EDGERTON UNIFIED DEVELOPMENT CODE (UDC) ARTICLE 3, SECTION 4 PERTAINING TO R-2, TWO FAMILY RESIDENCE DISTRICT AND ARTICLE 15, DEFINITIONS WAS CONSIDERED.**

Kenny Cook, Community Development Director, presented changes recommended by the Planning Commission to the Unified Development Code. Article three and Article fifteen need to be changed to allow two family residential district.

Motion by Longanecker, seconded by Crist, to approve Ordinance No 1052.

Motion was approved, 5-0

**12. CITY ADMINISTRATOR REPORT**

Mid America Regional Counsel has granted \$500,000 for the 207<sup>th</sup> Street Grade Separation (STP) Project. After discussion about having to pay the administration fees and meet all the guide lines, it was decided to not accept this grant. Staff will direct focus to the Johnson County Assistance Road System (CARS).

Motion by Brown, seconded by Crist, to return the MARC 2020 STP Grant.

Motion was approved, 5-0.

City Administrator sent home with Mayor and Council members the new Personnel Policy for review.

**12. REPORT BY THE MAYOR**

The Mayor announced, law suit is taken care of.

Big Bull Creek Wastewater Treatment Plant—forming a task force; needs two members from Edgerton to be on this task force.

Motion by Crooks, seconded by Crist, to appoint Mayor Roberts and Jody Brown to the BBCWWTP Task Force.

Motion was approved, 5-0.

A staff level task force is also in the planning.

**13. FUTURE MEETINGS/EVENT REMINDERS**

- April 8<sup>th</sup> 10:00 AM to Noon – Easter Egg Hunt (sponsored by Jet)
- April 11<sup>th</sup> 6:00 PM – Planning Commission Work Session
- April 11<sup>th</sup> 7:00 PM – Planning Commission Meeting
- April 13<sup>th</sup> 7:00 PM – City Council Meeting
- April 19<sup>th</sup> Noon – Senior Lunch
- April 27<sup>th</sup> 7:00 PM – City Council Meeting

**15. ADJOURN**

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

Motion was approved, 5-0. Meeting adjourned at 8:08 p.m.

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Janeice L. Rawles  
City Clerk

**Approved by the Governing Body on**

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## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider Action to Clarify Ownership of the Edgerton Community Museum Structure

**Department:** Administration

**Background/Description of Item:** Annually, the City of Edgerton enters into a Facility Use and Maintenance Agreement with the Edgerton Historic Society (EHS) for the Edgerton Community Museum located at 406 East Nelson Street. In preparing this agreement, it was previously understood by both parties that the ground and the structure were owned by the City of Edgerton. This understanding served as the foundation in drafting the current Use Agreement for items such as insurance responsibilities as the City provides insurance for the building, while EHS provides insurance for the contents.

Based on recent research by EHS members, the ownership of the structure has come into question. It seems unclear whether the structure was originally deeded from the previous owner to the City of Edgerton or EHS. Mayor Roberts and City Administrator met with EHS City Liaison to understand the EHS' desire for ownership of the building. EHS confirmed the desire for the City to own the structure.

To clarify the ownership, we would recommend City Attorney draft a document for both EHS and City Council to approve regarding the ownership of the structure at 406 East Nelson Street. Staff would anticipate the other details of operation the Edgerton Community Museum would continue to be addressed annually through the Use Agreement.

**Related Ordinance(s) or Statute(s):**

**Recommendation:** Authorize City Attorney to Draft Document to Clarify the Ownership of the Edgerton Community Museum Structure at 406 East Nelson Street

**Funding Source:** N/A

Prepared by: Beth Linn, City Administrator  
Date: April 10, 2017

## AGENDA ITEM INFORMATION FORM

**Agenda Item:** Consider the 2016 Audit of Financial Statements as Presented by Varney & Associates

**Department:** Administration

**Background/Description of Item:** On October 13, 2016, staff recommended, and Council approved, a contract with Varney & Associates, CPAs, LLC, for the audit of the 2016 financial statements. A single audit was not required since the City did not receive federal funds in 2016. The 2016 Audit of Financial Statements is now complete.

The objective of the audit is the expression of an opinion as to whether the City's financial statements are fairly presented, in all material respects, in conformity with the Kansas prescribed basis of accounting. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. The auditors perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws and governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

The audit procedures include tests of documentary evidence supporting the transactions recorded in the accounts and may include direct confirmation of certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. The audit also includes obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures.

A representative from Varney & Associates will present their findings to the City Council on April 13, 2017. The final Audit of Financial Statements will be provided to City Council that evening.

**Related Ordinance(s) or Statute(s):** N/A

**Recommendation:** Accept the 2016 Audit of Financial Statements as Presented by Varney Associates.

**Funding Source:** N/A

Prepared by: Karen Kindle, Accountant  
Date: April 11, 2017