

City of Edgerton, Kansas  
Minutes of City Council Regular Session  
April 27, 2017

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on April 27, 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  
                                 Assistant City Administrator Scott Peterson  
                                 Community Development Director Kenneth Cook  
                                 City Attorney Patrick Reavey  
                                 Public Works Superintendent Trey Whitaker

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

4. Agenda Approval was considered
5. Easement for Edgerton Wastewater Treatment Plant Conversion Project was considered
6. Easements for West 8<sup>th</sup> Street Sidewalk Project were considered
7. Application FP2016-04, Final Plat, Midwest Gateway and Accept any Dedications was considered
8. Recommendation of Engineer to Award Construction of the West 8<sup>th</sup> Street Sidewalk Improvements to Phillips Constructionks, LLC and Authorize the Mayor to execute the Contract was considered
9. Authorization for Construction of LPKC Sewer Interceptor, Phase II was considered

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

Motion was approved, 5-0

**10. PUBLIC COMMENTS**

None

**11. DECLARATION**

None

**BUSINESS REQUIRING ACTION**

**WIDMER PUBLIC STREET PHASE I**

**12. RECOMMENDATION OF ENGINEER TO AWARD CONSTRUCTION OF WIDMER PUBLIC STREET PHASE I TO CLARKSON CONSTRUCTION COMPANY AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT WAS CONSIDERED.**

Bid opening was held on the 18<sup>th</sup> of April, with a total of three bids received. Clarkson Construction Company submitted the low bid; staff's opinion is that Clarkson is qualified to construct this project. No general fund dollars will be used for the construction of the project, funds will be from Kansas Department of Transportation and from the public infrastructure fund. A notice to proceed will be issued on April 28, 2017 with substantial completion by June 15 and final completion by July, 2017.

Motion by Longanecker, seconded by Brown, to approve Clarkson Construction Company for the Widmer Public Street, Phase 1 project.

Motion was approved, 5-0

- \* Mayor Roberts introduced Kevin O'Brien with The Reilly Group, city insurance company. Mr. O'Brien was here to discuss the Pollution Liability and the termination of coverage for the East Nelson Street Wastewater Treatment Plant. A proposed 1,2, or 3 year tail plan was offered, a tail plan extends the date in which claims occurred prior to 05-15-2017 are actually reported. The policy has changed and now allows a 90 day timeframe for decision of coverage. Mayor and City Council agreed that the 90 day timeframe should allow time for any claims to be submitted.

**191<sup>ST</sup> AND WAVERLY TRAFFIC SIGNAL**

**13. RECOMMENDATION OF ENGINEER TO AWARD CONSTRUCTION OF 191<sup>ST</sup> AND WAVERLY TRAFFIC SIGNAL TO J. WARREN CO., INC. AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT WAS CONSIDERED.**

Beth Linn, City Administrator, provided the background information for the construction of 191<sup>st</sup> and Waverly Traffic Signal project. The public bid opening was held on April 11, 2017 with a total of four bids received. All bids came in below the engineer's estimate. One bid was rejected due to failure to submit the entire project manual and required accompanying contract provisions. It is the opinion of staff and City Engineer that J. Warren Co. is qualified to construct this project and recommended for award of construction.

Motion by Crooks, seconded by Longanecker, to reject the incomplete bid and approve the bid from J. Warren Co.

Motion was approved, 5-0.

**ORDINANCE NO 1053 REZONING**

- 14. ORDINANCE NO 1053 ADOPTING A RECOMMENDATION BY THE CITY PLANNING COMMISSION TO APPROVE REZONING OF APPROXIMATELY 80 ACRES OF LAND (EAST SIDE OF MONTROSE STREET AND SOUTH OF 183<sup>RD</sup> Street) in EDGERTON, KANSAS FROM JOHNSON COUNTY RUR, RURAL, TO THE L-P, LOGISTICS PARK DISTRICT WAS CONSIDERED.**

Kenny Cook, Community Development Director, presented information about the zoning change. The zoning of approximately 80 acres in Edgerton, Kansas from Johnson county RUR, RURAL, to the L-P Logistics Park District is being considered.

Motion by Longanecker, seconded by Brown, to approve Ordinance No. 1053.

Motion approved, 5-0.

**15. CONSIDER APPROVAL OF PARKS MASTER PLAN**

After some review and discussion, Mayor and City Council indicated they need more time to review the Parks Master Plan.

Motion by Longanecker, seconded by Brown, to table the Parks Master Plan until a future meeting.

Motion was approved, 5-0.

**PUBLIC HEARING-RESOLUTION NO 04-27-17A**

- 16. PUBLIC HEARING REGARDING RESOLUTION NO 04-27-17A CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC VI, LLC, OR ITS SUCCESSORS IN INTEREST WAS CONSIDERED.**

The City of Edgerton's bond counsel Scott Anderson was present to give information on IRB'S (Internal Revenue Bond) and answer any questions. The Public Hearing opened at 7:26, and with no questions or concerns the Public Hearing closed at 7:27.

**RESOLUTION NO 04-27-17A**

- 17. RESOLUTION NO 04-27-17A CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC VI, LLC, OR ITS SUCCESSORS IN INTEREST WAS CONSIDERED.**

The public hearing was held and the cost benefit summary was issued, time now to approve the assignment of a resolution of intent. Mayor Roberts addressed the School District #231 letter.

Motion by Longanecker, seconded by Brown, to approve Resolution No 04-27-17A.

Motion was approved, 5-0.

**PUBLIC HEARING 04-27-17B**

- 18. PUBLIC HEARING REGARDING RESOLUTION NO. 04-27-17B CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC IX, LLC, OR ITS SUCCESSORS IN INTEREST WAS CONSIDERED.**

Mayor Roberts opened public hearing at 7:40 and there being no questions or concerns the public hearing was closed at 7:41 pm.

**RESOLUTION NO 04-27-17B**

- 19. RESOLUTION NO. 04-27-17B CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC IX, LLC, OR ITS SUCCESSORS IN INTEREST WAS CONSIDERED.**

Motion by Brown, seconded by Longanecker, to approve Resolution No. 04-27-17B.

Motion was approved, 5-0.

**PUBLIC HEARING 04-27-17C**

- 20. PUBLIC HEARING REGARDING RESOLUTION NO. 04-27-17C CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC XXI, LLC, OR ITS SUCCESSORS IN INTEREST WAS CONSIDERED.**

Mayor Roberts opened public hearing at 7:42 and there being no questions or concerns the public hearing was closed at 7:42 pm.

**RESOLUTION NO. 04-27-17C**

- 21. RESOLUTION NO. 04-27-17C CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC XXI, LLC, OR ITS SUCCESSORS IN INTEREST WAS CONSIDERED.**

Motion by Crooks, seconded by Crist, to approve Resolution no. 04-27-17C.

Motion was approved, 5-0.

**PUBLIC HEARING 04-27-17D**

- 22. PUBLIC HEARING REGARDING RESOLUTION NO. 04-27-17D CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO COLDPOINT LOGISTICS REAL ESTATE, LLC, OR ITS SUCCESSORS IN INTEREST WAS CONSIDERED.**

Mayor Roberts opened public hearing at 7:45 and there being no questions or concerns the public hearing was closed at 7:46 pm.

**RESOLUTION NO. 04-27-17D**

- 23. RESOLUTION NO. 04-27-17D CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO COLDPOINT LOGISTICS REAL ESTATE, LLC, OR ITS SUCCESSORS IN INTEREST WAS CONSIDERED.**

Motion by Brown, seconded by Longanecker, to approve Resolution No 04-27-17D.

Motion was approved, 5-0.

**RESOLUTION NO. 04-27-17E**

- 24. RESOLUTION NO. 04-27-17E CONSENTING TO THE ASSIGNMENT OF A BASE LEASE, LEASE AGREEMENT AND OTHER BOND DOCUMENTS IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC II, LLC PROJECT), SERIES 2013, AND AUTHORIZING A COLLATERAL ASSIGNMENT, ESTOPPEL AND SUBORDINATION AGREEMENT WAS CONSIDERED.**

Motion by Longanecker, seconded by Crooks to approve Resolution numbers 04-27-17E through 04-27-17W (agenda items 24-42) consenting to the supplemental base leases, lease agreements and performance agreements for the 9 ELHC projects referenced therein and consenting to the assignment of 10 ELHC projects from the ELHC entities referenced therein to the new joint venture entities referenced in the resolutions.

Mayor reported that it has been moved and seconded to approve Resolution numbers 04-27-17E through 04-27-17W consenting to the supplemental base leases, lease agreements and performance agreements for the 9 ELHC projects referenced therein and consenting to the assignment of 10 ELHC entities referenced therein to the new joint venture entities referenced in the resolutions.

Would any Council Member like to pull any of the Resolutions out for individual discussion?

Hearing none, would the clerk please call the vote.

Conus-Yea; Crooks-Yea; Longanecker-Yea; Brown-Yea; Crist-Yea; Motion was approved, 5-0.

**RESOLUTION NO 04-17-17F**

- 25. RESOLUTION NO. 04-27-17F CONSENTING TO A FIRST SUPPLEMENTAL BASE LEASE, FIRST SUPPLEMENTAL LEASE AGREEMENT AND FIRST AMENDMENT TO PERFORMANCE AGREEMENT IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC IV, LLC PROJECT), SERIES 2014 WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-17-17G**

- 26. RESOLUTION NO. 04-27-17G CONSENTING TO THE ASSIGNMENT OF A BASE LEASE, LEASE AGREEMENT AND OTHER BOND DOCUMENTS IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC IV, LLC PROJECT), SERIES 2014, AND AUTHORIZING A COLLATERAL ASSIGNMENT, ESTOPPEL AND SUBORDINATION AGREEMENT WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-27-17H**

- 27. RESOLUTION NO. 04-27-17H CONSENTING TO A FIRST SUPPLEMENTAL BASE LEASE, FIRST SUPPLEMENTAL LEASE AGREEMENT AND FIRST AMENDMENT TO PERFORMANCE AGREEMENT IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC V, LLC PROJECT), SERIES 2016 WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-27-17I**

- 28. RESOLUTION NO. 04-27-17I CONSENTING TO THE ASSIGNMENT OF A BASE LEASE, LEASE AGREEMENT AND OTHER BOND DOCUMENTS IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC V, LLC PROJECT), SERIES 2016, AND AUTHORIZING A COLLATERAL ASSIGNMENT, ESTOPPEL AND SUBORDINATION AGREEMENT WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-27-17J**

- 29. RESOLUTION NO. 04-27-17J CONSENTING TO A FIRST SUPPLEMENTAL BASE LEASE, FIRST SUPPLEMENTAL LEASE AGREEMENT AND FIRST AMENDMENT TO PERFORMANCE AGREEMENT IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC XI, LLC PROJECT), SERIES 2015 WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-27-17K**

- 30. RESOLUTION NO. 04-27-17K CONSENTING TO THE ASSIGNMENT OF A BASE LEASE, LEASE AGREEMENT AND OTHER BOND DOCUMENTS IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC XI, LLC PROJECT), SERIES 2015, AND AUTHORIZING A COLLATERAL ASSIGNMENT, ESTOPPEL AND SUBORDINATION AGREEMENT WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-27-17L**

- 31. RESOLUTION NO. 04-27-17L CONSENTING TO A FIRST SUPPLEMENTAL BASE LEASE, FIRST SUPPLEMENTAL LEASE AGREEMENT AND FIRST AMENDMENT TO PERFORMANCE AGREEMENT IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC XII, LLC PROJECT), SERIES 2015 WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-27-17M**

- 32. RESOLUTION NO. 04-27-17M CONSENTING TO THE ASSIGNMENT OF A BASE LEASE, LEASE AGREEMENT AND OTHER BOND DOCUMENTS IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC XII, LLC PROJECT), SERIES 2015, AND AUTHORIZING A COLLATERAL ASSIGNMENT, ESTOPPEL AND SUBORDINATION AGREEMENT WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-27-17N**

- 33. RESOLUTION NO. 04-27-17N CONSENTING TO A SECOND SUPPLEMENTAL BASE LEASE, SECOND SUPPLEMENTAL LEASE AGREEMENT AND FIRST AMENDMENT TO PERFORMANCE AGREEMENT IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC XIV, LLC PROJECT), SERIES 2015 AND SERIES 2016 WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-27-17O**

- 34. RESOLUTION NO. 04-27-17O CONSENTING TO THE ASSIGNMENT OF A BASE LEASE, LEASE AGREEMENT AND OTHER BOND DOCUMENTS IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC XIV, LLC PROJECT), SERIES 2015, AND AUTHORIZING A COLLATERAL ASSIGNMENT, ESTOPPEL AND SUBORDINATION AGREEMENT WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-27-17P**

- 35. RESOLUTION NO. 04-27-17P CONSENTING TO A FIRST SUPPLEMENTAL BASE LEASE, FIRST SUPPLEMENTAL LEASE AGREEMENT AND FIRST AMENDMENT TO PERFORMANCE AGREEMENT IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC XV, LLC PROJECT), SERIES 2016 WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-27-17Q**

- 36. RESOLUTION NO. 04-27-17Q CONSENTING TO THE ASSIGNMENT OF A BASE LEASE, LEASE AGREEMENT AND OTHER BOND DOCUMENTS IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC XV, LLC PROJECT), SERIES 2016, AND AUTHORIZING A COLLATERAL ASSIGNMENT, ESTOPPEL AND SUBORDINATION AGREEMENT WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-27-17R**

- 37. RESOLUTION NO. 04-27-17R CONSENTING TO A FIRST SUPPLEMENTAL BASE LEASE, FIRST SUPPLEMENTAL LEASE AGREEMENT AND FIRST AMENDMENT TO PERFORMANCE AGREEMENT IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC XXXI, LLC PROJECT), SERIES 2016 WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-27-17S**

- 38. RESOLUTION NO. 04-27-17S CONSENTING TO THE ASSIGNMENT OF A BASE LEASE, LEASE AGREEMENT AND OTHER BOND DOCUMENTS IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC XXXI, LLC PROJECT), SERIES 2016, AND AUTHORIZING A COLLATERAL ASSIGNMENT, ESTOPPEL AND SUBORDINATION AGREEMENT WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-27-17T**

- 39. RESOLUTION NO. 04-27-17T CONSENTING TO A FIRST SUPPLEMENTAL BASE LEASE, FIRST SUPPLEMENTAL LEASE AGREEMENT AND FIRST AMENDMENT TO PERFORMANCE AGREEMENT IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC XXXII, LLC PROJECT), SERIES 2016 WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-27-17U**

- 40. RESOLUTION NO. 04-27-17U CONSENTING TO THE ASSIGNMENT OF A BASE LEASE, LEASE AGREEMENT AND OTHER BOND DOCUMENTS IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC XXXII, LLC PROJECT), SERIES 2016, AND AUTHORIZING A COLLATERAL ASSIGNMENT, ESTOPPEL AND SUBORDINATION AGREEMENT WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-27-17V**

- 41. RESOLUTION NO. 04-27-17V CONSENTING TO A FIRST SUPPLEMENTAL BASE LEASE, FIRST SUPPLEMENTAL LEASE AGREEMENT AND FIRST AMENDMENT TO PERFORMANCE AGREEMENT IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC XXXIII, LLC PROJECT), SERIES 2016 WAS CONSIDERED AND APPROVED.**

**RESOLUTION NO 04-27-17W**

- 42. RESOLUTION NO. 04-27-17W CONSENTING TO THE ASSIGNMENT OF A BASE LEASE, LEASE AGREEMENT AND OTHER BOND DOCUMENTS IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC XXXIII, LLC PROJECT), SERIES 2016, AND AUTHORIZING A COLLATERAL ASSIGNMENT, ESTOPPEL AND SUBORDINATION AGREEMENT WAS CONSIDERED AND APPROVED.**

**43. REPORT BY THE CITY ADMINISTRATOR**

The Gardner Edgerton Chamber of Commerce Annual Dinner is Thursday May 4<sup>th</sup>; there are four chairs for the City of Edgerton.

The Personnel Manual should be ready in May.

**44. REPORT BY THE MAYOR**

None

**45. FUTURE MEETING/ EVENT REMINDERS:**

- April 29th, 10:00 am - Big Bull Creek Park Groundbreaking Ceremony (1/4 mile north of W. 207th Street on Sunflower Road)
- May 4th – Gardner Edgerton Chamber of Commerce Annual Dinner
- May 11th 7:00 PM – City Council Meeting and Budget Work Session
- May 16th 4:00 – 5:30 PM – Gardner Hosts Regional Meeting, Gardner City Hall
- May 25th 7:00 PM – City Council Meeting

**46. Adjourn** Motion: Crooks      Second: Brown      Vote:      5-0

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Janeice L. Rawles  
City Clerk

**Approved by the Governing Body on**

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