

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**August 24, 2017**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on August 24, 2017. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

**1. ROLL CALL**

Jody Brown	present
Ron Conus	present
Cindy Crooks	Present

Darius Crist	absent
Clay Longanecker	absent

With a quorum present, the meeting commenced.

Staff in attendance:	City Administrator Beth Linn
	Assistant City Administrator Scott Peterson
	City Attorney Lee Hendricks
	Public Works Superintendent Trey Whitaker
	Finance Director Karen Kindle
	Parks & Recreation Bob McVey
	Johnson County Fire District #1
	Johnson County Sheriff Department

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

4. Agenda Approval was considered.
5. Minutes from August 10, 2017 City Council Meeting were considered.
6. Application FP2017-06, Final Plat, Logistics Park Kansas City Phase VI, Lot 3 and accept any dedications was considered
7. Application FP2017-007, Final Plat Logistics Park Kansas City Phase VI, Second Plat, and accept any dedications was considered.

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

Motion was approved, 3-0.

**8. PUBLIC COMMENTS**

None at this time.

Mayor Roberts acknowledged the Kiwanis representatives and is saving time for them later in the meeting.

## **9. DECLARATION**

None

### **BUSINESS REQUIRING ACTION**

#### **9.5 INFORMATION CONCERNING THE FLOOD OF AUGUST 21-22, 2017**

Mayor Roberts announced to the public that Johnson County Kansas has been declared a disaster area. The City of Edgerton being in Johnson County will be covered under the Johnson County Umbrella for disaster relief. Mayor Roberts offered a big "Thank You" to Johnson County Sheriff's Office Captain Jeremy Campbell; Johnson County Fire District 1 Chief Kirk; Johnson County Commissioner Mike Brown; and to all City Staff who have done a tremendous job. Mayor Roberts stated that this is the first time ever in his life that he has seen this much flooding. He noted more people need to sign up for Notify Jo. Co., to get the most up to date information about the city. Mayor and council are considering a community wide clean up day in the near future.

City Administrator Beth Linn spoke next about the flood information and that the City of Edgerton had approximately ten inches of rain from Monday night to Tuesday morning. The flood waters crested with approximately fourteen feet of water at the public works department. Ms. Linn announced that the insurance companies for the City of Edgerton have been notified and some have already been on site. City of Edgerton has a large amount of damage and has lost several vehicles and equipment. Some neighboring partners have loaned some equipment to the City of Edgerton so that work in the city may carry on. Ms. Linn also expressed her "Thank you" to the Mayor and her team (city staff) for all the hours and hard work dealing with the flood waters. A memorandum for the temporary suspension of purchasing authority was presented to the Mayor and council. This would be a temporary suspension of the purchasing authority policies for the purchases directly related to the flood. Mr. Lee Hendricks, City Attorney, spoke about all of our snowplows which are under water and with winter coming the city needs to purchase new snow plows now. He stated there is not time to take bids and bring to council and then get some ordered. Staff needs to act quickly.

Motion by Crooks, seconded by Brown, to approve the temporary suspension of purchasing authority policies for purchases directly related to the flood, subject to the terms described in the Memorandum from Lee Hendricks dated 08/24/2017.

Motion was approved, 3-0.

### **CARS PROJECT EAST NELSON STREET QUIET ZONE**

#### **10. RECOMMENDATION OF ENGINEER TO AWARD CONSTRUCTION OF THE 2017 CARS E NELSON ST QUIET ZONE PROJECT TO MILES EXCAVATING INC. AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT INCLUDING THE RAILROAD AGREEMENT WITH BNSF RAILWAY WAS CONSIDERED.**

Trey Whitaker, Public Works Superintendent, was present to talk about the 2017 CARS East Nelson Street Quiet Zone Project. On August 17, 2017, the City of Edgerton held a public bid opening, a total of five bids were received, opened and read aloud to the public. Miles Excavating, Incorporated of Basehor, Kansas submitted the low bid. Based upon review of the bids and prior direct experience with Miles, for both staff and City Engineer, staff recommendation is Miles Excavating, Inc. is qualified to perform the scope of work included in this project. Mayor Roberts asked about the earliest time to bid for next year's CARS project. The City should proceed early.

Motion by Brown, seconded by Crooks, to approve the award construction of the 2017 CARS East Nelson Street Quiet Zone Project to Miles Excavation, Inc. and authorize the Mayor to execute the contract including the railroad agreement with BNSF Railway.

Motion was approved, 3-0.

#### **PUBLIC HEARING-2018 BUDGET**

#### **11. PUBLIC HEARING REGARDING 2018 RECOMMENDED BUDGET WAS CONSIDERED.**

Mayor Roberts opened the Public Hearing at 7:47 pm.  
He asked if there any questions or comments about the 2018 Budget.  
There being no questions or comments, the public hearing was closed.  
The Public Hearing was closed at 7:48 pm.

#### **2018 BUDGET**

#### **12. 2018 RECOMMENDED BUDGET WAS CONSIDERED.**

Mayor Roberts thanked Beth Linn, City Administrator and Karen Kindle, Finance Director, for their work on the 2018 Budget. Council member Conus thanked Beth Linn and Karen Kindle for an excellent job.

Motion by Brown, seconded by Conus, to approve the 2018 Budget.

Motion was approved, 3-0.

#### **ORDINANCE NO 1061 INDUSTRIAL REVENUE BONDS (ELHC VI, LLC)**

#### **13. ORDINANCE NO 1061 AUTHORIZING THE CITY OF EDGERTON, KANSAS, TO ISSUE INDUSTRIAL REVENUE BONDS (ELHC VI, LLC PROJECT) SERIES 2017, IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$442,600,000, FOR THE PURPOSE OF FINANCING A WAREHOUSE AND DISTRIBUTION FACILITY; AUTHORIZING THE CITY TO ENTER INTO A TRUST INDENTURE WITH BOKF, N.A., AS TRUSTEE; AUTHORIZING THE CITY TO ENTER INTO A BASE LEASE AND LEASE AGREEMENT WITH ELHC VI, LLC; AND AUTHORIZING AND APPROVING THE EXECUTION OF ADDITIONAL DOCUMENTS AND THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS WAS CONSIDERED.**

City Administrator Beth Linn introduced Scott Anderson, Bond Attorney for the City of Edgerton. Mr. Anderson spoke about Industrial Revenue Bonds and Property Tax Abatement for ELHC VI Project. The City received an application for property tax abatement from ELHC VI, LLC for a project

located in the Logistics Park, consisting of approximately 777,000 square foot warehouse and distribution facility, to be located at 18451 Montrose Street, Edgerton, Kansas.

Motion by Crooks, seconded by Brown, to approve Ordinance Number 1061.

Motion was approved, 3-0.

**ORDINANCE NO 1062-CU2017-002 (TEMPORARY GRAVEL LOT, IPXXI)**

**14. ORDINANCE NO. 1062 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE CONDITIONAL USE PERMIT CU-2017-002 FOR TRANSPORTATION, STORAGE AND TRUCKING YARD TO TEMPORARILY ALLOW A GRAVEL LOT, SUBJECT TO CERTAIN CONDITIONS, IN THE CITY OF EDGERTON, KANSAS, LOGISTICS PARK ZONING DISTRICT, MORE SPECIFICALLY ON THE NORTH SIDE OF LPKC BUILDING XXI WAS CONSIDERED.**

The Planning Commission's Recommendation to approve Conditional Use Permit CU-2017-002 was presented to the Mayor and council. The Conditional Use Permit is for transportation, storage and trucking yard to temporarily allow a gravel lot, subject to certain conditions in the City of Edgerton, Kansas, Logistics Park Zoning District. Following the Planning Commission's public hearing they recommended approval of the conditional Use Permit with the following conditions. The parking lot shall be either paved in accordance with the Edgerton Unified Development Code (asphalt or concrete) or the gravel lot is returned to pre-existing condition (grass), one of these options needs to happen sixty days following the expiration of the twelve-month conditional Use Permit.

Motion by Conus, seconded by Crooks, to approve Ordinance No 1062.

Motion was approved, 3-0.

**15. REPORT BY THE CITY ADMINISTRATOR**

The new job description for the Development Services Director was presented to Mayor and council for review. With changes in red. No comments or questions were received.

Motion by Crooks, seconded by Brown, to approve the job description for the Development Services Director.

Motion was approved, 3-0.

**16. REPORT BY THE MAYOR**

The Downtown Discovery Week open house had a great attendance and the interaction was really good. Thanks to all who have participated in this great opportunity to revive the downtown.

There were several representatives from the Kiwanis here to inform Mayor and council of their status. The Kiwanis will have a club in the City of Edgerton, they are still open to new members and the meetings will probably start in October, 2017.

Council member Crooks asked about the mosquito problems that are in town. She was advised that there are lots of problems that arise from spraying and or fogging for mosquitoes.

#### **17. FUTURE MEETING/EVENT REMINDERS**

- September 4<sup>th</sup> – City Offices Closed for Labor Day
- September 12<sup>th</sup> 7:00 pm – Planning Commission and Board of Zoning Appeals
- September 14<sup>th</sup> 7:00 pm – City Council Meeting
- September 20<sup>th</sup> Noon – Senior Lunch
- September 28<sup>th</sup> 7:00 pm – City Council Meeting

Motion by Crooks, seconded by Conus, to recess into executive session for ten minutes under the Attorney/Client privilege for Contract Negotiations.

Motion was approved, 3-0.

Meeting recessed at 8:25 pm.

Meeting reconvened at 8:35 pm.

Motion by Crooks, seconded by Conus, to recess for five more minutes, under same exception.

Motion was approved, 3-0.

Meeting recessed at 8:35 pm.

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

Motion was approved, 3-0.

Meeting reconvened at 8:41pm.

**18. ADJOURN MOTION:** 1<sup>st</sup> Crooks                      2<sup>nd</sup> Brown                      Vote    3-0

The meeting adjourned at 8:45 pm.

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Janeice L. Rawles  
City Clerk

**Approved by the Governing Body on**

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