

**City of Edgerton, Kansas
Minutes of City Council Regular Session
January 25, 2018**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on January 25, 2018. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

Darius Crist	present
Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Jody Brown	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- Assistant City Administrator Scott Peterson
- City Attorney Lee Hendricks via phone (speaker)
- Public Works Superintendent Trey Whitaker
- Parks Bob McVey
- Katy Crow Development Services Director
- Mike Mabrey Utilities Superintendent
- Karen Kindle Finance Director

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Agenda Approval was considered.
5. Minutes for December 28, 2017 City Council Meeting was considered.
6. Minutes for January 11, 2018 City Council Meeting was considered.

Motion by Longanecker, seconded by Lewis, to approve items four and five from the consent agenda.

Motion was approved, 5-0

Item six was pulled to review the date of the minutes and to remove a statement by the Mayor.

Motion by Brown, seconded by Crist, to approve item six after changes have been made.

Motion was approved, 5-0.

7. PUBLIC COMMENTS

The President Ally and Vice President Rebecca of the Venturing Crew, a co-ed group of girl scouts and boy scouts, presented a matter to the Mayor and City Council about their group. The approximately ten member group is in need of volunteer hours, which can be done in groups or as individual volunteers. They have helped with Frontier Days and the Basketball Court in the past. Mayor Roberts stated that he would talk to staff about possible stream and lake clean up.

8. DECLARATION

None

BUSINESS REQUIRING ACTION

PUBLIC HEARING - VACATION OF STREETS

9 PUBLIC HEARING REGARDING AN ORDINANCE ORDERING THE VACATION OF STREETS AND ANY ADJOINING PUBLIC RIGHT-OF-WAY THERETO, BUT RESERVING A 20-FOOT-WIDE PUBLIC UTILITY EASEMENT WAS CONSIDERED.

Katy Crow, Development Services Director, presented to Mayor and City Council information pertaining to the public hearing regarding an ordinance ordering the vacation of streets and any adjoining public right-of-way thereto, but reserving a 20-foot-wide public utility easement. Mayor Roberts opened the Public Hearing at 7:14 pm. With no questions or comments from either the audience or the City Council the Public Hearing was closed at 7:15 pm.

ORDINANCE NO. 1073-VACATION OF STREETS

10. ORDINANCE NO. 1073 ORDERING THE VACATION OF STREETS AND ANY ADJOINING PUBLIC RIGHT-OF-WAY THERETO, BUT RESERVING A 20-FOOT-WIDE PUBLIC UTILITY EASEMENT WAS CONSIDERED.

Katy Crow, Development Services Director, continued with explanation of Ordinance No. 1073 ordering the vacation of streets and any adjoining public right-of-way thereto, but reserved a 20-foot-wide public utility easement. On February 24, 2011, the Governing Body approved Ordinance No. 901 which ordered the vacation of streets and any adjoining public right of way but reserved a 20-foot wide public utility easement to include all of the property dedicated for 191st street between Four Corners and US-56 Highway and all property dedicated for 183rd street between Waverly Road and US-56 Highway. Ordinance No. 901 was not correctly recorded in 2011, therefore Ordinance No. 1073 repeals Ordinance 901 and restates property descriptions sufficient to satisfy the Register of Deeds office. City staff will record this new ordinance upon its passage.

Motion by Longanecker, seconded by Brown, to approve Ordinance No. 1073.

Motion was approved, 5-0.

AWARD CONSTRUCTION OF NELSON STREET WATER LINE CDBG PROJECT.**11. A RECOMMENDATION OF CITY ENGINEER TO AWARD CONSTRUCTION OF THE NELSON STREET WATER LINE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT WAS CONSIDERED.**

Scott Peterson, Assistant City Administrator, provided information about the City Engineer's recommendation to award construction of the Nelson Street Water Line Project. Johnson County awarded the City of Edgerton a total of \$170,000 in Community Development Block Grant funds. The remainder of the project cost not covered by the CDBG fund is recommended by staff to be covered by the Water System Development Fund. In May of 2017, the City of Edgerton received three bids for a public bid process and all three bids were rejected by staff and City Council. The project was tabled until early 2018 so that the City could go back out for bid on the project. The project was put back out to bid in December, 2017 and the City held a public bid letting on January 9, 2018. At this time, the City received 10 bids at a much more competitive rate. BG Consultants submitted a letter of recommendation for Wiedenmann, Inc. as the lowest and best bidder.

Motion by Crist, seconded by Longanecker, to approve recommendation of City Engineer to award the project to Wiedenmann, Inc. in an amount not to exceed 280,546.00, and authorize the Mayor to sign the contract.

Motion was approved, 5-0.

ORDINANCE NO. 1074 PLANNING COMMISSION CHANGES**12. ORDINANCE NO. 1074 AMENDING THE SIZE AND COMPOSITION OF THE EDGERTON PLANNING COMMISSION WAS CONSIDERED.**

Katy Crow, Development Services Director, addressed the Mayor and City Council with proposed changes for the Planning Commission. Article 8, Section 8.2 (A) of the Uniform Development Code (UDC) states "There shall be nine regular voting members of the Planning Commission." In October 2017, the City Attorney and City Administrator addressed the Planning commission regarding the possibility of changing the size of the Commission. A nine member Planning Commission is a challenge to fill all nine positions and meet quorum requirements, a nine member commission requires a quorum of five. Currently if one member is absent, the meeting would need to be cancelled due to lack of quorum. The Edgerton Planning Commission recommended changes to reduce the membership to five (5) members, with three (3) members as a quorum, with a maximum of two (2) members from the unincorporated planning area adjacent to Edgerton. The planning area is within a three mile radius from the City boundary.

Motion by Conus, seconded by Brown, to approve Ordinance No. 1074 with changes to the City of Edgerton Planning area and the number of members on the Planning Commission.

Motion was approved, 5-0.

13. REPORT BY THE CITY ADMINISTRATOR

Beth Linn, City Administrator handed out three updated job descriptions. The Parks and Recreation Coordinator is a job class 4, supervised by the Assistant City Administrator, Scott Peterson.

The Accounting Technician is a job class 4, supervised by the Finance Director, Karen Kindle. And the third job description is for a Customer Service Specialist, a job class 3 and supervised by the Assistant City Administrator, Scott Peterson.

Motion by Longanecker, seconded by Brown, to accept the three job descriptions introduced tonight.

Motion was approved, 5-0.

Update for the belt press, still no bids, Mayor is okay with staff recommendations.

14. REPORT BY THE MAYOR

No report

Kansas Rural Water Association Conference is coming in March, need to know before February 1, 2018 if you want to go. Please let City Administrator, Beth Linn know as soon as possible.

15. FUTURE MEETING/ EVENT REMINDERS:

- February 8th 7:00 pm – City Council Meeting
- February 13th 7:00 pm – Planning Commission Meeting
- February 15th 6:00pm- State of the City
- February 19th – City Offices Closed in observance of Presidents' Day
- February 21st Noon – Senior Lunch
- February 22nd 7:00 pm – City Council Meeting

16. ADJOURN MOTION: 1st Brown 2nd Longanecker Vote 5-0

The meeting adjourned at 7:50 pm.

Janeice L. Rawles
City Clerk

Approved by the Governing Body on

AGENDA ITEM INFORMATION FORM

Agenda Item: Consider Approval of Exhibit E Public Infrastructure Improvement Notice for 181st Street Phase II (also known as Rail Served Road)

Department: Public Works

Background/Description of Item: In July 2015, the City of Edgerton executed the Amended and Restated Public Infrastructure Financing Plan with BNSF Railway (BNSF) and Edgerton Land Holding Company (ELHC), LLC. This agreement included as Exhibit B a list of approved infrastructure projects associated with Logistics Park Kansas City. Exhibit B is enclosed with the packet.

Section 5.f of this Agreement states that all remaining Public Infrastructure Improvements (that are not specifically assigned a start date or that have not already begun) shall be commenced when ELHC executes and delivers to the City and BNSF a Public Infrastructure Improvement Notice to Proceed (the "Improvement Notice") reference in the Agreement as Exhibit E with the cost estimate.

Edgerton Land Holding Company has submitted Exhibit E for 181st Street Phase II (also known as Rail Served Road) construction adjacent to ColdPoint Logistics. 181st Street will be constructed simultaneously with ColdPoint Logistics Phase III. 181st Street Phase I was approved for construction by Edgerton City Council on September 28, 2017 in the amount of \$432,831.

Construction cost is estimated at \$1,670,986.00. This cost will be borne entirely by ELHC until such time the project is converted to funding from Home Rule Revenue Bonds. If the project is approved, staff will work with Intermodal Bond Counsel and ELHC to include the project in the next Home Rule Revenue Bond series.

As this project was included in Exhibit B, staff would recommend approval of Exhibit E.

Enclosure: Exhibit B – Plan of Finance Infrastructure Project List
 Exhibit E – including cost estimate

Related Ordinance(s) or Statute(s):

Recommendation: Approve Exhibit E Public Infrastructure Improvement Notice for 181st Street Phase II (also known as Rail Served Road)

Funding Source: N/A

Prepared by: Beth Linn, City Administrator
Date: February 1, 2018

LPKC
Plan of Finance
Infrastructure Project List

Project No.	Project Name	Linear Feet	Price per LF	Total Cost	Anticipated Year of Construction
1	Kill Creek Road (Phase I)	1,161		\$ 1,250,973	2014
2	Kill Creek Road/187th Street (Phase II)	1,200	\$ 583	\$ 2,184,887	2014
3	Water Tower			\$ 2,000,000	2014
4	Montrose St/196 St	3,620	\$ 750	\$ 2,715,000	2015
5	Widmer E/W	1,100	\$ 600	\$ 660,000	2017
6	Widmer N/S	5,500	\$ 560	\$ 3,080,000	2018
7	Widmer Turn Lane/Median			\$ 450,000	2017
8	Waverly Rd/197th St			Dedicated Source	
9	Rail Served Road	12,250	\$ 560	\$ 6,860,000	2017
10	183rd St			Dedicated Source	2017
11	Montrose St/187 St (north by Big Industrial)			Dedicated Source	2017
12	Removal of Four Corners	5,291	\$ 350	\$ 1,851,850	2021
13	207th Grade Separation - Design			\$ 2,000,000	2016
14	207th Grade Separation - Construction			\$ 13,000,000	2019
15	Public Road Extension - 197th St to 199th St	1301	\$ 583	\$ 758,483	2019
		31,423		\$ 36,811,193	

Exhibit E

Public Infrastructure Improvement Notice

ELHC agrees to promptly proceed with the Public Infrastructure Improvement(s) identified below:

<u>Public Infrastructure Improvement</u>	<u>Public Infrastructure Improvement Description</u>	<u>Estimated Cost</u>	<u>Funding Mechanism</u>	<u>Responsible Party</u>
181st Street Phase II	Rail Served Road Phase II adjacent to ColdPoint	\$1,670,986.00	ELHC	ELHC

The Infrastructure Concept Plans (as defined in the Project Agreement), if any, are attached to this Notice.

**Project: Public Street Improvements
181st Street Phase II
City of Edgerton, Johnson County Kansas**

January 5, 2018
February 14, 2018 Revised

Ms. Beth Linn,

NorthPoint has received the bids for the 181st Street Phase II project. Four companies were invited to submit proposals and three responded. NorthPoint has reviewed the proposals and recommends award to Clarkson Construction Company. Clarkson Construction Company provided the most competitive proposal and committed to the required construction schedule. Please find below an estimate of the costs associated with this project. We appreciate the opportunity to work with the City of Edgerton. Please let us know if any additional information is required.

<u>Items</u>	<u>Associated Costs</u>
City Bond	\$12,000
Road Construction	\$1,254,984
Storm Construction	\$139,548
Design for Road & Storm	\$73,855
Testing/Inspection Fees – geotechnical completed with IP XL	\$0.00
NP Development Fee (5%)	\$74,019
Contingency (7.5%)	\$116,580
Project Total	\$1,670,986

Sincerely,

Aaron J. Burks

Aaron J. Burks
NorthPoint Development

Copy: John Thomas
Amanda Roller
Chris Chancellor