

City of Edgerton, Kansas
Minutes of City Council Regular Session
January 23, 2020

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on January 23, 2020. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Katee Smith	present
Josh Beem	present, arrived at 7:02pm

With a quorum present, the meeting commenced.

Staff in attendance:

City Attorney Lee Hendricks
City Clerk Rachel James
Development Services Director Katy Crow
Finance Director Karen Kindle
Public Works Director Dan Merkh
Public Works Superintendent Trey Whittaker
Marketing and Communications Manager Kara Banks

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for January 9, 2020 Regular City Council Meeting
5. Approve a Right of First Refusal to Purchase Real Estate
6. Consider Agreement between Johnson County, Kansas, and the City of Edgerton, Kansas, for the Public Improvement of 207th Street Overpass at BNSF Railroad
7. Approve Ordinance 2030 amending Chapter III, Article 1 of the City Code of the City of Edgerton, Kansas, Regulating the Sale of Cereal Malt Beverage or Beer containing Not More Than 6% Alcohol by Volume Within the City of Edgerton, Kansas
8. Approve Resolution No. 01-23-20A Establishing Fees and Rates for Permits, Licenses and Services Within the City of Edgerton, Kansas

Motion by Smith, Second by Longanecker to approve the consent agenda.

Motion passed, 4-0.

REGULAR AGENDA

9. **Public Comments.** None.

Council Member Josh Beem arrives at 7:02pm

10. **Declaration.** None.

11. Introduction of Master Deputy Brad Johnson, Edgerton's Community Officer

Master Deputy Johnson was not able to attend the Council Meeting but will be at future meetings. Master Deputy Johnson has focused on introducing himself to people around town and being available daily at Edgerton Elementary. The statistics from the first month of his full-time patrol in the city include: 47 Traffic Stops, 35 Business Checks (entering the business and talking with owners/employees/patrons), 45 Area Checks logged into the system (specific police metric as he is actively patrolling at a greater rate), 23 calls for service, and 10 times running school zone traffic enforcement.

Mayor Roberts stated that he has received lots of positive comments on the addition of a full-time police officer in town. Council Member Longanecker stated it sounds like Master Deputy Johnson is doing a great job. Council Member Smith stated she has seen him patrolling frequently and always waves. Mayor Roberts added that Master Deputy Johnson mentioned how many people have been waving at him in town.

Business Requiring Action

12. **CONSIDER RESOLUTION NO. 01-23-20B CONSENTING TO THE ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT AND RELATED BOND DOCUMENTS IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (MIDWEST GATEWAY VENTURE, LLC PROJECT), SERIES 2017B**

Scott Anderson, City Bond Counsel, introduced the Resolution which is the assignment of the lease agreement from Midwest Gateway to Dot's Pretzel. The Assignment transfers all of Midwest Gateway's interest in the Base Lease, the Lease Agreement, the Performance Agreement, the Origination Fee Agreement and the other bond documents for the project to Dot's Pretzel.

Mr. Anderson stated that the City has to execute a consent page every time it enters into a base lease, lease agreement, or tax incentives. He stated that

Randy Johnson, Dot's Pretzel CEO and President, gave background on the history of Dot's and their expanding footprint. He thanked council and stated the economics of the incentive helped Dot's select this site and they look forward to working in Edgerton.

Motion by Longanecker, Second by Conus to approve Resolution. No. 01-23-20B.

Mayor Roberts announced a quick recess for pictures with Dot's Pretzel representatives and samples of Dot's Pretzels to be handed out to the Council and public in attendance.

13. PUBLIC HEARING FOR RESOLUTION NO. 01-23-20C CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC VII, LLC, OR ITS SUCCESSORS IN INTEREST

Scott Anderson, City Bond Counsel, introduced the application for the construction of a 952,000 square foot warehouse and distribution facility located at 30901 W. 185th Street Edgerton, Kansas. Mr. Anderson stated that the first thing that needs to occur in this process is for the City to hold a public hearing. The School District and County were notified of the public hearing.

Jeff White, Colombia Capital Management, presented the prepared cost-benefit report which is included in the Council packet.

Mayor Roberts opened the public hearing at 7:32pm.

There were no comments.

Mayor Roberts closed the public hearing at 7:33pm.

14. CONSIDER RESOLUTION NO. 01-23-20C CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC VII, LLC, OR ITS SUCCESSORS IN INTEREST

Scott Anderson, City Bond Counsel, stated this Resolution is a partial assignment of the Master Resolution of Intent for Logistics Park Kansas City. \$45 Million of the Master Resolution of Intent is assigned to ELHC VII for constructing this project.

Mayor Roberts stated this approach has not change since the inception of LPKC.

Motion by Longanecker, Second by Lewis to approve Resolution No. 01-23-20C.

Motion was approved, 5-0.

15. CONSIDER ORDINANCE NO. 2031 AMENDING CHAPTER XIV, ARTICLE 2 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO REPLACE CODE SECTION 14-203 AND REPEAL ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

Dan Merkh, Public Works Director, introduced the Ordinance which pertains to routing of overweight truck traffic. Ordinance No. 2031 simply formalizes the differentiation between a standard truck route and the Overweight Corridor as previously designated by City Council. A standard truck route allows a gross vehicle weight of up to 80,000 pounds, the same weight as allowed on the federal interstate system. The Overweight Corridor routes allow a gross vehicle weight of up to 96,000 pounds. These routes are only in LPKC, north of Interstate 35.

Lee Hendricks, City Attorney, checked with other local municipalities and they do not allow for exceptions in their weight limits. Mr. Hendricks recommended striking subsection D 1-4.

Motion by Lewis, Second by Smith to Approve Ordinance No. 2031 striking subsection D 1-4.

Motion was approved, 5-0.

16. CONSIDER ORDINANCE NO. 2032 APPROVING THE DESCRIPTIONS AND SURVEY OF LANDS NECESSARY FOR ACQUISITION OF RIGHT OF WAY AND EASEMENTS NEEDED FOR CONSTRUCTING THE 207TH STREET GRADE SEPARATION PROJECT AND ASSOCIATED IMPROVEMENTS

Katy Crow, Development Services Director, introduced the Ordinance which is a follow-up to Resolution No. 01-09-20A, passed on January 9, 2020, confirming the necessity for condemnation and authorizing the preparation of survey and legal descriptions. The 207th Street Grade Separation Project requires the acquisition of rights-of-way and easements from several property owners near the 207th Street and Co-op Road intersection. Passing the Ordinance does not prohibit the City from continuing to negotiate and/or acquire the easements.

Motion by Smith, Second by Longanecker to approve Ordinance No. 2032.

Motion was approved, 5-0.

17. Report by the City Administrator

Dan Merkh, Public Works Director and Acting City Administrator, stated that a Winter Storm is on the way and gave an overview of snow operations.

18. Report by the Mayor

Mayor Roberts thanked the Directors for stepping up as a team to lead Staff and the Council meeting while Beth Linn, City Administrator, has been on vacation. Mr. Merkh joked that it takes three of them to do Ms. Linn's job.

19. Future Meeting Reminders:

- January 14th: Planning Commission – 7PM
- January 23rd: City Council Meeting – 7PM

20. CONSIDER RECESSING 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 PUBLIC WORKS DIRECTOR FOR THE PURPOSES OF CONTRACT NEGOTIATIONS

Motion by Longanecker, Second by Lewis to recess into executive session pursuant to K.S.A. 75-4319 (b)(2) for the purpose of discussing contract negotiations to include City Attorney and Public Works Director for thirty (30) minutes.

Motion was approved, 5-0.

Session recessed at 7:54 pm. Meeting reconvened at 8:24 pm.

Motion by Smith, Second by Longanecker to return to open session.

Motion was approved, 5-0.

21. **WALK ON ITEM**

Lee Hendrick, City Attorney, introduced an item regarding the purchase of Real Estate for a City Project. The property is located at 36790 W. 207th Street, Edgerton, KS 66021. The property is owned by 9 family members which have signed an agreement allowing \$15,000 initially to one sibling and then \$250,000 split among the 9 siblings at closing. Closing must occur on or before March 2, 2020 and the seller is to fully vacate the property by that date.

Council Member Conus thanked Mr. Hendricks for a good job on negotiating with the multiple parties that are the property owners.

Motion by Longanecker, Second by Lewis to approve the Real Estate Purchase/Sale Contract for 36790 W. 207th Street.

Motion was approved, 5-0.

22. **Adjourn**

Motion by Beem, Second by Lewis to adjourn.

Motion was approved 5-0. The meeting adjourned at 8:25 pm.

EVENTS

January 24th – Paint Nite

February 1st – Princess Tea Party