

City of Edgerton, Kansas
Minutes of City Council Regular Session
January 26, 2023

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on January 26, 2023. The meeting convened at 7:00PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present via phone
Deb Lebakken	present
Bill Malloy	present

With a quorum present, the meeting commenced.

Staff in attendance:	City Administrator, Beth Linn
	City Attorney, Lee Hendricks
	City Clerk, Alex Clower
	Finance Director, Karen Kindle
	Public Works Director, Dan Merkh
	Public Works Superintendent, Trey Whitaker
	CIP Manager, Brian Stanley
	Development Services Director, Zachary Moore
	Accountant, Justin Vermillion
	Marketing & Communications Manager, Kara Banks

2. WELCOME. Mayor Roberts welcomed all in attendance to the meeting.

3. PLEDGE OF ALLEGIANCE. All present participated in 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. Approve Minutes from January 12, 2023 Regular City Council Meeting.

With no questions or comments, Mayor Roberts requested motion to approve the consent agenda.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Longanecker. The consent agenda was approved, 5-0.

Regular Agenda

5. Declaration. There were no declarations made.

6. Public Comments. There were no public comments made.

7. **Presentation** by Johnson County Department Health and Environment regarding Recycle Right Program.

Brandon Hearn with Johnson County Department of Health and Environment addressed the Council. He stated they have had preliminary talks with city staff and would like to work with the city on an educational recycling program in Edgerton. He stated one of the biggest issues in recycling is contamination because people are not aware of what is and is not accepted at recycling facilities.

He stated they started a pilot program called Recycle Right with Waste Management a few years ago to place "oops tags" on bins to let residents know of materials that should not be in the bins. He and staff at Johnson County Health and Environment (JCDHE) walk neighborhoods before recycling bins are picked up and look for items in recycling bins that should not be there. He told the Council they work with the city and the hauler to notify residents, coordinate dates and times for the review, and educate on best practices. He stated this is an education campaign designed to help residents recycle correctly. Residents are allowed to opt out of participating in the program.

Mayor Roberts stated he was amazed to find out that the Amazon bubble envelopes are not recyclable curbside.

Mr. Hearn stated a lot of people see the symbol and think that means it can be put in any recycling, but that is not the case; rather, the product itself is recyclable but may need to be disposed of at specific locations.

Mayor Roberts stated he believes the educational campaign could make a difference. He stated he would like to see about the possibility of having a glass container for the community. He stated he tried in the past but at that time Edgerton was too far out.

Mr. Hearn stated he would love to have a conversation with his contact for glass recycling and see about that possibility.

Ms. Linn stated staff will work with JCDHE to notify the community that staff from JCDHE will be out. She stated staff started researching recycling education opportunities because Tim Henry with Gardner Disposal notified staff about the amount of contamination in recycling bins. She stated there is no charge for this to the city or the residents.

Mayor Roberts stated Mr. Henry expressed that Edgerton was the worst for contamination of recycle.

Councilmember Longanecker asked how much it takes to contaminate.

Mr. Hearn stated that recycling is a business, so they want the purest product they can to then sell that where it needs to go. He stated sorting facilities try to get through as much as possible, but it adds costs when ideally the problem could be fixed at the curb. He stated

hopefully putting a few things in people's minds will cut down on the contamination. He stated this is really an opportunity to learn and give a baseline to adjust moving forward.

Mayor Roberts stated he thinks many want to do it right, they just don't know.

Councilmember Lebakken asked what percentage of material found in recycling bins is either unrecyclable or contaminated.

Mr. Hearn stated they have sorted and weighed components at a facility and right now the average is around 25%. Bagged recycling is a major problem because that goes right to the trash.

Ms. Linn stated staff is working with JCDHE to get a schedule, but they are looking to start this with better weather in the spring.

Business Requiring Action

8. CONSIDER RESOLUTION NO. 01-26-23A AUTHORIZING THE CITY OF EDGERTON, KANSAS TO ENTER INTO A DEVELOPMENT AGREEMENT FOR A HOUSING DEVELOPMENT PROJECT AND REPEALING RESOLUTION NO. 09-22-22B

Mr. Scott Anderson, Bond Counsel, addressed the Council. He stated the City previously entered into an approved agreement with the Rausch Coleman entity for a housing development that will be known as Dwyer Farms. He stated the city did previously approve an agreement in September 2022, however after approval, Rausch Coleman came back and wanted to negotiate a couple other things. He stated before Council tonight is a signed development agreement by Rausch Coleman. He stated he is asking the Council for consideration to repeal the previous resolution from September and approve the new development agreement with a new resolution. He referenced Article 7 of the agreement which states the changes made from previous versions, such as the developer agreeing to award contract for construction of project site improvements by June 1, 2024, agreement to construct first home by the end of 2024. He stated the City has also agreed to provide sewer service and the terms of this are written in such a way that the city is to provide at such a time that it does not slow down the project. He stated the agreement still contains surety bond provisions; developer must post a bond in case they do not build at a rate they're supposed to for the RHID. He stated the city did start the RHID process when originally approved, that process will have to start over with the approval of this resolution tonight.

Ms. Linn stated the newly revised development agreement does include the original ordinance that shows the development agreement as previously approved.

With no further discussion Mayor Roberts requested motion to approve the resolution.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lebakken. Resolution No. 01-26-23A was approved, 5-0.

9. CONSIDER RESOLUTION NO. 01-26-23B DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS IN THE APPROXIMATE AMOUNT OF \$30,000,000 TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING A COMMERCIAL FACILITY FOR THE BENEFIT OF TRANSPAC LEASING INCORPORATED

Mr. Anderson stated Transpac Leasing Incorporated has been operating a surface container storage lot. He stated at the time the city issued bonds in 2016 to allow sales tax exemption for constructing this project. He stated no property tax abatement was approved and the only incentive is a sales tax exemption certificate. He stated the project has not been built out as quickly as they were expecting and has asked the city to extend the exemption which requires a new bond issue. He stated the Resolution of Intent states they can use the project exemption certificate for the constructing of the remainder of the project. He stated also included is an ordinance that authorizes the execution of the bond documents. He stated these bonds are no obligation to the city.

Mayor Roberts stated he would like to stress a couple things for the benefit of the public and new councilmembers. He stated these bonds are not the obligation of the city to pay and there is no property tax abatement for this LPKC growth. He stated container storage has never been abated but does typically have sales tax exemption for construction material.

With no further discussion Mayor Roberts requested motion to approve the resolution.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Malloy. Resolution No. 01-26-23B was approved, 5-0.

10. CONSIDER ORDINANCE NO. 2129 AUTHORIZING BOND DOCUMENTS AND THE ISSUANCE OF THE CITY'S TAXABLE INDUSTRIAL REVENUE BONDS (TRANSPAC LEASING INCORPORATED PROJECT) SERIES 2023, FOR THE PURPOSE OF FINANCING THE COST OF A SURFACE CONTAINER STORAGE LOT

Mr. Anderson stated the information regarding this item was mentioned before in the description of Resolution No. 01-26-23B.

With no questions or comments Mayor Roberts requested motion to approve Ordinance No. 2129.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Longanecker. Ordinance No. 2129 was approved, 5-0.

11. CONSIDER RESOLUTION NO. 01-26-23C APPOINTING ZACHARY MOORE AS ZONING ADMINISTRATOR

Ms. Linn stated this resolution is a formality for the newly hired Development Services Director position, it moves the responsibility of the Zoning Administrator from her to Zachary Moore as part of his position.

With no questions or comments Mayor Roberts requested motion to approve Resolution No. 01-26-23C, appointing Zachary Moore as Zoning Administrator.

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Malloy. Resolution No. 01-26-23C was approved, 5-0.

12. CONSIDER AN AGREEMENT WITH HELPING HANDS CLEANING MINISTRY TO PROVIDE JANITORIAL SERVICES FOR THE EDGERTON CITY HALL AND AUXILIARY OFFICE SPACE

Ms. Linn stated that our current cleaning contract is a month-to-month contract and due the service quality, staff is recommending termination of the current contract and entering into the agreement with Helping Hands Cleaning Ministry. She stated the yearly cost is an increase from the previous company but there is still adequate budget.

With no questions or comments Mayor Roberts requested motion to approve the contract with Helping Hands Cleaning Ministry for janitorial services.

Councilmember Malloy moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 5-0.

13. Report by the City Administrator

- **WALK ON:** Consider a Project Budget Adjustment for Library Roof Project and Library Brick Project

Mr. Merkh addressed the Council. He stated staff is requesting an adjustment to the previously approved project budget with an increase of \$8,000.

He stated when executing the contract with 435 Roofing, staff did not realize the contract included a range of pricing, rather than a singular contract price. He stated the lowest price point was to complete the overlay of roofing material with new roofing material, the highest price point was to completely remove the existing roof and replace with new roofing material. He stated based on the conditions of the roof, the contractor had to do a mix of both overlay and replacement. This resulted in the actual price of work being higher than the lowest end of the range, which was the approved price point. He stated staff noticed this when an invoice was received that was greater than the anticipated lower end price.

He stated the scope completed provides the most appropriate product for the longevity of the roof and staff has implemented procedures moving forward to verify pricing for future projects. He stated in working with library staff, they also identified an additional scope of work being recommended to City Council for addition to the contract with GKW for the brick repair and replacement. He stated staff would recommend a safety improvement to remove and reestablish the bricks on the back patio to remove various hazards on the walking surface. He stated this additional scope was not originally funded. He stated the quality of work provided by GKW Group has been exceptional and staff would recommend utilizing their expertise and availability while already on site to complete this work. He stated it is a proposed \$1,550 and staff would recommend increasing the budget by this amount to ensure the greatest positive impact to the facility.

He stated between the two projects the \$8,000 additional funding can be found in the General Fund.

Councilmember Lewis asked why staff did not recognize that there was a range for the price of the roof.

Mr. Merkh stated the pricing was established from minimum to maximum placement.

Councilmember Lewis asked how much the amount is over.

Mr. Merkh stated roughly \$6,000.

Councilmember Lewis stated the roof replacement ended up costing roughly \$30,000.

Mr. Merkh stated yes and the workmanship has been excellent.

Mayor Roberts stated he looks forward to seeing how they do with remainder of project. He stated the bricks there are apart of the original renovation with many members of the community names on them.

With no further discussion Mayor Roberts requested motion to approve the budget increase of \$8,000 and authorization of Mayor to execute the change order.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Lebakken. The motion was approved, 5-0.

- 8th and Braun Intersection Improvements Project Update

Mr. Merkh stated they plan to pave the last two portions on Friday and what they pour will need a full 7 days to cure. He stated staff is requesting an extension of an additional week for opening the roadway. He stated the intention is to open it to traffic February 6th with the project being substantially complete that following week. He stated permanent seeding and road markings will be completed in spring with warmer weather.

- The Greenspace Project Update

Ms. Linn stated many may have noticed the yellow signs in front of the yellow house. She stated the city has reached the point where it is time for our very own project to go through development process. She stated staff submitted an official application related to The Greenspace project and four applications will be going to planning commission. The first will be the rezoning application which is requested to become downtown commercial for the entirety of the project area. She stated then the preliminary and final plats will go before planning commission to establish the lots for the project. She stated the site plan will also be going to the development team for their review to make sure everything meets city code. She stated the City purchased the house just south of the library and staff from the yellow house and a few others will move to that location as temporary office space. She stated the city has first right of refusal on property on the southwest corner.

She showed conceptual renderings of The Greenspace and draft site plan drawings to the Council.

She stated staff has been working with the team as they prepare documents for bid. She stated bidding and demolition are slated for March with construction to begin in June of this year.

Councilmember Lewis stated based on schedule, it's looking like it will be complete by end of 2024.

Ms. Linn stated hopefully.

14. Report by the Mayor

Mayor Roberts stated he had no report to give.

15. Future Meeting Reminders:

- February 9th: City Council Meeting – 7:00PM
- February 14th: Planning Commission Meeting – 7:00PM
- February 23rd: City Council Meeting – 7:00PM
- March 9th: City Council Meeting – 7:00PM
- March 14th: Planning Commission – 7:00PM
- March 23rd: City Council Meeting – 7:00PM

16. **CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B(2)) UNDER THE ATTORNEY/CLIENT EXCEPTION TO INCLUDE THE CITY ATTORNEY, CITY ADMINISTRATOR, PUBLIC WORKS DIRECTOR AND CIP PROJECT MANAGER TO DISCUSS CONTRACT NEGOTIATIONS.**

Mayor Roberts requested motion to recess into executive session for the above-mentioned exception for 15 minutes. He stated the meeting will resume in the Council Chambers.

Councilmember Lebakken moved to recess into executive session with no action taken for 15 minutes, Councilmember Lewis seconded the motion.

The meeting recessed into executive session at 8:20PM for 15 minutes.

Councilmember Lebakken moved to return to open session to request and additional 5 minutes. This motion was seconded by Councilmember Lewis.

The meeting recessed back into executive session at 8:35PM.

Councilmember Longanecker moved to return to open session with no action taken, seconded by Councilmember Malloy.

Open session resumed at 8:40PM.

17. Adjourn

With no further business, Mayor Roberts requested motion to adjourn the meeting.

Councilmember Lewis moved to adjourn, seconded by Councilmember Longanecker. The meeting was adjourned at 8:40PM, 5-0

Submitted by Alexandria Clower, City Clerk