

City of Edgerton, Kansas
Minutes of City Council Regular Session
February 25, 2021

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on February 25, 2021. The meeting convened at 7:00 PM with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present via videoconference
Clay Longanecker	present
Josh Lewis	absent
Katee Smith	present via videoconference
Josh Beem	present via videoconference

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks (via videoconference)
- City Clerk Alexandria Clower
- Development Services Director Katy Crow
- Finance Director Karen Kindle (via videoconference)
- Accountant Justin Vermillion (via videoconference)
- Public Works Director Dan Merkh
- Marketing and Communications Manager Kara Banks

2. WELCOME

3. PLEDGE OF ALLEGIANCE

Consent Agenda

4. Approve Minutes from February 11, 2021 Regular City Council Meeting
5. Consider Application FP2020-04, Final Plat for Logistics Park Kansas City South, Third Plat, Generally Located Near the Northeast Corner of Waverly Road and 207th Street, Edgerton, Kansas.

Ms. Beth Linn, City Administrator, requested item 4 be removed for approval. She stated the minutes sent in the packet were draft minutes and the minutes council now has, are minutes that have been approved by City Attorney with minor changes. Ms. Linn asked for council approval on final minutes.

Councilmember Longanecker motioned to approve item number 4, Approving the Minutes from February 11, 2021 City Council Meeting. Motion seconded by councilmember Beem. The item was approved 4-0.

Councilmember Lewis signed on at 7:02 PM

Mayor Roberts requested item 5 be removed for further discussion. He questioned the ability to see what is happening on Waverly Road related to final plat application FP2020-04. Ms. Crow, Development Services Director, addressed the council. She stated that this is the final plat for Inland Port 52, which will be located directly north of the current Hostess facility on 207th Street in LPKC. She stated that the Planning Commission had met on February 9, 2021 and recommended approval of this final plat application.

Mayor Roberts asked if the new roadway will curve as is shown on this plat. Ms. Linn stated that the Planning Commission discussed moving the road further east towards the eastern property line and straightening it. Ms. Crow stated that the applicant agreed to have the road straighten out and end in a cul-de-sac to address concerns from the neighbors, but that those changes were not currently shown on the final plat. Ms. Crow stated the Governing Body has the options to table this item until staff can have conversations with the applicant about the changes that need to be made and staff will return with an updated plat submitted by the applicant that reflects those changes. In addition, the applicant is working on a bifurcation of Waverly Road to help eliminate truck traffic between 199th and 207th along Waverly Road. That will not be reflected on this plat but any vacation of right of way that occurs will come back to council at a future date for their approval.

Mayor Roberts stated he is concerned with approving the plat as it is shown today, and once it is adopted the city would not have the ability to enforce the necessary changes. He suggested tabling this item until the plat is updated to reflect what was discussed at the Planning Commission meeting.

Councilmembers Conus and Longanecker agreed that the plat application should be tabled until the updates could be made by the applicant.

Councilmember Smith motioned to table item number 5, Application FP2020-04, Final Plat for Logistics Park Kansas City South, Third Plat. Councilmember Conus seconded the motion to table the item. All councilmembers were in favor of tabling this item, 5-0.

Regular Agenda

6. Public Comments.

Mr. Darwin Lawyer, 45 E 2300 Rd., addressed the council. He stated the morning of February 15, 2021 he woke up to having no water and called City Hall right away. Due to the national holiday, City Hall was closed, but the on-call person, Bryce Webster, answered right away. He stated he talked to Bryce and explained his situation, and at that time, Bryce stated he would call his supervisor and be back with Mr. Lawyer as soon as he could. He stated not long after getting off the phone with Bryce, Trey Whitaker, Public Works Superintendent, called him back to explain there would be a couple maintenance techs heading his way to assess the water problem. Mr. Lawyer stated when the Public Works crews showed up to start work, they pulled the lid off the meter and found it was frozen. Mr. Lawyer stated he received further communication

from Mr. Dan Merkh, Public Works Director and Ms. Kara Banks, marketing and communications manager, both of which treated him with upmost respect. He stated the City of Edgerton has hired an exemplary team, and the men who came out to restore his water service would not stop until the job was finished. Mr. Lawyer stated he would like to thank the people who helped him that day, especially Chase Forrester, Peter Cappalleti, Dan Merkh, Trey Whitaker, and Kara Banks.

Mayor Roberts thanked Mr. Lawyer for coming by and expressing his thankfulness to the staff.

7. **Declaration.** There were no declarations made by any of the councilmembers.

Business Requiring Action

8. CONSIDER RENEWAL OF CORPORATE INSURANCE POLICY FOR APRIL 1, 2021 – MARCH 31, 2022

Ms. Karen Kindle, Finance Director, addressed the council and introduced Kevin O'Brien with The Reilly Company, the City's Insurance Advisor. She stated annually, the City considers the renewal of its corporate insurance policies. The corporate insurance policies include several coverages, such as Property, Crime, Inland Marine, General Liability, etc.

Ms. Kindle stated in 2019, the City received notice that the previous insurance company, OneBeacon, would no longer be renewing the City's insurance policies. She stated Mr. O'Brien, the city's insurance agent, began work to bid the city's insurance program for 2020-2021 renewal, after receiving two bids, Mr. O'Brien recommended Travelers. She stated Council approved the program with Travelers at the March 26, 2020 City Council Meeting. In December 2020, staff began working with Mr. O'Brien to complete the renewal process for 2021-2022 and Mr. O'Brien began working with Travelers to renew the City's program.

Ms. Kindle stated at the renewal in 2019, council directed staff to determine which property was to be insured in which manner, replacement cost, actual cash value, or self-insured. A comprehensive list was developed with those methods of coverage valuation and council adopted those methods of replacement on March 28, 2019. Ms. Kindle stated the premiums this year did not go up nearly as much as they have in the past. She stated the City budgeted \$105,000 and the premiums are just over \$86,000, well within the planned budget.

Ms. Kindle introduced Mr. Kevin O'Brien to give a further breakdown of the city's policies. He referenced the renewal proposal document provided in the council packet. Mr. O'Brien recommends the same pollution liability coverage from Crum & Forster for an amount of \$5,671, which is a zero increase in premium. He stated he recommends changing the cyber liability coverage to a new company, HDI Global, due to similar coverage at a much lower premium cost. The new premium is \$1,943, a savings of \$1,687.

Mr. O'Brien stated overall, the proposed cost of the City's insurance program renewal will increase \$987, or 1.2%, over the cost of the 2020-2021 program, primarily due to the 8% increase in property values from last year.

Councilmember Longanecker motioned to approve the renewal of the City's Insurance Policy for April 2021 – March 2022. Motion seconded by councilmember Beem. The item was approved 5-0.

9. CONSIDER AGREEMENT WITH TREKK DESIGN GROUP LLC FOR THE DESIGN OF THE 2021 CDBG 7TH & NELSON SANITARY SEWER PROJECT

Mr. Dan Merkh, Public Works Director, addressed the council. He stated on May 28, 2020 City Council approved the submission of an application to Johnson County for the 7th & Nelson Sanitary Sewer Project for Community Development Block Grant (CDBG) funding.

Mr. Merkh stated in September of 2020 Johnson County notified staff of the proposed award of the full funding request of \$200,000. The amount is based on estimated funding, as the County has yet to receive their allocation from U.S. Department of Housing and Urban Development (HUD). He stated the program year starts at the new year, and costs can be incurred after that date. Final authorization is dependent on Congress approving the budget, at that time City Staff will coordinate with Johnson County appropriately.

Mr. Merkh stated on December 11, 2020, the City of Edgerton issued a Request for Qualifications seeking engineering teams for the design of the 2021 CDBG 7th & Nelson Sanitary Sewer Project. The project includes inventory and analysis of the existing collection system, as well as design of the improvements. He stated most of the proposed work will be replacement of Vitrified Clay Pipe (VCP) with Polyvinyl Chloride (PVC). Some areas within the project area will include various forms of repairs. The manholes within the project area would also be prioritized and lined as needed. He stated to maximize the usage of the funds provided by CDBG, the proposed project area is larger than the proposed scope of the project.

Mr. Merkh stated the work proposed will reduce the amount of Inflow and Infiltration (I&I) from this area. I&I is the wastewater system receiving stormwater, then conveying it to the plant for treatment. Currently the City has a Wastewater Master Plan underway. This plan identifies this project area as an area of emphasis for I&I reduction within the City.

Mr. Merkh stated there was a total of five submissions and the selection committee (made up of the City Engineer, Public Works Director, Public Works Superintendent, and Utilities Superintendent) recommends TREKK Design Group, LLC as the best, most qualified team for the project. He stated this final selection is pending final approval of the contract from City Attorney and City Engineer. He stated the selection committee recommends TREKK Design Group, LLC team based on their existing experience providing these services to municipalities both of similar size and larger populations, as well as experience working with the grant funding.

Mr. Merkh stated the funding source for the project is identified as the Sewer Fund as well as the CDBG funding, by the CIP. The budget for the project listed in the CIP is \$518,000. The agreement with TREKK will be a not-to-exceed contract. Any changes to approved scope will need authorization, in compliance with our purchasing policies. Staff is currently working with TREKK to finalize the scope and fee for the project. Upon final approval from City Attorney and City Engineer staff recommends authorizing the Mayor to execute the agreement.

If approved, staff anticipates beginning the design of the project immediately with construction to be completed in 2021. He stated Amy Gralapp, with TREKK Design Group was available via videoconference to answer any questions council might have.

Councilmember Longanecker asked if the \$200,000.00 is paid for by CDBG and if what's left is then paid for by the sewer fund. Mr. Merkh stated the CIP proposed a lower amount from CDBG and the City was granted a higher amount, so the City will replace more bad pipe.

Councilmember Longanecker motioned to approve the agreement with TREKK Design Group, LLC for the design of the 2021 CDBG 7th & Nelson Sanitary Sewer Project. Motion seconded by councilmember Smith. The agreement was approved 5-0.

10. CONSIDER AN AGREEMENT WITH BG CONSULTANTS FOR CONSTRUCTION INSPECTION SERVICES FOR THE CONSTRUCTION OF THE 207TH GRADE SEPARATION AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT

Mr. Dan Merkh, Public Works Director, addressed the council. He stated at the 2017 Capital Improvement Program Work Session, the City Council provided direction to allocate \$15,000,000 from the Public Infrastructure Fund from LPKC Phase I for 2018, 2019, and 2020 and Johnson County Assistance Roads System (CARS).

He stated, at the November 8, 2017 City Council Meeting, the Council approved the design of the "Off-Alignment" bridge presented by HDR and chose to forego the acceptance of federal funding in order to free up time for staff and decrease the cost of federal prevailing wage requirements.

At the January 11, 2018 City Council Meeting, the Council approved the Preliminary Design Agreement with HDR for design services for the 207th Street Grade Separation Project.

Mr. Merkh stated on February 14, 2018 City Council approved an amendment to the owner-engineering agreement between the City and HDR, Inc. for the Final Design of the project. The 207th Street Grade Separation Project is funded entirely from CARS and the Public Infrastructure Fund as part of the City's agreements with BNSF Railway and Edgerton Land Holding Company for Logistics Park Kansas City (LPKC). He stated no city general fund dollars will be used for this project.

On February 11, 2021, City Council approved the selection of Pyramid Contractors to construct the project. Of the four bids, Pyramid Contractors was the lowest and best bid. The project includes an off-alignment road, bridge, storm inlets, storm pipes, sidewalks, street lighting, and utilities realignments.

Mr. Merkh stated, similar to other large infrastructure projects constructed by the City of Edgerton, a critical component to the success of the expansion of a major road and utility relocation is partnering with a firm to perform the construction administration and observation services. On January 21, 2021 City staff solicited two companies for a proposal to inspect the project. Within this proposal the scope was included, the company rate sheet, an estimated cost, and a list of opportunities to capture savings to the overall inspection costs. These Requests for Proposals (RFP) were received on February 10, 2021. BG provided a lower cost

(\$330,547.92) as well as identified an opportunity to capture savings (\$45,630.00) by careful selection of construction items that do not typically need complete inspections, for example, forming, all of the rebar placement, and curing of the deck. He stated BG has noted they are already providing these services on a nearby project for the same contractor, allowing streamlining of the schedule.

Mr. Merkh stated BG Consultants has prepared the attached Agreement to provide the construction inspection services for the 207th Grade Separation Project. The Agreement includes a scope of work to include such services as performing inspections, notification of the City of any significant issues or changes to the plans, providing detailed daily reports of construction activity, reviewing testing reports and pay estimates, etc.

He stated the Proposals were based on 100% inspections, but the Agreement is structured to only pay for hours worked on the project. The Agreement includes an hourly rate schedule applicable for the term of the Agreement. He stated this Agreement is structured like the Agreement for City Engineer services where the City is only billed for actual hours of work performed. Mr. Merkh stated staff will work with BG to best prioritize the use of their services to limit the project budget.

Mr. Merkh stated funding for this project was included in the 2021-2025 Capital Improvement Program, with an overall project cost of \$15,000,000. The estimate for BG to conduct construction inspection is within budget.

Councilmember Longanecker motioned to approve the Agreement with BG Consultants for Construction Inspection Services. Motion seconded by Councilmember Conus. The Agreement was approved 5-0.

11. Report by the City Administrator

Ms. Beth Linn, City Administrator, addressed the council. She stated she wanted to give an update related to future events. She stated the City has not scheduled any events through the end of March, typically, the city would be scheduling the Easter Egg Hunt, but guidelines prevent from hosting any events until after March 31st.

She stated the City will be hosting the annual late spring/summer events as scheduled this year, unless otherwise notified per CDC guidelines.

- City Wide Garage Sale on May 8th
- City Wide Clean Up on May 15th
- Summer Kick Off Block Party to include movie night on June 5th
- Frontier Days will be celebrating their 50th Anniversary on June 18th-20th
- Community Picnic and Fireworks Show on July 3rd

Ms. Linn stated the city is currently recruiting for recreation coordinator and fully anticipates that person being hired prior to the start of these events.

Councilmember Longanecker asked for an update on the Building Inspector position. Ms. Linn stated based on priority approved by council, the city is currently filling the CIP Project Manager, next the city will work to fill the Recreation Coordinator and finally, the city will work to fulfill the position of Building Inspector.

Ms. Linn stated KDOT is rebuilding the bridge at 199th Street over I-35 and after several delays, the final schedule for demolition is set for this weekend, beginning at 5am Saturday and reopening by 5am Sunday.

She stated as a reminder that the Governing Body gave direction to staff to prepare for council to be back in person at City Hall on March 11th for the council meeting.

Ms. Linn introduced Dan Merk to give an update related to Winter Weather Operations.

Mr. Merkh stated to-date, the city has had 8 winter weather events. He stated during these times, crews are split into two teams of 4 and work 12 hour shifts for 24-hour coverage. He stated the city has added 1 additional plow to the fleet and has utilized the wheel loader when needed for the season.

He stated priority 1 roads are those that are major trafficways for the city, priority 2 are neighborhood roads and priority 3 are cul-de-sacs, dead ends, and alley ways.

Mr. Merkh stated the City's Municipal Code states all vehicles must be moved off of roadways within two hours of a snow event being declared. He stated sidewalks are the responsibility of the property owner and are required to be cleared within 48 hours after snowfall has ended. He stated the clearing of sidewalks is not tied to a declared snow event.

Mr. Merkh stated the most recent winter weather event proved to be difficult one. He stated this storm had extreme cold temperatures, with a low of around -11 degrees and below freezing for the entirety of the event. Mr. Merkh stated these extreme cold temperatures played havoc on City equipment and infrastructure. He stated the city had 3 pieces of equipment fail to operate and throughout the city, there were a number of frozen meters and no water calls. He stated the amount of precipitation was manageable, but when combined with the extreme temperatures, the effectiveness of salt and brine treatment was very limited.

Mr. Merkh stated during this event, snowfall ranged around 1.5" in the first round of snow, and the second round of snow dropped just under 2". He stated City Staff was nearly done running curb to curb when the second round of snow fall began to start. This reset priorities, taking staff back to the priority list described earlier. He stated once the second round of snow was cleared curb to curb, staff began the removal of snow on sidewalks, trails and facility lots.

Mayor Roberts stated he would like to add that during this snow event and the closure of City Hall due to the holiday, City Hall experienced IT issues with the on-call phone. He stated City Hall staff stepped in to take phone calls, etc. to help keep the call volume manageable and residents at ease.

Ms. Linn stated Councilmember Conus had asked about the crews 12-hour shift, 24-hour coverage. She stated staff switches monthly from day to night shift.

Ms. Linn stated Councilmember Beem asked questions related to the Highway 56 Trail and the clearing of snow. She stated this trail is part of the trail network and currently it is cleared as a Priority 3. She stated because this trail fulfills a safety component for the public to access essential business city staff will evaluate the trail in priority over some of the other trail locations.

12. Report by the Mayor

Mayor Roberts stated Frontier Days Committee is looking at adding the 20th to the weekend events and having a car show, but it is not for sure yet.

He stated March 6th is scheduled for Lewis Indoor Athletics ribbon cutting ceremony and March 20th is the city's annual low-cost animal vaccine clinic at City Hall.

13. Future Meeting Reminders:

- March 9th: Planning Commission Meeting – 7:00 PM
- March 11th: City Council Meeting – 7:00 PM
- March 25th: City Council Meeting – 7:00 PM
- April 8th: City Council Meeting – 7:00 PM
- April 13th: Planning Commission Meeting – 7:00 PM
- April 22nd: City Council Meeting – 7:00 PM

14. **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, CITY ADMINISTRATOR, BOND COUNSEL AND FINANCIAL ADVISOR FOR THE CITY, FOR THE PURPOSES OF CONTRACT NEGOTIATIONS**

Councilmember Longanecker motioned to recess 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 the City Attorney, City Administrator, City Bond Counsel and City Financial Advisor, for the purposes of contract negotiations for 15 minutes. Councilmember Smith seconded the motion. The meeting recessed into executive session at 8:12 PM, 5-0.

Councilmember Longanecker motioned to return to open session with no action being taken. Councilmember Smith seconded the motion. Open session resumed at 8:27 PM, 5-0.

Councilmember Longanecker motioned to recess into executive session pursuant to K.S.A 75-4319(B)(2) for an additional 15 minutes. Councilmember Smith seconded the motion. The meeting recessed into executive session at 8:27 PM, 5-0.

Councilmember Longanecker motioned to return to open session with no action being taken. Councilmember Smith seconded the motion. Open session resumed at 8:42 PM, 5-0.

15. **CONSIDER ORDINANCE NO. 2061 AUTHORIZING THE CITY OF EDGERTON, KANSAS, TO ISSUE HOME RULE REVENUE BONDS (LOGISTICS PARK INFRASTRUCTURE PHASE ONE PROJECTS) SERIES 2021A, AND A SERIES 2021A NOTE, FOR THE PURPOSE OF REFUNDING CERTAIN PRIOR BONDS OF THE CITY, PAYING OR REIMBURSING THE COSTS OF PUBLIC INFRASTRUCTURE IMPROVEMENTS AND FOR OTHER PURPOSES; AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.**

Mr. Scott Anderson, Bond Counsel, addressed the council. He stated the City entered into a Master Indenture in 2015 with UMB Bank, as trustee (successor trustee to Commerce Bank). Pursuant to the Master Indenture, the City issued its Series 2015A Bonds in 2015 and its Series 2018A Bonds in 2018 (together, the "Prior Bonds"). The Prior Bonds were issued on a tax-exempt basis for the purpose of financing public infrastructure improvements at the Logistics Park. All of the Prior Bonds were purchased by ELHC.

Mr. Anderson stated there are approximately \$16 million in Prior Bonds outstanding. Kansas City Financial Corporation (an affiliate of UMB Bank) desires to purchase approximately \$12.5 million of the Prior Bonds at an interest rate of 2%. The current interest rate on the Prior Bonds is slightly under 6%. He stated this low interest rate will result in significant savings to the public infrastructure fund.

He stated as part of the refinancing, we have negotiated a new Amended and Restated Master Trust Indenture. The new Master Indenture authorizes approximately \$12.5 million in Series 2021A Bonds to be placed with Kansas City Financial Corporation and an approximately \$4.5 million Series 2021A Note that will be placed with ELHC. ELHC will then surrender all of the Prior Bonds.

Mr. Anderson stated the Ordinance authorizes the City to issue the Series 2021A Bonds and the Series 2021A Note. The Ordinance also authorizes the City to enter into various other documents.

The new Master Indenture does authorize additional bonds to be issued for future infrastructure, but only if future projects generate enough revenue to pay all of the outstanding obligations plus the additional bonds. He said this is a situation where the project pays for itself.

He stated the Series 2021A Bonds and the Series 2021A Note are not general obligations of the City, but are paid solely from funds deposited in the Public Infrastructure Fund (PIF) or otherwise transferred to the Trustee for such purpose. Councilmember Conus asked what the total amount of GO debt converted to the PIF Fund is. Mr. Anderson stated about \$242,000 of the City 2020A General Obligation bonds will be converted and that the refinancing will allow Edgerton to pay off the debt used to finance the construction of the Quiet Zone Improvements along Nelson Street and the State Revolving Fund Loan for construction of the Big Bull Creek Wastewater Treatment Plant.

Mayor Roberts stated this will save over \$10 million in interest, which allows the city to pay off debt sooner and allows the residents to collect 100 percent of the money after that. He stated the city is looking at roughly 19 years to be debt free if this Ordinance passes today.

Councilmember Longanecker motioned to approve passing Ordinance No. 2061. Motion seconded by Councilmember Conus. The item was approved, 5-0.

16. Adjourn

Councilmember Smith motioned to adjourn, seconded by councilmember Beem. All in favor. Meeting adjourned at 8:58 PM.

EVENTS

March 6th: Lewis Indoor Athletics, Ribbon Cutting Ceremony at 10:00 AM

March 20th: Low-Cost Animal Vaccine Clinic