

**City of Edgerton, Kansas  
Minutes of City Council Regular Session  
April 23, 2020**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on April 23, 2020. The meeting convened at 7:03 PM with Mayor Roberts presiding.

**1. ROLL CALL**

Ron Conus	present via videoconference
Clay Longanecker	present via teleconference
Josh Lewis	present via videoconference
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/Planning and Zoning Coordinator Chris Clinton
- Development Services Director Katy Crow via videoconference
- Finance Director Karen Kindle via videoconference
- Accountant Justin Vermillion via videoconference
- Public Works Director Dan Merkh
- Marketing and Communications Manager Kara Banks via videoconference

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

**4. Approve Minutes for April 9, 2020 Regular City Council Meeting.**

Councilmember Smith motioned to approve the Consent Agenda, motion seconded by Councilmember Longanecker. The Consent Agenda was approved, 5-0.

**REGULAR AGENDA**

**5. Public Comments.**

There were no public comments made at this time.

**6. Declaration.**

None of the Councilmembers had any declarations at this time.

**7. Discussion Regarding Possible Changes to the Fee Resolution**

Ms. Katy Crow, Development Services Director, spoke to the Council. She said the Council requested City Staff review the Fee Resolution and provide an analysis related to fee reductions for senior residents at the meeting on March 26, 2020. The specific fees requested for review were chicken permits and building permits for home maintenance items. Ms. Crow stated that the Fee Resolution does have a fee reduction for residents sixty (60) and over for pet registration. City Staff will use the age of 60 as the qualifying age for the proposed fee reductions. Ms. Crow explained the requirements for obtaining a chicken permit and at this time, the City has issued two (2) chicken permits with a possible third one currently under review. Three (3) inquiries for chicken permits have been fielded by City Staff within the last week. Councilmember Longanecker said he appreciates the time City Staff has put into the review of the Fee Resolution. He was unaware of the review it takes for a resident to obtain a chicken permit but believes the reduction of the fee for seniors would still cover most, if not all, of the City's expense. Councilmember Longanecker stated this is a good way to help seniors stay active and obtain locally sourced food. Councilmember Smith asked if the fee reduction was just for seniors. Ms. Crow answered it is and the 2 issued permits do not belong to seniors. Mayor Roberts asked how many of the permits have been renewed. Ms. Crow replied the 2 issued permits will be up for renewal soon. Mayor Roberts agrees this is a great way for seniors to get a local source of food and stated other municipalities have chicken permits get applied for then residents see how much work is needed and do not preceded very far. Ms. Crow restated the requirements residents need to follow to obtain a chicken permit and said City Staff recommends to lowering the fee for seniors aged 60 and over to twenty-five dollars (\$25) per year.

Ms. Crow said the Council also directed City Staff review building permits pertaining to home maintenance. She explained the current Fee Resolution has a fee of fifty dollars (\$50) for permits for residential fuel gas, plumbing, mechanical, and electrical permits. Those permits include project such as water heater replacement, furnace and air conditioning replacement, sewer repairs, basic electric work. Ms. Crow explained there are usually connections to a utility and involve a life safety component that could impact adjacent homeowners. Larger scale projects like decks, room additions, pools, are based on the valuation of the project on a sliding scale and are mostly seen as home improvement and not maintenance. City Staff recommends a reduction of the home maintenance permits to \$25 for seniors. Councilmember Longanecker stated he agrees with City Staff's recommendation as it still covers the City's expense to inspect the work and still gives seniors a more affordable way to maintain their home. Councilmember Beem asked if a water heater needs a permit to be replaced. Ms. Crow stated it does per the City's Code. Mayor Roberts said it is a life safety issue as it connects to gas or electric utility and requires an inspection. The Council directed City Staff to update the Fee Resolution and present it to the Council next meeting.

### **BUSINESS REQUIRING ACTION**

#### **8. CONSIDER THE AUDIT OF FINANCIAL STATEMENTS AS PRESENTED BY VARNEY & ASSOCIATES**

Ms. Karen Kindle, Finance Director, addressed the Council. She stated City Staff completed the 2019 audit of financial statements with Varney and Associates. A letter was provided to the Councilmembers that outlines the audit, showing the City did receive a clean audit

opinion. She thanked City Staff and the Council for helping achieve the clean opinion. She explained a hard copy of the full audit was delivered to each Councilmember today that includes the letter. Ms. Beth Linn, City Administrator shared the letter. She said the letter states it was a smooth audit that issued a clean opinion. Ms. Linn understands there is a lot of information in the audit for the Councilmembers to take in. Due to technical issues, a representative from Varney and Associates was unable to join the meeting. Ms. Linn said it is also a disadvantage of not being able to meet in person, but any questions that are asked will be answered. Ms. Linn explained the volume and complexity of the business Edgerton has makes the clean opinion that much more rewarding. Mayor Roberts thanked City Staff for their amazing work to obtain great audit opinions. Councilmember Conus asked if fourth quarter financial report is not provided since the audit is done. Ms. Linn replied that is correct.

Councilmember Conus motioned to approve the 2019 audit of financial statements as presented by Varney and Associates, Councilmember Longanecker seconded the motion. The 2019 audit was approved, 5-0.

9. **CONSIDER RESOLUTION 04-23-20A SETTING A DATE FOR A PUBLIC HEARING REGARDING THE EDGERTON HOMESTEAD LANE RETAIL DISTRICT REDEVELOPMENT (TIF) DISTRICT PROJECT PLAN A1**

Mr. Scott Anderson, Economic Development Council, thanked the Council for allowing him to present. He explained the Resolution is to set the date for a public hearing. He said the Homestead Lane Retail Tax Increment Financing (TIF) District was established on August 22, 2019 at the northeast and northwest corners of Homestead Lane and Interstate 35. At the northeast corner, an agreement was reached between the City and My Store III, Inc for a redevelopment of just over twelve (12) acres.

Mr. Anderson explained what is needed for the City to create a project plan within a TIF District. He went over the findings of the feasibility study, which is the first step. My Store III, Inc. has completed the second step by preparing a project plan. The Planning Commission satisfied the third step when it approved a Resolution on April 14, 2020 that found Project Plan A1 consistent with the Comprehensive Plan. The fourth step is to set a date for the public hearing, which is what this Resolution will achieve by setting the date for the public hearing as May 28, 2020. The City Clerk will do the fifth step by notifying the County, School District, and property owners and publish the notice of the public hearing. The final step will be an Ordinance creating the project plan.

Councilmember Longanecker motioned to approve Resolution No. 04-23-20A, seconded by Councilmember Smith. Resolution No. 04-23-20A was approved and a public hearing was scheduled on May 28, 2020, 5-0.

10. **CONSIDER USING JOHNSON COUNTY'S COOPERATIVE CONTRACT LANGUAGE TO UTILIZE MAX RIEKE BROS. AND UPDIKE PAVING CORP. FOR THE CONSTRUCTION PHASE I OF THE 56 HIGHWAY MULTI-USE TRAIL**

Mr. Dan Merkh, Public Works Director, spoke before the Council. He stated in 2019, the City completed the design of the Highway 56 Trail Project. The Council allocated a total of

\$150,000 for the entire project. In September of 2019, the City held a public letting where six (6) contractors provided bids. All of the bids received were above the allocated budget and the City rejected all of the bids. City Staff was directed to look for options such as phasing this project with others, look for cooperative purchasing options and any other cost saving measures available.

Mr. Merkh stated during the design phase of the 56 Highway Multi-Use Trail project, City Staff looked at the option of constructing the trail out of asphalt or concrete. The City used a typical section of 6 inches of concrete reinforced with fibermesh and the alternate was eight (8) inches of asphalt. Mr. Merkh said City Staff pursued the base bid for the concrete section. While the materials offer similar life expectancies, there is a difference in the maintenance. He explained the concrete does not need as much maintenance as the asphalt requires. The maintenance will be done by City Staff and can be lumped in with the annual street maintenance program.

Mr. Merkh said when the City works with Johnson County Parks and Recreation, access to cooperative purchasing for asphalt trail work became available. This includes hourly cost for site work and the trail paving. This process is similar to the one used to complete the reconstruction of the Martin Creek Park Project in 2018. Mr. Merkh explained the basic cost structure that is available this route. This first phase will cost an estimated \$80,000, and the allocated budget for this phase was \$85,300. City Staff will continue the condemnation process to secure the necessary easements for Phase II. Once the easements have been acquired, City Staff will present the Phase II costs to the Council.

Mayor Roberts requested clarification of the location of the trail for Phase I. Mr. Merkh replied the trail will be on the south side of 56 Highway and start at First Street and continue to the west property line of Edgerton Elementary School, approximately 1,123 linear feet. Councilmember Longanecker asked for if the price was for the entire trail. Mr. Merkh answered it is only for Phase I.

Councilmember Longanecker motioned to approve using Johnson County's cooperative contract language to utilize Max Rieke Bros. and Updike Paving Corp. for the construction of Phase I of the 56 Highway Multi-Use Trail, seconded by Councilmember Beem. The motioned carried, 5-0.

**11. CONSIDER PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF EDGERTON AND BURNS & MCDONNELL INC. FOR 2020 WASTEWATER MASTER PLAN**

Mr. Merkh presented the item to the Council. He stated on February 19, 2020, the City issued a Request for Qualifications seeking engineering teams for the analysis of the wastewater system and development of a Master Plan. The Project includes inventory and analysis of the existing collections system, existing lift stations, and existing wastewater treatment plant. He explained the Project will also review existing development patterns, as well as target future development and system expansion. Inflow and Infiltration (I&I) will also be reviewed. Mr. Merkh stated I&I is the wastewater system receiving stormwater, then conveying it to the plant for treatment. The Project is to provide a list of prioritized projects to add to the City's Capital Improvement Project (CIP) list. This serves as a

roadmap to the City's wastewater system, prioritizing projects to improve existing infrastructure and propose appropriately timed installation of new infrastructure, both to improve efficiencies and be better suited to receive development as it arises.

Mr. Merkh said the Requests for Qualifications were submitted by March 23, 2020 and interviews with the short-listed teams were conducted on April 2, 2020. The selection committee, comprised of the City Administrator, City Engineer, Public Works Director, and Utilities Superintendent, recommends Burns & McDonnell Engineering Company Inc. as the best, most qualified team for the project. The selection committee recommends the team based on their existing experience providing these services to municipalities both of similar size and larger populations. Burns & McDonnell is partnering with a known expert in I&I, TREKK. Mr. Merkh informed the Council Burns & McDonnell were the engineers of record for the current Big Bull Creek Wastewater Treatment Plant.

Mr. Merkh stated the Professional Services Agreement is still under review by both Burns & McDonnell and the City. All revisions are pending approval from the City Engineer, the City's Insurance representative, and the City Attorney. Mr. Merkh explained the funding of the project is identified as the System Development Fee – Sewer, by the CIP. The budget for this project listed in the CIP is \$275,000. He said City Staff has reviewed the proposed scope, initially making adjustments to end up with a scope that balances good stewardship of funds while having a bill of work that still provides a reliable analysis of the City's system and tools to use in the future. After negotiating the scope and fees with the consultant, the price for services is \$279,073. Mr. Merkh explained the available funds to find the additional cost of \$4,073 can be absorbed by the System Development Fee – Sewer.

Ms. Linn stated the funds are not coming out of the operating fund and is not funded by the resident's utility fees. The funds for this project are provided when there is a new connection to the sewer system. Ms. Linn said a representative from Burns & McDonnell is available for questions. Councilmember Lewis inquired to how often a study like this is done. Mr. Merkh replied the industry standard is once every ten (10) years, but the City has not had a complete Master Plan done in fifteen (15) to twenty (20) years. Ms. Linn added a small study was performed when negotiations started with Burlington Northern Santa Fe (BNSF) and Logistics Park Kansas City (LPKC). Mayor Roberts said this is more encompassing and will look at the residential area of the City. It would help in conversations in getting more residential development to the City. He said Master Plans do not expire, but some issues can arise like I&I and a new Master Plan focuses on the whole system and how to provide maintenance in a logical and financially reasonable order. Councilmember Longanecker asked if the study will impact the utility rates. Ms. Linn answered the Master Plan does not affect rates. Mayor Roberts said the current system needs to be reviewed and a Master Plan is needed for the future of Edgerton as it would aid developers find the best location for their development. Councilmember Longanecker if the Master Plan would help lower the rates. Mr. Merkh replied it would not.

Councilmember Longanecker motioned to approve the Professional Services Agreement between the City of Edgerton and Burns & McDonnell Inc for the 2020 Wastewater Master Plan pending changes from the City Attorney and authorize the Mayor to execute the Agreement. The motion was seconded by Councilmember Conus. The motion carried, 5-0.

## 12. Report by the City Administrator

- Quarterly Updates

Ms. Linn stated there are two items for her report. Ms. Kindle spoke to the Council regarding the first quarter financial report. She explained this encompasses January through March. She went through each item with the Council. All of the revenues are projected on track, except for the liquor tax as the Full Draw Bar and Grill is closed and permits and licensing, but that will most likely increase as the weather changes to allow for more construction. Ms. Kindle stated sales tax revenues are looking good for the first quarter, but City Staff will continue reviewing what might be happening with future submissions from Johnson County. Councilmember Conus voiced his concerns about the revenue streams due to the pandemic. He stated the recession started last September and outlooks say this recession is going to be a lot worse than the 2008 recession. He says it is estimated the recession will be four (4) times deeper and a slower recovery. Councilmember Conus wants the City to monitor its spending and revenue streams and stated the licenses and permits fees are on track to be lower similar to 2019. Ms. Kindle stated City Staff will monitor it closely. She informed the Council expenditures are also on track. The General Fund has a good balance and is in the range of the reserve policy and budget. Ms. Kindle explained the water fund and sewer fund to the Council. She stated all of the funds are in range of the policy and meet the 2020 Budget.

- Ms. Linn stated there was an inspection done at 36790 W 207<sup>th</sup> Street. She informed the Council asbestos was found in the house and state procedure has to be followed before demolition can take place. Once that is completed, the building will be demolished.

## 13. Report by the Mayor

- Mayor Roberts congratulated Councilmember Smith on the birth of her son.
- Report on Impact of COVID-19 to City Operations

Mayor Roberts said he and City Staff are trying to stay on top of all of the new and changing information. He stated conversations have been started on reopening businesses on the County level. Mayor Roberts encouraged the Council to review the White House and Centers for Disease Control and Prevention (CDC) websites on how to start the process reopening.

He stated the State executive order prohibiting gatherings of more than 10 people and the statewide stay home order has been extended to May 3, 2020. Mayor Roberts stated everybody still needs to practice social distancing. He explained Johnson County is testing more and does have a Dashboard that shows the results of that testing. It shares valuable information and shows cases per ZIP code. He said an extremely useful chart shows the hospital capacity. The stay at home order was implemented to keep the hospitals from becoming inundated with patients. He explained the United States is the first country to not run out of ventilators, so the stay at home order has been successful

on that aspect. Mayor Roberts said he has watched these numbers for a few weeks, and they have stayed consistent. He feels reopening might be a possibility with this information.

Mayor Roberts said a Recovery Task Force has been formed and encouraged residents with input to reach out to County Commissioner Mike Brown, who represents Edgerton. He said this Task Force is moving rapidly and want to have recommendations next Thursday. Scott Anderson, Development Bond Council, is also involved with the task force. Mayor Roberts recommended that people take the health survey to help select random testing. More testing will allow the doctors to better understand the virus. The City's Facebook page has shared it twice. Mayor Roberts asked if it has been shared on Twitter. Ms. Kara Banks, Marketing and Communications Manager, replied it has and she is sharing it again now.

Ms. Linn provided an update to City operations. She explained Mayor Roberts issued an executive order to cancel all City events in May. This does include a new bike event and the summer kickoff party. Events by community groups, like the Senior Lunch, will be canceled for May, as well as City Hall rentals. She stated there will be no Planning Commission meeting in May due to a lack of agenda items. The City is working on a phased return to work plan based on the criteria outlined in the White House/CDC Guidance for Opening Up America Again to implement once the Stay at Home Orders are lifted. Ms. Linn explained the 2021 budget calendar has been updated to have work sessions after the stay at home order is allowed to expire. City Council meetings could look differently but having all of the Councilmembers in one place would be a better place to have those work sessions. Ms. Linn informed the Council when the work sessions will be held and stated the budget hearing is still scheduled for August 13, 2020 at this time. She explained the City has activated a login for the Federal Emergency Management Agency (FEMA) portal for reimbursement for eligible costs. City Staff will provide an update once more information is known. She stated City Staff is looking for virtual court options for May as it was continued from April. City Staff is also continuing its monitoring of revenues and the implications of COVID-19 has had on the finances of the City.

Mayor Roberts thanked the efforts of City Staff for helping the City stay on top of all the information and monitoring the finances. Councilmember Conus inquired as to what type of expenses that are reimbursable. Ms. Linn answered FEMA sent out a list for City Staff to review. She knows personal protective equipment is on the list as well as some information technology items, and some overtime City Staff has accumulated. She said if there is a direct linear connection to the pandemic, then City Staff anticipates it to be reimbursable. Mayor Roberts stated guidance is to track everything above and beyond what is normally done. He said the State has authorized the funds of \$50,000,000 for the pandemic and cannot use any federal funds until that fund has been used. Councilmember Conus said he worked for FEMA and the important thing to do is document everything. Mayor Robert said there is a lot of guidance to private businesses, but not as much guidance has been provided to local governments. He said some stimulus funding has been granted to large population areas and those governments do not know what to do with those funds. Johnson County received around \$161,000,000 and Mayor Roberts hopes that is distributed to the municipalities in a fair manner.

**14. Future Meeting/Event Reminders:**

- May 12<sup>th</sup>: Planning Commission Meeting – 7:00 PM – CANCELED
- May 14<sup>th</sup>: City Council Meeting – 7:00 PM
- May 28<sup>th</sup>: City Council Meeting – 7:00 PM
- June 9<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- June 11<sup>th</sup>: City Council Meeting – 7:00 PM
- June 25<sup>th</sup>: City Council Meeting – 7:00 PM

**15. Adjourn**

Mayor said City Hall is open during meetings, requests people bring PPE and social distance.

Councilmember Longanecker motioned to adjourn the meeting, seconded by Councilmember Smith. The motion carried and the meeting adjourned at 8:31 PM, 5-0.

**EVENTS**

April 27<sup>th</sup>: Camping Day – CANCELED

April 28<sup>th</sup>: Municipal Court – CONTINUED to May 26th

May 4<sup>th</sup>: Youth Art Class: Kinetic Sand and Sand Painting – CANCELED

May 11<sup>th</sup>: Youth Cooking Class: Cinnamon Disks and Rock Candy – CANCELED