

City of Edgerton, Kansas
Minutes of City Council Regular Session
April 28, 2022

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on April 28, 2022. The meeting convened at 7:00 PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	present
Josh Beem	absent
Jody Brown	present
Josie Stambaugh	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Public Works Director, Dan Merkh
- Public Works Superintendent, Trey Whitaker
- CIP Manager, Brian Stanley
- Accountant, Justin Vermillion
- Development Services Director, Katy Crow
- Marketing & Communications Manager, Kara Banks

2. WELCOME

3. 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 April 14, 2022 Regular City Council Meeting
5. Approve Application FP2021-05, Final Plat for Edgerton Crossing Located at the Southwest Corner of 199th Street and Homestead Lane, Edgerton, Kansas

Councilmember Longanecker moved to approve the consent agenda, seconded by Councilmember Brown. The consent agenda was approved, 4-0.

Regular Agenda

6. **Declaration.** There were no declarations made.

7. Public Comments.

Tim Gates with Agnes Gate Realty, representative for the Alsup Property, stated he is very happy that the application for the final plat was approved. He stated he appreciates this project coming to Edgerton and he is excited to see the growth it will bring.

There were no further comments.

Mayor Roberts invited Mr. Merkh to introduce the City's new hire, Brian Adkinson.

Mr. Merkh stated he is happy to welcome Mr. Adkinson to the Edgerton team. He invited Mr. Adkinson to introduce himself to the Governing Body.

Mr. Adkinson stated he enjoys hiking, fishing, forging, hunting and really anything outdoors. He stated he is looking forward to working with everyone and enjoys it so far.

Mayor Roberts asked what he did prior to this job.

He stated he was a welder.

Mayor Roberts and the Councilmembers welcomed Brian to the team.

8. Presentation. Results from the 2022 Citizen Survey.

Ms. Kara Banks, Marketing and Communications Manager, introduced Mr. Ryan Murray with ETC Institute to present the 2022 Citizen Survey. She stated a packet with the full results and comments from the community were given to Council at their seats.

Mr. Murray addressed the Council. He gave an overview of the company's work for national and international local governments. He stated ETC completes about 100 surveys a year and has clients in 49 states. He stated the purpose of the survey is to objectively assess resident satisfaction and measure trends from previous surveys. He stated the data pulled will allow the city to be compared not only to the surrounding area but also nationally. He stated the results can help determine priorities for the community based on the interest of the residents. He stated it was a little bit of a struggle to receive the 200 surveys needed this year, but it was accomplished with nearly 1/3 of all households responding.

He read through the results with the Governing Body and noted a few advantages and disadvantages. Some notable increases since 2018/2020 include the overall quality of Public Safety. He stated many cities struggled in this area nationwide over the past couple of years.

He stated the survey asked residents what city issues should receive the most emphasis over the next two years. He stated the results show most would like to see overall maintenance of streets, buildings, and facilities. He stated it was also shown that the top priorities for investment include recreation programming. He stated these results align with some of the biggest communities in America.

He stated communication and general satisfaction are correlated. 75% of residents use the City newsletter as their primary source of information about the City.

He summarized the results, stating the city is performing really well and has weathered the pandemic. He stated Edgerton is setting the standard nationally for communities of this size and would make a great case study and example to other communities to invest in this type of work.

Councilmember Stambaugh asked if the responses from the community will be available for everyone to read.

Ms. Linn stated the plan is to put them on the website following the council meeting.

Mayor Roberts stated when the city first looked at starting surveys, they did so in hopes to improve the community based on the wants of the residents. He stated he believes the city is continuing to accomplish this goal. He stated council's goals often align with the survey results and there will be a future meeting where these results will be in hand to help determine projects and improvements for the city.

There were no further questions or comments.

Business Requiring Action

**9. CONSIDER THE 2021 AUDIT OF FINANCIAL STATEMENTS AS PRESENTED BY
VARNEY & ASSOCIATES**

Mr. Justin Vermillion, Accountant, addressed the Council. He stated the City has completed their financial audit and in doing so worked with April Swartz and her team at Varney & Associates. He stated Ms. Swartz will walk the Governing Body through the report and answer any questions they may have.

Ms. April Swartz addressed the Council. She stated this audit was a clean audit, like in years past. She praised Finance Director Karen Kindle and Mr. Vermillion for their work in preparation for the audit.

She stated each member of the Governing Body was given a copy of the financial statement with the auditor's report and supplementary information. She stated the first item is a required letter that states the responsibility lays with the Council and staff and the job of the auditors is to issue an opinion. She stated this letter also states that Edgerton reports under the KMAAG model, which is similar to how a person would balance their own account, start with a beginning balance for the year and then account for everything, what's taken in, what's spent out and what's left over. She stated the city does not track fixed assets, etc. She stated there were no issues or concerns, and this year's audit was a clean audit.

She stated the next document, the bound book, is the financial statement with supplemental information.

She stated the first three pages are the auditor's report which shows Edgerton reported everything to standard and it was an accepted and clean audit for the 2021. She stated the

following few pages are the financial statements and notes for each, showing all funds. She stated there were no violations of any kind, but there is one fund that shows a negative dollar amount. She explained that would normally be considered a violation but because this is a CID fund, it is an exception. She stated this gives information on cash and investments for the City, KPERS, long term debt, etc. She stated Edgerton does a fantastic job and is more thorough than most other cities because everything is explained in detail. She stated she would like to note, there is a summary of long-term debt which includes, GO Bonds, HRR Bonds, Note Purchase Agreements, etc. which shows how the City started the year and how they ended it based on these types of accounts. She stated the City is also required to report any outstanding capital projects, which includes the authorizations for the project and expenditures to date for each.

She stated in all cases, the city is under budget.

She stated the contract with their firm is year-round, so if there are ever any questions from the Governing Body or staff about how to read these reports, they are welcome to reach out with those questions.

Mayor Roberts asked how Edgerton compares to the surrounding cities and cities of the same population.

Ms. Swartz stated when she first bid on Edgerton, she thought because of the size, it would be easy work. She stated she was blown away by the amount of work. She stated the record keeping is impeccable and Edgerton is outstanding, adding that nobody has any idea how much Edgerton really does.

Councilmember Stambaugh asked what the payoff date is for LPKC.

Ms. Linn asked for clarification.

Mayor Roberts asked if she was inquiring about IRBs.

Ms. Linn stated the date does not move; it is based on individual buildings. She explained as each building gets approved, the abatements last for 10 years. She stated the first building will come fully on the tax rolls in 2025.

Councilmember Stambaugh stated Edgerton will not see benefits then until 2025.

Ms. Linn stated the City receives benefits and has seen benefits every year since the first building was built because of the payment in lieu of taxes, or PILOT payments. She added there has been revenue every year. She stated the first time a building is full on the tax rolls will be in 2025.

With no further questions or comments, Mayor Roberts requested a motion to accept the 2021 Audit of Financial Statements.

Councilmember Brown moved to approve the motion, seconded by Councilmember Lewis. The motion was approved, 4-0.

10. CONSIDER RESOLUTION NO. 04-28-22A APPROVING A FIVE-YEAR CITY/COUNTY STREET IMPROVEMENT PROGRAM 2023-2027

Mr. Dan Merkh addressed the Council. He stated each year, cities in Johnson County are invited to submit projects through the County Assistance Road System (CARS) Program. He stated the program provides funds to the cities of Johnson County to construct and maintain their major arterial roadways.

He stated using a scoring system, the county selects and allocates funds. The county pays 50% of the project's construction and inspection costs. He stated cities are responsible for design, right-of-way, and utility relocation costs. He stated types of projects eligible for the program are capacity improvements, major maintenance, system management, bridge rehabilitation or replacement, and route enhancements.

He stated prior to LPKC, the City of Edgerton frequently did not participate in the CARS program due to the local match requirement to receive funding. He stated with new sources of revenue available from LPKC and surrounding development, the City has identified potential projects to be submitted for consideration of the next annual 5-year CARS program. He stated staff is working with the city engineer to provide detailed project cost estimates and scopes for these projects. While these projects are not yet funded in the 2023-2027 CIP, staff recommends submitting them now for consideration while additional funding sources are considered.

He stated these projects for approval include East 2nd Street from East Nelson to Co-Op road, slated for 2024 and East 4th Street to East 3rd Street slated for 2026. He stated for 2022-2023 the City will conduct traffic counts on several roadways within the city limits. This effort is to ensure that the roadway network within the City is classified correctly in relation to parameters of the CARS Program. These roadways include East 2nd Street: 56 Highway (East Morgan Street) to South City Limits; Homestead Ln: I35 to West 191st Street; West 191st Street: Four Corners Road to East City Limits; and Waverly Road: 196th Street to 181st Street.

He stated a map is included in the packet which references the locations mentioned.

Mayor Roberts stated the city frequently did not participate in CARS projects due to the matching funds requirement. He stated because of LPKC and the revenue the city receives, projects of this magnitude are available to improve the community.

With no questions or comments, Mayor Roberts requested a motion to approve Resolution No. 04-28-22A, approving a 5-Year City/County Street Improvement Program.

Councilmember Longanecker moved to approve Resolution No. 04-28-22A, seconded by Councilmember Lewis. The motion was approved, 4-0.

11. Report by the City Administrator

- 2021/2022 Winter Weather Recap

Mr. Merkh stated in this winter season, the city saw a total of 9 winter events. He stated in total there was about 22 inches of snowfall, with 3 snow events declared. He stated staff time was just over 600 total hours plowing and treating the roads, averaging 88 hours of staff time per event. He stated there were two major storms and this year crews had to contend with snowpack more frequently. He stated this primarily happened at LPKC due to the amount of liquid participation prior to snowfall and the higher truck traffic volumes seen at the Logistics Park.

There were no questions or comments from the governing body.

- Community Development First Quarter Report

Ms. Katy Crow presented the first quarterly report for community development. She stated community development consists of building, planning, code enforcement and animal control. She read over the report provided to the governing body in their agenda packet.

There were no questions or comments from the governing body.

Ms. Linn stated she would like to add a few items to the agenda.

She invited the City Clerk to speak regarding the city's KMIT score and scheduled Biometric screening for city employees.

Ms. Clower stated the city recently had the annual their annual safety audit by KMIT, the city's Workers Compensation provider. This audit consisted of a safety walkthrough of a city facility showcasing proper safety measures in place for employees. She stated this year, the city received a score of 100% and in turn, the city receives a 5% decrease on their premium.

She stated the city also received a free biometric screening because of staff participation in a health challenge in February. She stated this biometric screening will be held in Community Hall on June 8th for employees of the city at no cost.

Ms. Linn stated she would like to bring an item forward related to the Personnel Policy and the addition of an On-Call Policy.

She stated the city currently does not compensate on-call employees. The City is required to respond to emergencies 24/7. Since 2017, the City has utilized an on-call rotation to provide after-hours coverage for service. Employees who are on-call must maintain a 30-minute response time and remain fit for duty throughout the duration of their on-call period. Currently, those employees do not receive extra compensation during their on-call rotation period. She stated to better assist the City in both retaining and recruiting high quality team members, staff is recommending a new On-Call Policy be added to the City's Personnel Rules and Regulations. This policy outlines the requirements for response time and fit to work, but also includes gratuitous compensation for the employee serving in on-call capacity. She stated the compensation would be at a set rate, regardless of position, excluding those that are on an

exempt status. She stated this compensation rate is listed as Monday-Friday, \$50/day; Saturday-Sunday, \$100/day; City Observed Holiday, \$100/day; and City Holiday, \$150/day. The time which an employee is on-call is not considered work time, so any compensation for it is considered gratuitous by the city. She stated the remaining details are provided in the draft On-Call Policy provided to the governing body.

Mayor Roberts asked Ms. Linn to describe the personnel that are on call.

Ms. Linn stated Public Works employees are in an on-call rotation for Maintenance 1 and 2 positions and currently, the city does not compensate for time to carry the phone. She stated most other cities do offer compensation.

Councilmember Brown asked how it would work if a person is called in to work for 16 hours.

Ms. Linn stated this policy is just to carry the phone, so the employee will be paid their overtime rate when working the call.

Councilmember Lewis asked if there are staff members that live outside the 30-minute area.

Ms. Linn stated the 30-minute response time is the time in which a phone call should be returned and the person on call beginning to respond to the site, if needed.

Councilmember Stambaugh asked if this aligns with other cities policies.

Mr. Merkh stated in a broad spectrum, yes. Various cities handle on-call policies differently; some are based on extra hours for the individual and others are based on a base pay amount. He stated in general the overall impact is the same.

Councilmember Stambaugh asked if this was just for hourly employees.

Mr. Merkh stated yes, this would just be for hourly employees.

Mayor Roberts stated he likes this option because everyone across the board gets the same amount and it is structured weekly vs. weekend and holiday vs. recognized holiday.

Ms. Linn stated from an admin/payroll perspective, listing it as a specific dollar amount is much simpler.

Councilmember Brown stated this is a good start.

With no further question or comments, Mayor Roberts requested a motion to approve the amendment to the personnel policy section D-7 On-Call Policy.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Stambaugh. The motion was approved, 4-0.

Mayor Roberts stated he appreciates all staff but very much appreciates the staff who go out on calls at 2am and work until the job is done. He stated he hopes this approval of the policy shows their appreciation for them.

12. Report by the Mayor

Mayor Roberts stated he received an email today from Rhonda Humble, the publisher of the Gardner News, which stated May 1st, 2022 would be her last day at the paper as she looks forward to her retirement.

He read the email from Rhonda.

He stated he appreciates Rhonda and all she has done over the years, as well as her honesty and integrity through all the changes and events in and around Edgerton. He wished her well on her new adventures as she retires.

Mayor Roberts stated he has had conversations with several property owners over the years regarding litter along roads. He stated the Kansas Department of Transportation offers a program called Sponsor-A-Highway. He stated they would handle everything needed to have persons come out to clean the area(s) designated 12 times a year. The city would pay about \$6,000 a year for this program.

He stated he recently had a resident contact him about the litter on 56 Highway. He stated he sees this area as a good spot to start this program. He stated this is not budgeted, but there are funds available. He stated this is also within the budget authority of the City Administrator, but he is bringing this before Council so they are aware, and they can check to see if there is a difference once it is implemented. He stated if there were a noticeable difference, he would like to see implementation of this at other entrance points to the city.

13. Future Meeting Reminders:

- May 10th: Planning Commission – 7:00PM
- May 12th: City Council Meeting – 7:00PM
- May 26th: Joint Planning Commission & City Council Work Session – 6:00PM
- May 26th: City Council Meeting – 7:00PM
- June 9th: City Council Meeting – 7:00PM
- June 14th: Planning Commission – 7:00PM
- June 23rd: City Council Meeting – 7:00PM

New Business Added:

- 14. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO THE EXCEPTION FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP FOR THE PURPOSES OF CONTRACT NEGOTIATIONS. (K.S.A. 75-4319(B)(2))**

Mayor Roberts stated he would like to add the above-mentioned executive session to the agenda and does not expect motions to be taken after reconvening of the open meeting. He stated he does, however, have one more item after the executive session has concluded.

Mayor Roberts stated, "I will entertain a motion for the City Council to recess into executive session to discuss contract negotiations. The justification for such executive session is for a consultation with the City Attorney, which is deemed privileged in an attorney-client relationship (K.S.A. 75-4319B(2)). Present in the executive session will be the Governing Body and the following staff members: City Administrator Beth Linn, City Attorney Lee Hendricks, and Public Works Director, Dan Merkh. The executive session will last 10 minutes once the room is cleared. The open meeting will resume in the Council Chambers."

Councilmember Lewis moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) for the purpose of contract negotiations. Councilmember Longanecker seconded the motion. The meeting recessed into executive session at 8:35 PM, 4-0.

Councilmember Brown moved to return to open session with no action taken. Councilmember Longanecker seconded the motion. Open session resumed at 8:45 PM, 4-0.

Mayor Roberts stated he had one more item to discuss.

He received a letter from Councilmember Brown. He stated this letter was dated today and addressed to the Mayor, Councilmembers, Staff and Edgerton Citizens.

Councilmember Brown wrote in this letter that he will resign from Edgerton City Council effective at the conclusion of this meeting. He wrote after 34 years of calling Edgerton their home, they will be moving to a new home outside of city limits. He wrote it has been a privilege and honor to serve on this council and serve the residents of Edgerton.

Mayor Roberts publicly thanked Councilmember Brown, stating he appreciates him as a friend and as a public servant. The Mayor added Mr. Brown is a fine, upstanding and honorable person and wishes him the best in his future endeavors.

Councilmember Brown stated it has been a privilege and honor to serve this community.

Mayor Roberts stated as in the past, he has gone to Planning Commission to backfill this position. He stated he will be attending a meeting coming up to ask for volunteers, and if there are no volunteers, he will open it up to the public. He stated the person would serve until the term of the previous seated councilmember expires.

Councilmember Stambaugh stated she had been in contact with the previous city clerk and wanted to verify that it was normal city policy here and in the surrounding areas, that the seat be offered to the person with the next highest number of votes.

Mr. Lee Hendricks, City Attorney, stated that is not a statutory requirement. He stated it may be how other cities choose replacements, but there is no legal obligation to do so. He stated the

mayor makes a recommendation to the Governing Body and they can approve or deny said recommendation.

15. Adjourn

Councilmember Brown moved to adjourn, seconded by Councilmember Lewis. All in favor. The meeting was adjourned at 8:49 PM.

Submitted by Alexandria Clower, City Clerk