

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**May 10, 2018**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on May 10, 2018. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

**1. ROLL CALL**

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Jody Brown	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- Assistant City Administrator/Interim City Clerk Scott Peterson
- City Attorney Lee Hendricks
- Parks Maintenance Bob McVey
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Public Works Superintendent Trey Whitaker

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

4. Minutes for April 25 Special City Council Meeting were considered
5. Minutes for April 26 Regular City Council Meeting were considered
6. Resolution 05-10-18A Appointing Katy Crow as Zoning Administrator for the City of Edgerton was considered
7. Final Acceptance of North Widmer Main & Lift Station and Authorize Final Payment was considered
8. Final Acceptance of North Widmer Gravity Main Extension and Authorize Final Payment was considered
9. Final Acceptance of Big Industrial Lift Station and Force Main and Authorize Final Payment was considered
10. Final Acceptance of Big Industrial Phase I Main and Authorize Final Payment was considered
11. Final Acceptance of Big Industrial Phase II and Authorize Final Payment was considered
12. Three-Year Agreement with Varney & Associates, CPAs, LLC, to Prepare the City's Financial Audit for Fiscal Years 2018, 2019 and 2020 was considered
13. Approval of 2018 Annual Street Maintenance Program, with McAnany Construction, Inc for Ultrathin Bonded Asphalt Surface & Mill and Overlay was considered

At the request of Mayor Roberts, Consent Agenda Item #4 was removed for further discussion.

Motion by Brown, Second by Longanecker, to approve the Consent Agenda Items #5-13. Motion was approved 4-0.

Mayor Roberts presented an updated Consent Agenda Item #4, Minutes for April 25 Special City Council Meeting. The updated item had minor edits made to the original by City Attorney Lee Hendricks.

Motion by Longanecker, Second by Lewis, to approve Consent Agenda Item #4. Motion was approved 4-0.

## **REGULAR AGENDA**

### **14. Public Comments.**

There were no public comments for the May 10, 2018 meeting.

### **15. Declaration.** None.

### **16. CONSIDER RESOLUTION NO. 05-10-18D AUTHORIZING THE CLOSURE OF CERTAIN PUBLIC STREETS DURING THE EDGERTON FRONTIER DAYS FESTIVAL, PERMISSION TO USE REQUESTED CITY BUILDINGS/PUBLIC SPACES, AND THE APPROVAL OF ADDITIONAL SERVICE REQUESTS**

Assistant City Administrator Scott Peterson presented the resolution to Council. The Frontier Days Committee is requesting the closure of the same streets as previous years for the Frontier Days Festival, to be held June 15<sup>th</sup> and 16<sup>th</sup>; the only exception to the request road closures is to East 4<sup>th</sup> Street, which the Frontier Days Committee and City Staff are requesting to be closed further North to McCarty Street, which is farther than in previous years. Mayor Roberts requested that City Staff ensure that handicap parking is made available and easily accessible for the Frontier Days festival. Mr. Peterson replied that they would make sure to accommodate handicap parking.

Motion by Longanecker, Second by Lewis, to approve Resolution 05-10-18D. Motion was approved 4-0.

### **17. PUBLIC HEARING REGARDING A REQUEST BY THE FRONTIER DAYS ASSOCIATION FOR A WAIVER (AS ALLOWED PURSUANT TO SECTION 3-202 OF ARTICLE 1 OF CHAPTER III OF THE CITY CODE) FROM THE PROHIBITION AGAINST SERVING ALCOHOLIC LIQUOR WITHIN 300 FEET OF THE LIBRARY FOR THE JUNE 15 AND 16, 2018 ANNUAL FRONTIER DAYS FESTIVAL**

Mayor Roberts announced that this Public Hearing would be held at the next regularly scheduled City Council Meeting, Thursday, May 24, 2018, to provide staff time to provide proper notification and advertisement of the hearing.

**18. CONSIDER RESOLUTION NO. 05-10-18E TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY, AND RECOGNIZING FRONTIER DAYS AS A "PUBLIC FESTIVAL" FOR PURPOSES OF THE CITY'S NOISE RESTRICTIONS**

Due to the previous item being held at the next City Council meeting, Mayor Roberts requested that this item be tabled until the May 24 City Council Meeting.

Motion by Brown, Second by Longanecker, to table Resolution 05-10-18E until the May 24 City Council Meeting. Motion was approved 4-0.

**19. CONSIDER RESOLUTION NO. 05-10-18F AUTHORIZING SPECIAL EVENT PERMIT FOR SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS**

Assistant City Administrator Scott Peterson presented the resolution to Council. This is the resolution required by state law for the City Council to approve to allow for the sale of alcohol on public property. The alcohol at the Frontier Days festival will be kept and sold out of the garage at 305 E Nelson, which is owned by the City.

Motion by Lewis, Second by Brown to approve Resolution 05-10-18F. Motion was approved 4-0.

**20. PUBLIC HEARING REGARDING RESOLUTION NO. 05-10-18G DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE MAXIMUM AMOUNT OF \$100,000,000 TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING COMMERCIAL FACILITIES FOR THE BENEFIT OF WELLSVILLE FARMS, LLC, OR ITS ASSIGNS**

Mayor Roberts opened the Public Hearing.

There were no public comments.

Scott Anderson, Bond Counsel, presented the resolution and cost benefit report to the Council. The resolution, if approved, would issue industrial revenue bonds to the Kubota facility currently under construction, which was previously referred to as Project Mustang.

Mayor Roberts closed the Public Hearing.

There were no comments by City Council.

**21. CONSIDER RESOLUTION NO. 05-10-18G DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE MAXIMUM AMOUNT OF \$100,000,000 TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING COMMERCIAL FACILITIES FOR THE BENEFIT OF WELLSVILLE FARMS, LLC, OR ITS ASSIGNS**

Scott Anderson, Bond Counsel, stood for questions from the City Council. The Resolution of Intent (ROI) follows the same format as previous ROIs approved by Council. The exception to this ROI is that it does not have a "Master" ROI that it applies to, but instead applies specifically to this project alone.

Due to the size of the project, Mr. Anderson stated that it would probably be later in the year before staff would be back before Council to issue the Industrial Revenue Bonds.

Mayor Roberts stated that due to the size of the project, the City will be over doubling its net assessed value when it is constructed.

Motion by Longanecker, Second by Brown, to approve Resolution 05-10-18G. Motion was approved 4-0.

**22. CONSIDER ORDINANCE NO. 1080 AUTHORIZING BOND DOCUMENTS AND THE ISSUANCE OF THE CITY'S INDUSTRIAL REVENUE BONDS (COLDPOINT LOGISTICS REAL ESTATE, LLC SECOND EXPANSION PROJECT) SERIES 2018, FOR THE PURPOSE OF FINANCING AND PROVIDING TAX ABATEMENT FOR A WAREHOUSE AND COLD-STORAGE DISTRIBUTION FACILITY**

Scott Anderson, Bond Council, also presented this ordinance to the Council. Mr. Anderson stated that this is the third phase of Industrial Revenue Bonds (IRBs) for the Coldpoint facility. Due to the nature of the facility, and it being constructed in phases, the IRBs for this project are also issued in phases. This will be the third issues phase of IRBs. The first phase was approved in 2016, the second in 2017. The third phase of bonds will officially begin in 2019. Mr. Anderson reminded the Council that each phase of bonds has its own abatement sunset schedule, so they do not reset each time a new phase is issued.

Motion by Longanecker, Second by Brown to approve Ordinance 1080. Motion was approved 4-0.

**23. REPORT BY THE CITY ADMINISTRATOR**

City Administrator Beth Linn introduced Karen Kindle, Finance Director, to discuss the Quarterly Financial Report for this past quarter. Ms. Kindle stated that revenues and expenditures are generally meeting expectations, although in some departments, like Parks and Recreation, the busy seasons haven't started yet.

Ms. Linn asked the City Council for direction on a possible sewer meter at the Midwest Gateway facilities at the Logistics Park. Ms. Linn stated that the owners of Midwest Gateway have requested a separate sewer meter, instead of being charged for water usage. Ms. Linn

stated that staff have been unable to find a meter that is compatible with the City's utility software, and the City has never received a request like this before. Council stated that the property should follow the same code as the rest of the properties in the City, and therefore should not be allowed to have a separate sewer meter.

#### **24. REPORT BY THE MAYOR**

None.

#### **25. FUTURE MEETING/EVENT REMINDERS**

- May 16<sup>th</sup> 12:00 PM – Senior Lunch
- May 24<sup>th</sup> 7:00 PM – City Council Meeting
- June 2<sup>nd</sup>: 6:30-9:00 PM – Summer Kickoff Block Party
- June 2<sup>nd</sup>: 9:00-11:00 PM – Downtown Summer Movie Night
- June 7<sup>th</sup> 7:00 PM – Budget Work Session and Citizen Survey Review
- June 15<sup>th</sup>-16<sup>th</sup> – Edgerton Frontier Days

#### **26. 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 CITY ADMINISTRATOR**

Motion by Lewis, Second by Longanecker to recess into Executive Session for twenty minutes. Motion was approved 4-0.

The Open Session recessed at 7:54 p.m.

The Executive Session convened at 8:02 pm.

Motion by Lewis, Second by Longanecker to continue the Executive Session for an additional ten minutes. The Executive Session continued at 8:23 pm.

#### **RECONVENE INTO OPEN SESSION**

Motion by Lewis, Second by Longanecker to reconvene into Open Session. Motion was approved 4-0. The Open Session reconvened at 8:34 pm.

#### **27. ADJOURN**

Motion by Brown, Second by Lewis, to adjourn. Motion was approved 4-0. The meeting adjourned at 8:34 pm.