

**City of Edgerton, Kansas
Minutes of City Council Regular Session
May 23, 2019**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on May 23, 2019. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Katee Smith	present
Jody Brown	absent

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- Assistant City Administrator Scott Peterson
- City Attorney Lee Hendricks
- City Clerk Rachel James
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Public Works Director Dan Merkh
- Public Works Superintendent Trey Whitaker
- Marketing and Communications Manager Kara Banks
- Utilities Superintendent Mike Mabrey
- ElevateEdgerton! President James Oltman

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for May 9, 2019 Regular City Council Meeting
5. Approve Final Acceptance of 2018 CARS 4th & Nelson Street Improvements Project and Authorize Final Payment to Linaweaver Construction
6. Approve Resolution No. 05-23-19A Providing for the Creation of Temporary No Parking Zones On Certain Streets To Permit The Holding of Frontier Days
- 6a. Approve Consent Agreement KS6193/FA #10130621/MRKSL014913 Between The City Of Edgerton And AT&T Wireless Services

Motion by Longanecker, Second by Lewis to the consent agenda.

Motion passed 4-0.

REGULAR AGENDA

7. **Public Comments.**

Eric Orrison, 100 W 7th Street, Mr. Orrison had general questions about Highway 56 Trail easements and negotiations for his property.

Beth Linn, City Administrator, outlined the process for the trail and acquiring right-of-way and stated that City Staff would be in contact with Mr. Orrison as the project progresses.

8. **Declaration.** None.

9. Presentation for 2020 Budget Request by Project Grad

No representative from Project Grad 2020. Consensus to continue funding for 2020 at \$2000.

10. Presentation for 2020 Budget Request by UCS

Marya Schott, for Human Service Fund, a non-profit serving Johnson County which focuses on mobilizing targeted resource allocations for residents of Johnson County who are in need of assistance. Ms. Schott went into detail on the history of UCS in Johnson County, how these funds are raised and distributed.

Mayor Roberts stated that UCS has a ton of data and they have taken real initiative looking at affordable workforce housing within the county.

There was a consensus to provide funding at \$2000 for the 2020 Budget Year to UCS.

11. Presentation for 2020 Budget Request by Johnson County Human Services

Brandy Hodge and Joanne Hayworth, Johnson County Human Services Representatives, presented on the 2020 Budget Request from Johnson County Human Services which provides stabilization assistance, homelessness assistance, and utility assistance for county residents needing support.

This organization has been providing Utility and Emergency Assistance to citizens for over 25 years. The organization receives dollar matching from Johnson County and they are requesting \$2000 for the 2020 Budget year.

Mayor Roberts asked about KCP&L and Kansas Gas. Ms. Hodge stated that both have assistance programs that are managed within the individual companies.

Councilmember Conus asked how someone applies for assistance through Johnson County Human Services. Ms. Hodge stated that residents can call the Southwest Multi-Service Center at (913) 715-6653. Beth Linn, City Administrator, also stated that residents can always call City Hall at (913) 893-6231 if they have any questions or need help getting connected to available services.

There was a consensus to provide funding at \$2000 for the 2020 Budget Year to Johnson County Human Services.

12. Presentation for 2020 Budget Request by Miami County Conservation

Leslee Rigney, Miami County Conservation Representative, introduced the 2020 Budget request for the organization.

Ms. Rigney stated they have been working over the past years to reduce nitrogen, phosphorous, and other pollutants from entering local streams. Recently the conservation group has been working on stabilization techniques for the local stream banks. Ms. Rigney also outlined other conservation and education efforts the group has focused on in the past couple years and what they hope to focus on in 2020.

Mayor Roberts asked how much the large storms we've been having affect velocity through the streams. Ms. Rigney stated that the streams in this area were not meant for this kind of rainfall, so there definitely has been an impact from these larger storms.

There was a consensus to provide funding at \$4,000 for the 2020 Budget Year to Miami County Conservation.

Supplemental information for the Miami County Conservation presentation is available on the Edgerton City website on the May 23rd, 2019 City Council page.

13. Presentation for 2020 Budget Request by Gardner Edgerton Chamber of Commerce

Jason Camus, President of the Gardner Edgerton Chamber of Commerce, presented the budget request which is \$2,000 for the contract and \$2,000 for the GE magazine. Mr. Camus overviewed the status of 2019 deliverables and events happening in the Gardner Edgerton community.

There was a consensus to provide funding at \$4,000 for the 2020 Budget Year to Gardner Edgerton Chamber of Commerce.

14. Presentation for 2020 Budget Request by ElevateEdgerton!

James Oltman, ElevateEdgerton! President, gave an overview of the completed 2018-2019 deliverables, a progress update on 2019 deliverables, and plans ElevateEdgerton! has going into 2020. Highlights include a completed hotel feasibility study, five new ElevateEdgerton! members, and successful events where local high schoolers were able to tour LPKC and learn about careers.

Councilmember Conus thanks Mr. Oltman for a tour of the ElevateEdgerton! offices and stated he feels more confidence in the progress Elevate is making.

Mayor Roberts stated Mr. Oltman has a difficult job as a one man show and he has done an excellent job and that they are seeing the potential on the horizon.

There was a consensus to fund ElevateEdgerton! at \$75,000 for the 2020 Budget Year with \$10,000 in-kind contributions.

Supplemental information for the ElevateEdgerton! presentation is available on the Edgerton City website on the May 23rd, 2019 City Council page.

BUSINESS REQUIRING ACTION

15. PUBLIC HEARING FOR RESOLUTION NO 05-23-19B CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO COLDPOINT LOGISTICS REAL ESTATE, LLC OR ITS SUCCESSORS IN INTEREST

Scott Anderson, City Bond Attorney, outlined the Resolution of Intent for Phase 4 of the Coldpoint Building. This would be an approximately 147,820 sq. ft. expansion to the existing 473,270 sq. ft. facility.

Mayor Roberts opened the Public Hearing at 8:15pm. There were no public comments.

Mayor Roberts closed the Public Hearing at 8:17pm.

16. CONSIDER RESOLUTION NO. 05-23-19B CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO COLDPOINT LOGISTICS REAL ESTATE, LLC OR ITS SUCCESSORS IN INTEREST

Scott Anderson, City Bond Attorney, outlined that the partial assignment of the Master Resolution of Intent assigns \$26,000,000 of the Master Resolution of Intent to ColdPoint for constructing this project.

Mayor Roberts requested the Cost-Benefit analysis be available in a supplemental packet that is posted on the Edgerton City website on the May 23rd, 2019 City Council page.

Motion by Longanecker, Second by Smith to approve Resolution No. 05-23-19B.

Motion passed 4-0.

17. AN ORDINANCE AUTHORIZING THE CREATION OF THE LPKC DISTRICT NO. 2 COMMUNITY IMPROVEMENT DISTRICT, LEVYING SPECIAL ASSESSMENTS WITHIN SUCH DISTRICT, AND APPROVING A DEVELOPMENT AGREEMENT

Scott Anderson, City Bond Attorney, stated this Ordinance would create a Community Improvement District on some or all of the Phase Two Land. The Special assessments would be equal to \$0.05 a square foot for all structures constructed within the district that are 50,000 square feet or larger that constitute a warehouse, manufacturing, or distribution facility.

The Ordinance would create the LPKC District No. 2 Community Improvement District and the City would be able to levy the special assessments provided for in the Development Agreement. Mr. Anderson stated that a similar Community Improvement District was created for the Kubota project.

There were no questions or comments.

Motion by Longanecker, Second by Lewis to approve Ordinance No. 2011.

Motion passed, 4-0.

18. CONSIDER COLLATERAL ASSIGNMENT OF RIGHTS UNDER THE LPKC DISTRICT NO. 2 COMMUNITY IMPROVEMENT DISTRICT DEVELOPMENT AGREEMENT

Scott Anderson, City Bond Counsel, stated that NorthPoint was obtaining loans from UMB Bank to finance its project and public infrastructure improvements. As a condition to making the loans, UMB Bank is requiring that NorthPoint assign payments it is to receive under the Phase 2 Development Agreement, LPKC CID District No. 1 and LPKDC CID District No. 2 to UMB Bank pursuant to the Collateral Assignment of CID Revenues and Collateral Assignment of Development Agreement. UMB Bank is requiring that the City acknowledge both of these collateral assignments. The resolution authorizes the City to acknowledge both of these collateral assignments.

Motion by Longanecker, Second by Lewis to approve Collateral Assignment of Rights under the LPKC District No. 2 Community Improvement District Development Agreement.

Motion passed, 4-0.

19. CONSIDER PRELIMINARY DESIGN-BUILD AGREEMENT BETWEEN CITY OF EDGERTON AND MILES EXCAVATING, INC. FOR 2019 STREET RECONSTRUCTION PROJECT

Dan Merkh, Public Works Director, introduced the Preliminary Design-Build Agreement between the City of Edgerton and Miles Excavating, Inc. and Cook Flat Strobel for the 2019 Street Reconstruction Project which targets streets identified as passed their useful life.

Requests for Qualifications were due April 24, 2019 and interview with the teams were conducted May 2, 2019. Staff recommends the Miles Excavating/ Cook Flat Strobel (CFS)/TREKK and the most qualified team for the project.

Councilmember Smith asked about a general overview of the project. Mr. Merkh and Beth Linn, City Administrator, provided detail and described information shown on the map attachments within the Agenda Packet.

Councilmember Conus stated that residents have complained about the road for a long time and that this is an important project. Mayor Roberts stated that the partnership with Logistics Park- Kansas City has provided the funds for the complete reconstruction of the

roads. Ms. Linn stated that this is the most extensive replacement/residential street reconstruction with the pace the City wants.

Motion by Lewis, Second by Smith to approve the Preliminary Design-Build Agreement between the City of Edgerton, Kansas and Miles Excavating, Inc. for 2019 Street Reconstruction Project pending changes from City Attorney and authorize the Mayor to execute the Agreement.

Motion passed, 4-0.

20. CONSIDER 2019 ANNUAL STREET MAINTENANCE PROGRAM

Dan Merkh, Public Works Director, stated that Staff and BG Consultants compiled information on the section of roadway needing maintenance activities in 2019. Staff recommends that Council consider Ultrathin Bonded Asphalt Surface (UBAS) and concrete joint sealing for sections of roadway at LPKC for the 2019 Street Maintenance Program.

The 2019 Budget includes funding of \$51,469. Staff would recommend allocating additional funds from (1) \$19,869 of unused funds originally budgeted for the 2018 Annual Street Maintenance Program, and (2) \$6,552 from unallocated LPKC Maintenance Fee not previously dedicated to any project.

Motion by Lewis, Second by Longanecker to approve the 2019 Annual Street Maintenance Program.

Motion passed, 4-0.

21. Report by the City Administrator

Kara Banks, Marketing and Communications Manager, was introduced to Council. She overviewed her background on KMBZ.

Dan Merkh, Public Works Director, gave an overview of the 2018-2019 Snow Season. In total, there was 29.1 inches of snowfall, 672 man-hours, 2301 lane miles of snow plow operations. There were issues with the level of inconsistency in the towing of vehicles as well as LPKC clearing the sidewalks. Recommendations for next season include more coordination with the Sherriff's Office, Equipment Assessment, Snow Crew Structure, and an RFP for Salt. Mr. Merkh also stated that Staff had received a number of compliments on the Snow Removal during the 2018-2019 Season which he read excerpts from.

Councilmember Lewis said kudos to City Staff for the Snow Removal and to keep up the good work next snow season.

Mayor Roberts said that Staff should keep up the good work and that we have done better than neighboring communities throughout the season.

There were more general compliments on the snow season and a few questions about towing during the season.

22. **Report by the Mayor** None.

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

- June 1st: Summer Kick Off Block Party – 6:30PM
- June 11th: Planning Commission Work Session – 5PM
- June 11th: Planning Commission – 7PM
- June 13th: City Council – 7PM
- June 13th: City Council Budget Work Session – Immediately following Council
- June 14th-15th: Edgerton Frontier Days
- June 19th: Senior Lunch – Noon
- June 27th: City Council – 7PM
- June 27th: City Council Budget Work Session – Immediately following Council
- July 3rd: Community Picnic & Fireworks Show – 6PM to 10:30PM

24. **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, AND ASSISTANT CITY ADMINISTRATOR**

Motion by Smith, Second by Lewis to recess into executive session pursuant to K.S.A. 75-4319 (b)(1) for the purpose of discussing contract negotiations to include City Attorney, City Administrator, and Assistant City Administrator for five (5) minutes.

Motion was approved, 4-0.

Session recessed at 9:20 pm. Meeting reconvened at 9:25 pm.

Motion by Lewis, Second by Longanecker to returned to open session.

Motion was approved, 4-0.

Motion by Longanecker, Second by Lewis to approve Wiedemann Inc. Change Order #4 related to Nelson Street Water Line Improvements.

Motion was approved, 4-0.

25. **Adjourn**

Motion by Lewis, Second by Smith to adjourn.

Motion was approved 4-0. The meeting adjourned at 9:30 pm.