

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**May 28, 2020**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on May 28, 2020. The meeting convened at 7:02 PM with Mayor Roberts presiding.

**1. ROLL CALL**

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

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
- Public Works Director Dan Merkh
- Marketing and Communications Manager Kara Banks via videoconference

2. **WELCOME** Mayor Roberts welcomed everybody and stated he is happy to be holding the meeting in person. He thanked those joining via videoconference to maintain social distancing.

**3. PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

- 4. Approve Minutes for May 14, 2020 Regular City Council Meeting.
- 5. Approve Resolution No. 05-28-20A Approving The Mayoral Appointments For The City Treasurer, City Attorney/City Prosecutor, And Municipal Judge, And Designation Of The Official City Newspaper For The City Of Edgerton.

Councilmember Smith motioned to approve the Consent Agenda, motion seconded by Councilmember Lewis. The Consent Agenda was approved, 4-0.

**REGULAR AGENDA**

**6. Public Comments.**

There were no public comments made at this time.

**7. Declaration.**

Councilmember Smith asked if there would be any conflict with her approving any budget requests from the Frontier Days Committee as she is a member of that committee. Mayor Roberts said he is part of that committee as well but there is no monetary loss or gain so there is not any conflict.

## **8. Presentations by Representatives for Budgetary Requests For the 2021 Budget**

### **• Project Grad**

Ms. Brenda Cloud, 105 West Martin Street Edgerton, Kansas, came before the Council. She requests the Council set aside \$2,000 for Project Grad in 2021. Mayor Roberts inquired to what was budgeted for the past. Ms. Beth Linn, City Administrator, answered the request is for the same amount as this last year.

Mayor Roberts asked what Project Grad is doing this year with the pandemic. Ms. Cloud stated signs were made for this year's graduates that she put the names on, and a parade of graduates will be held on June 20, 2020 from 11:00 AM to 1:00 PM. There will be one (1) graduate or family per car. Graduation is set for July 25, 2020 with the hopes of an in-person ceremony but it may be done virtually. A party is still being planned at either the New Century Fieldhouse or Celebration Park in Gardner. The idea of holding the event at Big Bull Creek Park was discussed but there are too many trails to monitor. Ms. Cloud stated donations are still coming in. Mayor Roberts said the event is planned to go on and the donated funds are going to a great cause.

Councilmember Lewis motioned to approve a \$2,000 allocation for Project Grad in the 2021 Budget. The motion was seconded by Councilmember Longanecker. The allocation was approved, 4-0.

### **• Johnson County Human Services**

Ms. Brandy Hodge, Community Relations Manager for Johnson County Human Services, spoke before the Council via videoconference. She provided a history of the Johnson County Utility Assistance Program (the Program) to the Council. Ms. Hodge explained why some residents need assistance on their utility bills. She said there is a high probability there will be an increase to the number who need assistance due to the impacts of COVID-19. Ms. Hodge explained that residents who qualify reside in Johnson County and the City must be at or below the 200% poverty level with a past due bill in their name and can provide a history of the account showing recent payments. She explained the Program uses the last thirty (30) days of income to see if residents qualify.

Ms. Hodge showed the Council the previous pledges the City has done in the previous years. Councilmember Longanecker inquired to what happens to the funds that are not used in the pledged year. Ms. Hodge replied the funds roll over into the next year. Ms. Linn stated the funds are put into an account that is earmarked for Edgerton residents. Ms. Hodge said that is correct and no funds pledged for 2020 have been used thus far. Ms. Linn explained the pledged funds are requested only when the funds are low in the

account. Ms. Hodge stated said some cities pay it upfront in one lumpsum and others pay quarterly.

Ms. Hodge showed the Council how the contributions per agency were divided. She explained the available funds from 2019 and what utility the dollars went to. The utilized funds for the City were shown to the Council. Ms. Hodge then showed the Council the last five (5) years of how many households requested assistance each year and how much was provided. She stated they expect to see more people needing assistance with utilities and requested the City help raise awareness of the assistance program through social media and the City's website and newsletter.

Ms. Hodge provided a Program update to the Council where she stated Johnson County Services would like to raise the City allocation per qualifying household from \$100 to \$150. She requested the City pledge \$2,000 for 2021.

Mayor Roberts inquired if the federal stimulus payments are counted as income for somebody who is needing assistance. Ms. Hodge answered any unemployment benefit is considered income, but the stimulus payments are not considered income as it is not taxable. Ms. Linn stated the City did send the pledged amount for 2020 on May 11, 2020. Councilmember Longanecker motioned to approve the requested \$2,000 for the Utility Assistance Program and to increase the City's allocation per qualifying household to \$150. The motion was seconded by Councilmember Conus. The motion carried, 4-0.

- **Miami County Conservation**

Ms. Lesley Rigney, Coordinator of the Hillsdale Watershed Coalition (the Coalition), addressed the Council via videoconference. She stated the Coalition is going through unique times right now and is having to cancel events. She said they could always use more volunteers as well. Ms. Rigney stated this is the fifth-year overall effort of the Coalition and they will be entering the second stage of a grant that was awarded to them from Kansas Department of Health and Environment (KDHE). The Coalition has increased the amount of funds that needed to be raised to \$200,000.

Ms. Rigney stated the Coalition has had close to 2,500 acres treated with best management practices and the Coalition has doubled its outreach and education. Ms. Rigney requested \$5,000 from each Johnson County city that uses the Hillsdale Lake Watershed for their water. She is aware Edgerton does pledge money into the Hillsdale Area Water Cooperative (HAWC). She acknowledged the increase from last year's contribution of \$4,000 to \$5,000 this year. Ms. Rigney stated the long-term goals have not changed and the increase of funds would aid the Coalition is completing their new strategies that she highlighted.

Mayor Roberts inquired as to why the Miami County cities are not contributing as much as the Johnson County cities. Ms. Rigney answer it is because Johnson County is upstream which is where the nutrients need to be reduced and education is key

upstream and not downstream in Miami County. Mayor Roberts clarified the conservation is requesting \$5,000. Ms. Rigney replied that is correct. Councilmember Longanecker motioned to approve the requested \$5,000 be set aside in the 2021 Budget. Councilmember Smith seconded the motion. The requested \$5,000 will be set aside in the 2021 Budget, 4-0.

- **United Community Services of Johnson County**

Ms. Christina Ashie Guidry, Director of Resource Allocation for United Community Services (UCS) of Johnson County, thanked the Council for the opportunity to present via videoconference and recognized the City for the long-time contributions. She stated UCS is participating in the Kansas City Region's COVID-19 response recovery fund which recently announced the Edgerton food pantry is receiving \$5,000 from that fund. She explained the UCS Human Service Fund is a voluntary fund that fourteen (14) cities and Johnson County contribute to.

Ms. Ashie Guidry provided a 2019 year-end report for the Council. She stated UCS is requesting level funding for 2021 to match last year's contribution of \$2,000. She stated about 60,000 Johnson County residents received aid from UCS in 2019 and 251 of those residents lived in Edgerton. Mayor Roberts said he is a board member of UCS and appreciates the grant funding they obtain and the data that is gathered to help the residents of Edgerton. Councilmember Lewis motioned to approve the request for \$2,000. The motioned was seconded by Councilmember Longanecker. The budget request of \$2,000 was approved, 4-0.

- **Frontier Days Association**

Mr. Glyn Powers, President of the Frontier Days Committee (the Committee), 1606 West 8<sup>th</sup> Street, spoke to the Council. He stated Frontier Days will not be held this year due to the pandemic. He explained everyone who was booked for this year will be rebooked for next year which is the 50<sup>th</sup> Anniversary of Frontier Days. Mr. Powers said the Committee is aiming for the biggest Frontier Days yet. He stated the Committee is requesting \$30,000 to help get a big-name entertainer for Saturday night. The Committee hopes to have the festival next year. Mayor Roberts said it is a lot of work and hopes there are more volunteers. He said there are some people who show up the day of the event, which is great, but there is a lot of planning of the event and the Committee needs more help.

Councilmember Longanecker inquired to what the City's typical donation is. Ms. Linn answered it is usually \$18,000. Councilmember Longanecker asked how the Committee came up with the \$30,000 figure to request. Mr. Powers answered the increase of funds from all of the major donors would help book a big-name entertainer. Councilmember

Lewis said a typical entertainer is usually \$10,000 to \$15,000 per night. A more popular entertainer would require a higher amount. Mayor Roberts agreed and said lesser known entertainers go about that rate. Mr. Powers said a fairly popular musician once cost about \$20,000. Mayor Roberts acknowledged that country entertainers seem to be a little more popular than the rock-and-roll entertainers in Edgerton and generally cost more. Councilmember Smith said Gardner may not be doing an event, so a larger crowd could show up. Mayor Roberts stated a more popular name could draw a larger crowd as well. The extra funds could also be used to acquire some other entertainment or giveaways.

Mayor Roberts highlighted the history of Frontier Days by stating it was started by the Boy Scouts and it eventually grew so big that a new committee had to be formed. The City has always helped to some degree and if the City wants to be more involved, then the City should donate more funds. Mayor Roberts said this event has attracted many people to Edgerton and it gives families time to come back to Edgerton if they have moved out. Mayor Roberts said he is in favor giving more if the City can afford it. Mr. Powers acknowledged the Committee is lucky to have the same entertainment booked for the same amount for next year, but they still want the biggest and best event possible. All of the funding and volunteers are needed and welcomed. Councilmember Lewis motioned to approve to requested amount of \$30,000. Councilmember Longanecker seconded the motion. The requested amount of \$30,000 was approved, 4-0.

- **ElevateEdgerton!**

Mr. James Oltman, President of ElevateEdgerton! (Elevate) approached the Council. He stated the budget request form last year included funds for a Logistics Park Kansas City (LPKC) magazine, which was completed and delivered early April 2020. The LPKC Magazine is different than the magazine published by the Gardner-Edgerton Chamber of Commerce. The LPKC magazine is a business to business marketing piece that gives stories of some of the tenants in LPKC and why they have decided to work in Edgerton. Mr. Oltman said the magazine has not been sent to very many places as the pandemic has made it difficult figuring out who is working in the office and who is working from home. The magazine is geared for people who find locations for their business and will not be sent out to the community like a chamber magazine. The Council commended Mr. Oltman on the magazine. Mr. Oltman stated he and City Staff worked diligently with the publishers on getting the stories right and showcasing what Edgerton has to offer businesses.

Mr. Oltman informed the Council that during the pandemic, Elevate has been primarily focusing on aiding the current tenants of LPKC. He said while there are people losing jobs, LPKC is actually growing in employment and business due to the changes of habits

in shopping. Many places in LPKC are hiring in large numbers to keep up with demand of shipping orders. Elevate has been spreading the word that there are jobs available in LPKC with some places were offering a two dollar (\$2) an hour increases to attract applicants and employees. Mr. Oltman explained social media, radio advertising in the Kansas City metropolitan area and southwest of that area, and a digital billboard ad has been used to inform people there are jobs available in LPKC. Mr. Oltman stated any resources through the state are being shared with the tenants.

Mr. Oltman said Edgerton is well positioned on industrial and residential development. The pandemic has also forced some companies to start bringing their manufacturing back to the United States. Mr. Oltman explained this is because many companies had their product locked down in international locations where the pandemic started before it began in the US. He stated residential development is poised to change as affordable housing is going to become more important than it was before. Some companies will allow employees to work from home and people will want to migrate away from the higher cost of living areas. Mr. Oltman said there is reason for optimism for Edgerton as it continues to navigate towards the new normal.

Mr. Oltman stated the budgetary request for Elevate is similar to the past few years. He stated the City is starting to see some of the rewards of the labor and partnership with Elevate as more commercial development is coming to Edgerton with On the Go Travel Center having broken ground. Elevate expects to see more and more retail and commercial development in the City as they continue to work on recruiting residential development. Mr. Oltman said Elevate will continue to work with employers in LPKC to increase and enhance the workforce there. Last year Elevate increased its focus on rail serve businesses and is starting to see an escalation in leads. Elevate is working with regional partners and Burlington Northern Santa Fe (BNSF) Railway to attract rail served business to Edgerton.

Mr. Oltman indicated with the changes to the City's involvement in the Gardner-Edgerton Chamber of Commerce, Elevate wants to create the new resident bags that the Chamber of Commerce used to provide for new residents. He said partners of Elevate are being contacted to see if they want to put any offers or information in the bags to be given out. This also creates an outlet for community news and event alerts. Mr. Oltman said he and City Staff are working on a podcast so people can get updates about what is being done in LPKC and what Elevate is working on. It will also allow City Staff to highlight City events and bring in guests to highlight the bigger events. It is a way to connect with the residents and get the word out what Elevate is doing for Edgerton.

Mr. Oltman stated there are three (3) areas of funds he is requesting. The first one (1) is a \$55,000 cash contribution. The second area is \$10,000 in-kind contributions from

the City's Marketing and Communications Manager, Kara Banks. The final area is \$10,000 targeted allocation which will be used on Residential Development Housing Fund. This provides the ability to leverage money from other partners for the purpose of residential development recruitment activities. Those activities can be a housing study, residential development-related marketing, and/or data collection. Mr. Oltman informed the Council some other economic development partners are willing to participate in some of these opportunities.

Mayor Roberts stated he is on the Elevate board as well and sees the benefit of the partnership. Councilmember Conus stated the magazine emphasized Edgerton and he was grateful for that. Mayor Roberts said the magazine was specific for the business community and the residential piece the Chamber of Commerce was doing did not focus on Edgerton enough and maybe the City should do something similar in the future for its residents. Councilmember Lewis inquired to how leveraging funds works. Mr. Oltman answered the budget is a limited amount and if an opportunity such as a housing study would come along, the funds would have to be found in the budget instead of having other partners help fund the study. This fund would be a reimbursement-style situation as Elevate would pay for it then ask the City for reimbursement. It is possible that only a portion of the requested amount is used, but the total amount of funds is available if the opportunity does arise. Ms. Linn stated there are some grants Elevate can apply for that the City cannot. Mayor Roberts said a housing study does not only look at single family residential but also multi-family like condos and apartments. Councilmember Longanecker motioned to approve the requested funds. Councilmember Conus seconded the motion. The requested funds were approved, 4-0.

## **BUSINESS REQUIRING ACTION**

### **9. CONSIDER ORDINANCE NO. 2037 LEVYING SPECIAL ASSESSMENTS ON PARCELS OF GROUND FOR THE PURPOSE OF PAYING PROJECT COSTS WITHIN LOGISTICS PARK KANSAS CITY (LPKC) DISTRICT NO. 1 COMMUNITY IMPROVEMENT DISTRICT**

Mr. Scott Anderson, Bond Counsel, spoke before the Council. He stated the City has previously created the LPKC District No. 1 Community Improvement District (CID) to finance certain property at the northwest quadrant of 207<sup>th</sup> Street and Waverly Road. Pursuant to the CID and the related Development Agreement, the City levies special assessments against the property in an amount equal to 5 cents (\$0.05) per square-foot per year for all vertical improvements that exceed 50,000 square-feet for a ten-year term. The assessments are to commence in the calendar year in which property tax abatement commences for the vertical structures.

Mr. Anderson stated Kubota North America Corporation (Kubota) has constructed 1,958,919 square-feet of improvements within the CID. The Ordinance assesses \$979,459.50 of

special assessments against Kubota. One-tenth of the special assessments are paid each December, without interest, commencing December 2020.

Councilmember Longanecker motioned to approve Ordinance No. 2037 levying special assessments on parcels of ground for the purpose of paying project costs within LPKC District No. 1 CID. Councilmember Smith seconded the motion. Ordinance 2037 was approved, 4-0.

**10. CONSIDER ORDINANCE NO. 2038 LEVYING SPECIAL ASSESSMENTS ON PARCELS OF GROUND FOR THE PURPOSE OF PAYING PROJECT COSTS WITHIN LPKC DISTRICT NO. 2 COMMUNITY IMPROVEMENT DISTRICT**

Mr. Anderson addressed the Council. He stated the City has previously created the LPKC District No. 2 CID to finance certain property at the northeast quadrant of 207<sup>th</sup> Street and Waverly Road. Pursuant to the CID and the related Development Agreement, the City is to levy special assessments against the property in an amount equal to \$0.05 per square foot per year for all vertical improvements that exceed 50,000 square feet for a ten-year term. The maximum amount of the assessment is \$382,500. The assessments are to commence in the calendar year in which property tax abatement commences for the vertical structures.

Mr. Anderson stated ELHC LI, LLC has constructed 764,500 square feet of improvements within the CID. The Ordinance assesses \$382,500 which is the maximum amount of special assessments that may be assessed against ELHC, LI, LLC. One-tenth of the special assessments are paid each December, without interest, commencing December 2020.

Councilmember Lewis motioned to approve Ordinance No. 2038 levying special assessments on parcels of ground for the purpose of paying project costs within LPKC District No. 2 CID. Councilmember Longanecker seconded the motion. Ordinance No. 2038 was approved, 4-0.

**11. CONSIDER RESOLUTION NO. 05-28-20B AUTHORIZING THE CITY OF EDGERTON, KANSAS TO ENTER INTO A FIRST AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT OF A TRUCK STOP AND RELATED FACILITIES**

Mr. Anderson briefed the Council. He stated My Store III, Inc. (the Developer) proposes to construct a truck stop, truck parking, truck maintenance facility, truck wash, restaurants, and associated infrastructure improvements on the property generally located at the northeast and northwest corners of Interstate 35 and Homestead Lane. The Developer and the City previously entered into an Amended and Restated Development Agreement to set forth certain agreements with respect to the development. The Amended and Restated Development Agreement provided the Developer would develop the project and the City would consider the following incentives:

1. 1% CID sales tax with proceeds going to the City to reimburse the City for certain public infrastructure improvements.
2. Tax Increment Financing (TIF) project plan with TIF revenues being split 50/50 between the Developer and the City, and setting the maximum Developer reimbursement at \$1,440,362; and



3. Industrial Revenue Bonds (IRB) for the purpose of allowing the Developer to utilize a sales tax project exemption certificate.

The Developer has proposed that the initial project be expanded by including an additional 4,200 square feet of retail space. In exchange for expanding the project, the Developer is requesting that the TIF cap be increased to \$1,750,000.

The Resolution authorizes the City to enter into a First Amendment to the Amended and Restated Development Agreement. The First Amendment expands the definition of the project in the original agreement and increases the Developer TIF cap to \$1,750,000.

Councilmember Longanecker inquired as to why the location is the northeast and northwest corners and if the northwest side was to be for the sanitary sewer. Mr. Anderson answered the project is on the northeast corner and the northwest corner is an error. Mayor Roberts said the sanitary sewer does cross Homestead Lane but is not part of this particular development. Mr. Anderson stated the TIF district is composed of both the northeast and northwest corners of the intersection. Councilmember Conus inquired if the agreement will be amended each time a new building is proposed. Mr. Anderson said it seems this project is fully built out and the City is not any under obligation to amend an agreement, but the Developer can always ask. Ms. Linn said this agreement is for the first part of the project, but additional phases could be brought back to the Council for consideration. Mayor Roberts stated a lot of the burden of the cost is still placed on the Developer overall and the developer wants to capitalize the twenty (20) years of the TIF benefits.

Councilmember Lewis motioned to approved Resolution No. 05-28-20B authorizing the City of Edgerton, Kansas to enter into a First Amendment to Amended and Restated Development Agreement for the development of a truck stop and related facilities. Councilmember Conus seconded the motion. Resolution No. 05-28-20B was approved, 4-0.

**12. CONSIDER RESOLUTION NO. 05-28-20C SETTING A DATE FOR A PUBLIC HEARING REGARDING THE EDGERTON HOMESTEAD LANE RETAIL DISTRICT REDEVELOPMENT (TIF) DISTRICT PROJECT PLAN A1**

Mr. Anderson spoke before the Council. He stated on August 22, 2019, the City created the Homestead Lane retail TIF District on property generally located at the northeast and northwest corners of Interstate 35 and Homestead Lane (the District). Pursuant to an Amended and Restated Development Agreement with the Developer, the City agreed to consider a TIF project plan for the redevelopment of 12.162 acres located in the northeast corner of Interstate 35 and Homestead Lane (the Project Plan Area) that is within the District.

Mr. Anderson stated the Developer proposes to construct a truck stop, truck parking, truck maintenance facility, truck wash, restaurants, and associated infrastructure improvements on the Project Plan Area. The City proposes to construct an interchange and other necessary public infrastructure improvements. Together, these improvements are referred to as Project Plan A1. Mr. Anderson explained in order to create a project plan within a TIF District, the City needs to take the following actions:

1. Prepare a feasibility study;
2. Prepare a project plan;
3. Have the project plan considered by the Planning Commission;
4. Set a date for a public hearing on the project plan;
5. Notify the county, school district and property owners and publish notice of the public hearing; and
6. Approve an ordinance creating the project plan.

Mr. Anderson stated the City has caused a feasibility study to be prepared by Columbia Capital. The City has also caused Project Plan A1 to be prepared. On April 14, 2020, the Edgerton Planning Commission approved a resolution finding that Project Plan A1 is consistent with the intent of the comprehensive plan for development of the City. On April 23, 2020, the City approved Resolution No. 04-23-20A providing for notice of a public hearing to consider Project Plan A1. The City decided to delay the hearing and notices of the prior hearing were not mailed to the County or School District or published in the paper. This Resolution replaces Resolution No. 04-23-20A and set the new date for the public hearing as June 25, 2020.

Mr. Jeff White, Columbia Capitol, completed the feasibility study and stated the changes to development agreement does not change the conclusion of the feasibility study. He said Project Plan A1 meets the requirements under state law. He asked Mr. Anderson if June 25, 2020 is the correct date for the public hearing per the state statutes. Mr. Anderson answered it needs to be over thirty (30) days from the current meeting so it would not meet that requirement. He stated the earliest the public hearing can be held is July 9, 2020.

Councilmember Longanecker motioned to approve Resolution No. 05-28-20C setting a date for a public hearing regarding Project Plan A1 with the stipulation that the date be changed to July 9, 2020 for the public hearing. Councilmember Smith seconded the motion with the stipulation. Resolution No. 05-28-20C was approved with the stipulation the date for the public hearing be changed to July 9, 2020, 4-0.

**13. PUBLIC HEARING TO RECEIVE INPUT FROM THE PUBLIC ON THE POSSIBLE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN RESOLVING LOCAL COMMUNITY DEVELOPMENT AND HOUSING NEEDS IN THE CITY OF EDGERTON**

Mr. Dan Merkh, Public Works Director, spoke before the Council. He said each year Johnson County invites cities to apply for Community Development Block Grant (CDBG) funds that are made available by the federal government. Johnson County stated that the primary goal of the County's Community Development program is to provide federal financial assistance to eligible applicants for the purpose of community development. Towards this goal, the County has identified a number of strategic priorities. Mr. Merkh said those priorities are:

1. Complete/advance existing projects approved by voters and the Board of County Commissioners with efficiency and effectiveness.
2. Strengthen and finance the appropriate level of service to meet the needs of the County's vulnerable populations, pursuing innovative strategies.
3. Develop a creative and innovative vision for a transit plan that is fiscally stable.

4. Focus on developing innovative initiatives that enhance operational effectiveness and efficiency, levels of customer service and stewardship.

Mr. Merkh stated a step in the application is to hold a public hearing to obtain public opinion on the matter.

Mayor Roberts opened the Public Hearing 8:43 PM. No public comments were made. Mayor Roberts closed the Public Hearing at 8:44 PM.

**14. CONSIDER SUBMITTAL OF APPLICATION TO JOHNSON COUNTY FOR 7<sup>TH</sup> STREET AND NELSON STREET SANITARY SEWER PROJECT FOR CDGB FUNDING FOR 2021**

Mr. Merkh addressed the Council. He stated during the work session held on October 10, 2019, the Council identified the 7<sup>th</sup> Street and Nelson Street Sanitary Sewer Project as a priority for completion. This project would be an eligible Public Facilities and Improvement project by definition for use of CDBG funds. Mr. Merkh added all of Edgerton is within a Census Block Group that qualifies for funding by area benefit.

Mr. Merkh explained cities who are interested in submitting a CDBG application to the County are required to obtain the view of citizens through at least one public hearing held before the Council and advertised at least fourteen (14) days in advance in the City's newspaper of record. Mr. Merkh said the public comment period begins on the day after publication. The City published a Public Hearing Notice in the Gardner News on May 13, 2020. At the time of preparation of the packet, City Staff has received no comments from the public. Mr. Merkh stated the public hearing just held was regarding this project.

Mr. Merkh stated CDBG is a reimbursement program in which cities may apply for up to \$200,000. If the City applies for \$200,000 in 2021, the City would be ineligible to apply for a grant in 2022. He explained CDBG funds do not have a required match. However, the City is expected to provide leveraged funds in accordance with its financial capability. The application must contain verifiable statements indicating that the local leverage funds represent the maximum amount available for the activity and that without the requested CDBG funds, the activity could not be completed. However, those costs may be documented and used as local leverage funds.

Mr. Merkh said in preparation for the CIP work session, City Engineer and City Staff prepared an Engineer's Estimate of Probable Project Costs. The total project cost is estimated at \$468,000 which includes design, construction, inspection and other project deliverables. Mr. Merkh explained CDBG funds may only be applied to the construction aspect of the project.

Mr. Merkh informed the Council City that Staff recommends using sewer funds as leverage dollars for the \$268,000 over the \$200,000 allowed by CDBG. The final source of leverage funds will be determined by the Council if CDBG funding is awarded.

Councilmember Lewis motioned approving the submission of an application to Johnson County for the 7<sup>th</sup> Street and Nelson Street Sanitary Sewer Project for CDBG funding for

2012 and authorizing Mayor Roberts to sign the application. Councilmember Longanecker seconded the motion. The submittal of an application for the 7<sup>th</sup> Street and Nelson Street Sanitary Sewer Project for CDBG funding for 2021 and authorization of Mayor Roberts to sign the application was approved by the Council, 4-0.

**15. CONSIDER ORDINANCE NO. 2039 APPROVING THE DESCRIPTION AND SURVEY OF LANDS NECESSARY FOR ACQUISITION OF EASEMENTS NEEDED FOR CONSTRUCTING AN INTERSECTION AND CITY SANITARY SEWER LINES AT 20080 HOMESTEAD LANE (200<sup>TH</sup> STREET SANITARY SEWER PROJECT)**

Ms. Linn informed the Council the City is constructing a new full access intersection at Homestead Lane and 200<sup>th</sup> Street just north of Interstate 35. She said the City needs a temporary construction easement on the property located at 20080 Homestead Lane (northwest corner of Homestead Lane and Interstate 35) to remove the existing right-in/right-out entrances and construct the new intersection. City staff has contacted the property owner and requested the dedication of the easement by June 4, 2020.

Ms. Linn explained a new public sanitary sewer main is being constructed from the existing gravity sewer interceptor on the west side of the property at 20080 Homestead Lane to near the east side of Homestead Lane at 200<sup>th</sup> Street. The City needs a permanent sanitary sewer easement and temporary construction easement for this Project. City Staff has contacted the property owner and requested the dedication of these easements by June 4, 2020.

Ms. Linn stated prior to June 4, 2020, City staff will continue to negotiate easements with the property owner as the preferred method to acquire the easements. However, in case negotiations do not reach a conclusion that satisfies both parties, City Staff recommends moving forward with the condemnation process.

Ms. Linn said on May 14, 2020 the Council took the first step by passing Resolution 05-14-20B, confirming the necessity for condemnation and authorizing the preparation of a survey and legal descriptions. Passing that resolution did not prohibit the City from continuing to negotiate and/or acquire the easements. It simply authorized the preparation of the legal descriptions. That Resolution with the associated right-of-way and easement descriptions was published in the Gardner News on May 20, 2020. City Attorney has prepared the ordinance as the next step in the condemnation process.

Councilmember Longanecker motioned to approve Ordinance No. 2039 approving the description and survey of lands necessary for acquisition of easements needed for constructing an intersection and City sanitary sewer lines at 20080 Homestead Lane. Councilmember Lewis seconded the motion. Ordinance No. 2039 was approved, 4-0.

**16. Report By The City Administrator**

Ms. Linn stated she does not have anything to report at this time.

**17. Report by the Mayor**

- Report on Impact of COVID-19 to City Operations

Mayor Roberts stated things have moved quickly and have changed rapidly.

Ms. Linn stated the White House and Centers for Disease Control and Prevention have not had any changes since the last update.

Ms. Linn stated Governor Laura Kelly vetoed House Bill 2054 which would have limited her Executive Powers during an emergency. The veto also eliminated the second Emergency Disaster Declaration, but she signed a new one and called a special session to begin on June 3, 2020. This will task the Legislature with extending the state disaster declaration until January 2021. The state disaster declaration is what allows the City to apply for funding from the Federal Emergency Management Agency. Ms. Linn explained Governor Kelly reissued several executive orders but did not extend the suspension of utility disconnections or evictions for nonpayment. She stated the Ad Astra Plan for Reopening Kansas is no longer mandatory but is now seen as a guideline. The Kansas Corporation Commission (KCC) ordered all utilities under their jurisdiction of the KCC suspend disconnections due to nonpayment until May 31, 2020. Ms. Linn explained the City of Edgerton is a public utility and is not under their jurisdiction.

Ms. Linn informed the Council the Board of County Commissioners (BOCC) voted to renew and extend the State of Emergency Order until the threat of coronavirus is over, or the BOCC decides to rescind the order. The BOCC also voted to move into Phase 3 of the Ad Astra Plan starting May 29, 2020. The voluntary guidelines for Phase 3 for Johnson County will be in place for two weeks until June 11, 2020. The County is offering appointment-based testing for both people with and without symptoms. Ms. Linn stated there are few tests available and people who are interested should follow up with the County on their website.

Ms. Linn said the City's playgrounds were opened back up to the public on May 22, 2020. The ball fields will reopen for practices and private play on June 19, 2020. Teams will need to sign up for timeslots by June 10, 2020. Ms. Linn explained there will be a fifteen (15) minute break between each slot so teams can leave the area before the new team arrives. Due to the pandemic, City Staff consulted with Mayor Roberts and found it prudent to open the fields for a single summer season.

Ms. Linn stated due to the expiration of the Governor's Executive Order regarding the suspension of utility disconnects for nonpayment, Edgerton will resume both assessment of late penalties and disconnect for nonpayment beginning July 1, 2020. The City allows residents to request a payment plan for large balances they are unable to pay. Typically, those payment plans do not exceed 3 months; however, City Staff will allow six (6) months for payments. Residents wishing to request a payment plan may contact City Hall for an application. Any resident that does not make the required monthly payment for the payment plan will be subject to disconnect. Typically, late penalty charges continue to accrue during payment plans; however, COVID-19 balances will not accrue penalties. Ms. Linn stated the bills that are being sent on May 29, 2020 are for May and under the Executive Order.

Mayor Roberts inquired to the households that did not pay the utility bill at all during the Executive Order. Ms. Linn highly recommends those residents contact the City so they can apply for a payment plan. Councilmember Longanecker asked if the penalties included interest. Ms. Linn replied there is no interest charged to the penalties. Councilmember Smith inquired if a resident decides not to pay their bill if they are on a payment plan, what would happen. Mayor Roberts answered they will be disconnected if no payment is made. Councilmember Lewis asked if residents inform City Staff how to distribute the payment. Ms. Linn answered the form is filled out so an agreement can be agreed upon between the City and the resident. Mayor Roberts stated it is the current month's dues plus an added amount for the payment plan and if the resident is disconnected, then the payment has to be made in full before they can be reconnected. Councilmember Lewis inquired if residents are encouraged to contact Johnson County Human Services for utility assistance. Ms. Linn replied they should contact Johnson County Human Services to see if they qualify. Mayor Roberts said this is only one utility bill and these residents could be in more trouble than that one utility shows. Ms. Linn said the best thing a resident can do is contact the City early. Mayor Roberts stated he will sometimes get calls for assistance from the Christmas Tree Fund, but that fund is not used for that purpose.

**Future Meeting Reminders:**

- June 9th: Planning Commission Meeting – 7:00 PM
- June 11th: City Council Meeting – 7:00 PM
- June 25th: City Council Meeting – 7:00 PM
- July 9th: City Council Meeting – 7:00 PM
- July 14th: Planning Commission Meeting – 7:00 PM
- July 23rd: City Council Meeting – 7:00 PM

Mayor Roberts stated the Senior Lunch and BINGO on June 17, 2020 has been canceled.

**18. 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, PUBLIC WORKS DIRECTOR, AND CITY ADMINISTRATOR FOR THE PURPOSES OF PENDING LITIGATION**

Councilmember Lewis 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, Public Works Director, and the City Administrator for the purposes of pending litigation for five (5) minutes. Councilmember Longanecker seconded the motion. The meeting recessed into executive session at 9:12 PM after a vote of 4-0.

Councilmember Smith motioned to return to open session with no action being taken. Councilmember Conus seconded the motion. Open session resumed at 9:17 PM after a vote of 4-0.

## 19. Adjourn

Mayor Roberts stated he has received questions about typical off-road vehicle such as All-Terrain Vehicles (ATVs) and dirt bikes being allowed on City streets. He requested Council provide feedback on whether or not this should be a future agenda item. Councilmember Lewis stated he has been in contact with many members of the public who are formulating a plan to present to the Council. He requested what the law currently allows. Mayor Roberts answered is it state law that ATVs and other off-road vehicles are not allowed on public streets and tickets have been written. Councilmember Lewis said the discussion should be held for a legal licensed driver using those vehicles on City streets. Mayor Roberts requested City Staff compile some information together regarding this issue. Mr. Lee Hendricks, City Attorney, said he has seen this topic come up in other municipalities. Mr. Hendricks stated he is happy to help City Staff compile information on this topic.

Councilmember Smith motioned to adjourn the meeting, seconded by Councilmember Lewis. The motion carried and the meeting adjourned at 9:23 PM, 4-0.

## EVENTS

June 17<sup>th</sup>: Senior Lunch and BINGO – CANCELED

June 23<sup>rd</sup>: Municipal Court