

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**June 8, 2023**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas June 8, 2023. The meeting convened at 7:01 PM with Mayor Roberts presiding.

**1. ROLL CALL**

Clay Longanecker	present
Josh Lewis	absent
Josh Beem	present
Deb Lebakken	present
Bill Malloy	absent

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Assistant City Administrator, Meagan Borth
- Marketing & Communications Manager, Kara Banks
- Public Works Director, Dan Merkh
- Public Works Superintendent, Trey Whitaker
- Development Services Director, Zachary Moore
- Finance Director, Karen Kindle
- Bond Counsel, Scott Anderson

**2. WELCOME.** Mayor Roberts welcomed all in attendance.

**3. PLEDGE OF ALLEGIANCE.** All present participated in the 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 May 25, 2023 Regular City Council Meeting.

Councilmember Beem moved to approve the Consent Agenda. Councilmember Longanecker seconded the motion. The consent agenda was approved, 3-0.

**Regular Agenda**

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

**6. Public Comments.**

Pattie Stutteville, who owns the salon downtown, addressed the Council. She is concerned that downtown business owners are not being treated fairly by the Frontier Days Committee. She

stated that she was insulted and demeaned by the President of the Frontier Days Committee and told that she could not have a vendor spot outside of her shop. She asked the Council to think about their donation to Frontier Days in the future. Ms. Stutteville stated she had to close her business for two days and would lose revenue due to the festival.

Councilmember Lebakken asked if Ms. Stutteville knew that the other shops downtown would be allowed to have booths outside of their businesses.

Ms. Stutteville responded that she was not sure, but she would wait to see.

Councilmember Longanecker thanked her for coming to Council and speaking out about her concerns.

Mayor Roberts stated Frontier Days is run by the Frontier Days Association volunteers, so the City is limited to what it can do, but they do have control over the donation and adding stipulations to that donation.

Ms. Stutteville stated downtown businesses were told two weeks before the event that they needed to fill out a vendor form, which was a change from years past. She added that the form was outdated and included pricing, despite comments from the committee president that business owners in downtown would not be charged for vendor space. She stated she was not comfortable signing a contract that was not clear. She reiterated the Council should carefully consider their donations to Frontier Days if the festival organizers did not support local businesses.

Councilmembers thanked her for speaking.

#### **Business Requiring Action**

#### **7. CONSIDER ORDINANCE NO. 2138 AUTHORIZING BOND DOCUMENTS AND THE ISSUANCE OF THE CITY'S TAXABLE INDUSTRIAL REVENUE BONDS (ELHC IX, LLC PROJECT) SERIES 2023, FOR THE PURPOSE OF FINANCING AND PROVIDING TAX ABATEMENT FOR A WAREHOUSE AND DISTRIBUTION FACILITY.**

Mr. Scott Anderson addressed the Council. He stated this ordinance, like others previously passed by the Governing Body, authorizes the issuance of Industrial Revenue Bonds for the purpose of tax abatements for a warehouse and distribution facility. He stated this facility is to be located at 30500 and 30700 W 183<sup>rd</sup> Street. He stated this bond issue is referred to a "buy your own bonds issue" and ELHC IX will be both the lessee of the project and the owner of the bonds. He stated ELHC IX will be obligated to repurchase the project at the conclusion of the tax abatement. He stated like previous authorizations, the bonds will be limited obligations of the City, meaning the City has to make payments on the bonds only to the extent the City receives payments from ELHC IX pursuant to the lease. He stated the City is not obligated to make up any shortfall from any other funds of the City and the bonds are not a general

obligation of the City and do not count against the City's debt limit. He stated the ordinance authorizes the execution of the bond documents.

Mayor Roberts stated it is important to note that there is no obligation of the City to pay.

With no questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2138.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lebakken. The ordinance was approved, 3-0.

**8. CONSIDER PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF EDGERTON AND RENAISSANCE INFRASTRUCTURE CONSULTING, INC. FOR 2<sup>ND</sup> STREET RECONSTRUCTION**

Mr. Merkh stated in March 2023 the City issued a Request for Qualifications seeking engineering teams for the 2<sup>nd</sup> Street Reconstruction project. He stated this project includes street and stormwater improvements, installation of trails, streetlighting and assistance with easement acquisition. He stated RFQs were due and interviews with the short-listed teams were conducted at the beginning of May. After consideration, the selection committee recommends Renaissance Infrastructure Consulting (RIC) as the best, most qualified team for this project.

He stated the project scope approved in the CIP includes reconstruction of 2<sup>nd</sup> Street from Nelson Street to the terminus of the Grade Separation project. While most of this roadway is within Edgerton corporate city limits, a portion of this roadway is within unincorporated Johnson County. He stated the level of participation from Johnson County in design and/or construction is yet to be determined. The project scope includes an initial preliminary design phase to assist the City in finalizing the cross section and project extents.

He stated in addition to the existing scope, Staff requested RIC provide a cost estimate for design for the portion of Edgewood from 2<sup>nd</sup> Street to approximately West 4<sup>th</sup> Street due to significant degradation of that roadway. Staff will present additional information regarding Edgewood during the City Administrator Report.

The draft Professional Services Agreement between the City of Edgerton and RIC for the Project is enclosed in the Council's packet. The Professional Services Agreement has been reviewed and approved by City Staff, City's Insurance Representative, and City Attorney.

The Project budget included in the 2023-2027 Adopted CIP is \$4,900,500. After negotiation with the consultant, the price for services are described below:

CURRENT PROJECT		
CITY	2 <sup>nd</sup> Street-Nelson to south City limits	\$ 407,025

JOCO	2 <sup>nd</sup> Street-County section	\$ 116,085
	<b>TOTAL</b>	<b>\$ 523,110</b>
<b>ALTERNATE</b>		
CITY	Edgewood-2 <sup>nd</sup> to 4 <sup>th</sup>	\$ 137,495

At this time, City Staff recommends entering into a contract with RIC to design the 2<sup>nd</sup> Street Reconstruction project to include both the City and County portions of the Current Project Scope for a total of \$523,110. This provides the City with the most flexibility to determine at a future date what level of construction, if any, the City chooses to authorize based on participation from the County or other relevant factors.

Councilmember Beem asked if the City is responsible for the County portion.

Mr. Merkh stated the City intends to request participation dollars from the county. He stated the intent is that the City will manage the project and the County would pay in.

Councilmember Longanecker asked if the City has talked to the County about this.

Mr. Merkh answered that preliminary conversations have happened, but not recently.

Ms. Linn stated the item for approval does include the total amount with City paying for design. The intention is to ask for reimbursement, but there is no guarantee from the County's side yet.

Mr. Merkh stated the design piece can be removed all together for that section of roadway if the Council decides.

Mayor Roberts stated Council makes the authorization. He stated he is not interested in designing a section of county road that does not appear to be coming into Edgerton anytime soon. He stated with the County's participation, he is willing to entertain the idea. He stated he is not opposed to approving the entire amount but would like to see a conversation happen with the county before moving forward with the design piece of their roadway.

Ms. Linn stated Council could authorize that staff negotiate participation from the county and allow for time to come back and give an update. She stated it is important to note that there have been times where the City had done projects from a drainage or traffic perspective, where County is on one side and the City is on the other. This section is county roadway on both sides.

Mayor Roberts stated easements can be very tricky too, residents, railroad, etc. right there.

Councilmember Longanecker stated the City just built a new overpass and new streets. He stated it would be nice to have it all as one piece newly constructed but it not the City's responsibility to fix the County's portion.

Councilmember Lebakken questioned how residents would react.

Mayor Roberts stated the City does not work on County roadway. This is a difference between fixing Edgerton streets with Edgerton taxpayers money or fixing County roads with Edgerton taxpayers money.

Councilmember Lebakken stated she agrees, however residents will still complain that section is not done and the City will get the blame.

Mayor Roberts stated he believes this could be the perfect time to partner with the County, but staff needs to have that conversation.

With no further questions or comments, Mayor Roberts requested motion to approve the agreement with RIC for 2<sup>nd</sup> Street Reconstruction for \$523,110, but to have conversations with the County before starting the project.

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 3-0.

#### **9. CONSIDER DESIGN/BUILD AGREEMENT BETWEEN CITY OF EDGERTON AND AMERICAN RAMP COMPANY FOR GLENDELL ACRES PARK RENOVATION**

Mr. Merkh stated in May 2021 the Council authorized a contract with SWT for the design of the Glendell Acres Park Renovation project. Glendell Acres Park Renovation project includes a skatepark component, however this portion of design is not included in the contract with SWT. He stated SWT reached out to several designers and worked with American Ramp Company (ARC) to build a preliminary design. This preliminary design helped identify a scope and estimate fee.

He stated American Ramp Company is a design/construction firm dedicated to the skateboard industry. They have completed several projects of all sizes in this region. He stated SWT and City Staff recommend ARC to complete design and construct the skate park portion of the project in the amount of \$160,000.

He stated this contract amount fits within the current expanded budget provided by City Council. However, as the main portion of the project has not yet been bid, final pricing is not yet available. He stated when the bidding process is complete and ready for City Council consideration, staff will also bring updated project estimates for consideration.

The draft Contract is still under review by the City Attorney and City's Insurance Representative. Staff would recommend approval of the Contract pending any changes from these individuals.

With no questions or comments, Mayor Roberts requested motion to approve the agreement with American Ramp Company pending all necessary review and allow for the Mayor to execute the contract.

Councilmember Beem moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 3-0.

#### **10. Report by the City Administrator**

- Report on 215<sup>th</sup> Street Closure

Mr. Merkh gave a report on 215<sup>th</sup> Street. He stated there was significant washout after recent rainfall and the roadway, bedding and pipe was washed out and exposed. He stated this was discovered by Miami County staff and we were then notified. He stated today, the roadway was fixed as the City partnered with Miami County to complete the work. He stated the City had to emergency order the pipe, the City purchased, and Miami County did the install. He stated they were great and easy to work with and it was a great opportunity for our staff to watch, participate and learn on a project like this. He stated the roadway should be open tomorrow, if not already today.

Councilmember Longanecker asked if this was a gravel road.

Mr. Merkh stated yes, this was at Spoon Creek and Sunflower Rd.

Mayor Roberts stated there was probably some erosion already occurring, but the final straw was this heavy rain we received.

Mr. Merkh stated there was likely some backup that occurred as the trough of the pipe was found downstream and some debris was still in pipe balled up. He stated the washout was likely caused by a few different events happening at once.

- Report of Road Conditions of Edgewood – 2<sup>nd</sup> to 4<sup>th</sup>

Mr. Merkh stated after every winter season Public Works staff begins looking and inspecting major degradations of roadways. He stated this last season consisted of rough freezing temperatures instead of precipitation, which can be hard on road surfaces. He stated the roadway of concern at this point is Edgewood from Co-Op to the Glendell Acres subdivision and Co-Op from East to West 2<sup>nd</sup> Street. He stated last years pavement condition index (PCI) was about 67 and 92, but this year's numbers have decreased and the PCI is roughly mid-50s and mid-60s. He stated that should the County decide not to participate in the 2<sup>nd</sup> Street Reconstruction Project, Edgewood will need extensive work and this would be a plan that staff could pivot to for roughly the same dollars.

Ms. Linn stated based on the motion made for the RIC item, staff is asking for council consensus on a couple options. Option 1, if council agrees degradation is significant enough, staff can work to move forward with design and with authorization staff can bring an amendment back to include this portion and adjust project budget. She stated second option

would be hold off and have conversation with county first and report back prior to making any decisions.

Mayor Roberts stated he is comfortable to move forward with approving design and funds. He stated he would lean more toward Edgewood design and repair because it is a city street.

Ms. Linn stated the road likely degraded faster particularly due to the adjacency to the Co-Op and the traffic the road holds. She stated staff did not anticipate how quickly the road degraded.

Councilmember Longanecker questioned if the city would then have to do Edgewood next year. He stated if Edgewood and 2<sup>nd</sup> Street are fixed in entirety now, plus the intersection, it would be done all at once, likely leading to a better roadway overall.

Ms. Linn stated staff will work to bring back item to the next council meeting with a funding source and put the item on consent. She stated there is funding, but from finance perspective this will give them time to review and allow them to tie it to the right funding source before giving the green light.

#### **11. Report by the Mayor**

Mayor Roberts addressed the error written in the Gardner News. He stated there was an article published about The Greenspace and it was incorrectly listed at a project cost of \$5.5 Billion. He stated he is guessing there are not many community buildings in the surrounding area or even Johnson County that can afford that kind of build. He stated the bid is out currently for the project with hopes to have actual numbers and exact cost within the next month.

Ms. Linn stated it is scheduled to be discussed at the first meeting in July.

Mayor Roberts stated it will be a definite change in downtown and is already with the buildings down.

Pattie Stutteville stated the designs look really good!

Mayor Roberts stated he has heard some chatter that people are sad the old buildings were torn down, but he believes the new building will be a great asset for the community. He stated he has asked for a correction in the paper for this error.

#### **12. WALK ON: CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75- 4319(B)(6) FOR PRELIMINARY DISCUSSIONS REALTED TO THE ACQUISITION OF REAL PROPERTY TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR TO DISCUSS PURCHASE CONTRACT SPECIFICS**

Mayor Roberts stated he would like to recess into executive session pursuant to KSA 75-4319(B)(6) to include the City Attorney and City Administrator to discuss Purchase Contract

Specifics. He stated there will be no motion afterwards and it is expected to last 10 minutes. He stated the meeting will resume in the Council chambers for adjournment of the regular session, there is a work session to follow.

Mayor Roberts then requested motion to recess into executive session.

Councilmember Longanecker moved to recess into executive session for 10 minutes, seconded by Councilmember Lebakken.

The meeting recessed into executive session at 7:49PM, 3-0.

Councilmember Longanecker moved to return to open session to request an additional 5 minutes. Councilmember Lebakken seconded the motion.

The meeting returned to executive session at 7:59PM, 3-0.

Councilmember Longanecker made motion to return to open session with no action taken, seconded by Councilmember Lebakken.

Open session resumed at 8:04PM, 3-0.

### **Adjourn**

Councilmember Beem moved to adjourn, seconded by Councilmember Longanecker. All in favor. The meeting was adjourned at 8:05PM.

Submitted by Alexandria Clower, City Clerk