

City of Edgerton, Kansas
Minutes of City Council Regular Session
June 9, 2022

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on June 9, 2022. The meeting convened at 7:00 PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	absent
Josh Beem	present
Josie Stambaugh	present
Deb Lebakken	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
- Finance Director, Karen Kindle
- 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 May 26, 2022 Regular City Council Meeting
5. Approve an Agreement with Metropoint Services, LLC to Provide Janitorial Services for the Edgerton City Hall and Auxiliary Office Space

Councilmember Longanecker made motion to approve the consent agenda, seconded by Councilmember Lebakken. The items were approved, 4-0.

Regular Agenda

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

7. **Public Comments.** There were no public comments made.

Business Requiring Action

8. CONSIDER RESOLUTION NO. 06-09-22A DETERMINING THE INTENT OF THE CITY OF EDGERTON, KANSAS, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS IN THE APPROXIMATE AMOUNT OF \$5,000,000 TO PAY THE COST OF IMPROVING AND EQUIPPING A COMMERCIAL FACILITY FOR THE BENEFIT OF COLDPOINT LOGISTICS WAREHOUSE, LLC

Mr. Scott Anderson, Bond Counsel, addressed the Council. He stated he will have two items before the council that relate to ColdPoint. He stated the first item is the resolution of intent, and the second is the ordinance authorizing bond documents. He stated there are a couple of reasons the City issues these types of bonds: property tax abatement and sales tax exemption. He stated the item tonight is related to the utilization of a sales tax exemption certificate, as ColdPoint would like to finance solar equipment to put on top of their building. He stated this will save them an estimated \$150,000 on a \$5 Million project. He stated the resolution simply states the City approves and plans to issue bonds. The ordinance authorizes the City to issue and approves the primary bond documents, base lease and lease agreement. He stated this is an 18-month agreement and the documents are just like every other bond issue the city has participated in. He stated the Governing Body did receive a couple of red-line versions of the resolution and ordinance which simply change the name of the benefit entity. He stated it is now in the owner's name rather than the buildings name.

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 06-09-22A.

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

9. CONSIDER ORDINANCE NO. 2109 AUTHORIZING BOND DOCUMENTS AND THE ISSUANCE OF THE CITY'S TAXABLE INDUSTRIAL REVENUE BONDS (COLDPOINT SOLAR PROJECT) SERIES 2022, FOR THE PURPOSE OF FINANCING THE COST OF SOLAR EQUIPMENT

Mayor Roberts stated Mr. Anderson explained this item in the previous item before. He asked if the governing body had any questions or comments.

With no questions or comments, he then requested motion to approve Ordinance No. 2109.

Councilmember Longanecker made motion to approve, seconded by Councilmember Beem. The ordinance was approved 4-0.

10. CONSIDER ORDINANCE NO. 2110 ANNEXING CERTAIN LAND INTO THE CITY OF EDGERTON, KANSAS

Ms. Katy Crow, Development Services Director, addressed the Council. She stated the city received a request from the owner of a property to annex their land into the City of Edgerton. She stated included the application, map and other related documents are included in the council packet.

Councilmember Longanecker asked if this annexation is the final piece to annex all of the property in that area.

Ms. Crow stated yes, this is the final piece in the northwest corner of Homestead Lane and 199th Street.

City Administrator Beth Linn stated the landscape company in the northeast corner remains unincorporated Johnson County.

With no further questions or comments, Mayor Roberts then requested motion to approve Ordinance No. 2110.

Councilmember Beem made motion to approve, seconded by Councilmember Longanecker. The ordinance was approved, 4-0.

11. CONSIDER UPDATED VEHICLE AND EQUIPMENT REPLACEMENT POLICY

Mr. Dan Merkh, Public Works Director, addressed the Council. He stated in April 2015 the Governing Body approved the Vehicle and Equipment Replacement Policy. Staff has since reviewed the policy and is proposing some updates. He stated the proposed changes are listed within the council packet, which includes a change to the Estimated Useful Life chart being broken down into two charts, Vehicles and Equipment. He stated other changes to the chart include changes to estimated useful lifetime frames/units of usage based on industry standards, type of usage, staff experience with the vehicle/equipment types over time, etc.

Councilmember Lebakken asked what the difference is between useful years and units of usage.

Mr. Merkh stated these are starting numbers. He gave an example that the useful life of a mower is measured in hours, not years. He stated they would like to base the replacement schedule on actual conditions using real data specific to the city, instead of using market analysis.

Mayor Roberts stated the hours/years is really used for budget purposes. He stated the city does not want to change the mill levy to buy a dump truck every few years.

Ms. Linn stated by estimating life of equipment, staff can more efficiently project when a piece of equipment will need to be replaced. She stated the city strives hard to pay cash for equipment and have been able to do this because money is set aside to purchase equipment years down the road.

With no further questions or comments, Mayor Roberts then requested motion to approve the updates to the Vehicle and Equipment Replacement Policy.

Councilmember Longanecker made motion to approve, seconded by Councilmember Lebakken. The item was approved, 4-0.

12. CONSIDER AGREEMENTS WITH ADOPT A HIGHWAY TO SPONSOR HIGHWAY 56 (NORTHBOUND AND SOUTHBOUND) FROM 8TH ST. TO SUNFLOWER ROAD FOR LITTER REMOVAL SERVICES

Ms. Linn addressed the Council. She stated in April, Mayor Roberts presented the City Council with a proposal to consider a pilot program for litter removal services with KDOT for their Sponsor-A-Highway program. She stated at that time, an agreement had not been provided and the costs were estimated to be \$6,000 a year with cleaning occurring 12 times within the designated area. She stated this item was in response to several discussions with a property owner along Highway 56. She stated Council then directed staff to work with Adopt-A-Highway to draft agreements for northbound and southbound services along 56-Highway.

She stated the draft agreements are for a period of two (2) years and would consist of litter removal services both northbound and southbound of 56 Highway, from 8th St. (Edgerton Rd.) to Sunflower Rd. She stated the city may terminate the agreements for any reason with a 90-days written notice. Following the two-year sponsorship, the agreement will automatically renew for a successive two years unless the same written notice is given by either party.

She stated the monthly payments include a one-time set up/sponsor sign fee of \$600 per direction if the city desires, an initial deposit of \$1,000 to be applied to first and last month of services and 22 remaining month payments of \$500 for months 2-23. She stated this would be for a grand total of \$6,000/year or \$12,000 over the two-year agreements. She stated the agreement also states the sponsor will be notified upon renewal if the fees will increase more than 5% during any successive sponsorship periods.

She stated the Adopt-A-Highway Litter Removal Service of America is responsible for the cleaning of the area throughout the term of the agreements.

Mayor Roberts stated he considers this a pilot program because he wants to see how this works in Edgerton. He stated if it works well, he would like to see it expand to possibly include some major roadways within the city to try to make the town look better and be good neighbors to those around. He stated unlike Adopt-A-Highway, this program contracts out a professional company to pick up trash and does all the coordination. He stated they currently do a lot of work in the Shawnee/Lenexa area on 435.

Councilmember Longanecker asked if there is any real reason for the sign.

Ms. Linn stated the sign would say sponsored by the City of Edgerton, but if Council does not want the sign, it can be removed from the agreement.

Councilmember Stambaugh asked if they could add a sign later.

Mayor Roberts stated he would assume if the City paid for it, a sign could be added but cautioned that he was not sure. He stated he would like to see future money in the budget to do other areas if this works out well.

Councilmember Longanecker stated he expects this will work well because the City is not relying on volunteers to do litter clean-up.

With no further questions or comments, Mayor Roberts then requested a motion to approve the agreements without the sponsorship signs.

Councilmember Lebakken made motion to approve, seconded by Councilmember Longanecker. The agreements for northbound and southbound services, without the sponsorship signs, were approved, 4-0.

Mayor Roberts stated he would like an update after the agreements have been updated and finalized with how soon they will begin.

13. Report by the City Administrator

- Response to Douglas County Regarding City of Clearfield Public Hearing

Ms. Linn stated City Council has been given the updated information for the response to Douglas County. She added everything is the same minus the contact information and the information in the first paragraph.

City Attorney Lee Hendricks stated he understands that the only thing that has really changed in this letter is the first paragraph, but he would like to clarify that if the City is sending this letter directly to Douglas County, it would need to be updated to reflect the specific city/counties.

Ms. Linn stated staff would update the letter to reflect the counties/city referenced by Douglas County rather than the specific information related to Miami County.

With no further questions or comments, Mayor Roberts then requested motion to approve sending the letter with updated language and permission to have Mayor sign once complete.

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

- Information on Application to Johnson County for Temporary Use Permit for Bettis Asphalt for temporary asphalt plant at Edgerton Quarry (20125 Sunflower Road)

Ms. Linn stated City Council has been given a draft response letter to Johnson County related to the Temporary Asphalt plant at the Edgerton Quarry. She stated in 2014, the City Council made motion and approved a letter submitted to Johnson County in opposition to a permanent

asphalt plant. She stated this letter is very similar with few changes from that original letter. She stated the letter must be submitted by tomorrow. She stated the temporary permit does not require public engagement and can be approved at administrative level.

Councilmember Longanecker asked if Bettis is going for a 365-day permit.

Ms. Linn confirmed the temporary permit would be for 1 year. She stated the company has been awarded a KDOOT project along I-35 consisting of 7.5 miles of overlay.

Mayor Roberts stated he believes it is clear from 2014 and now that the community does not want this.

Ms. Linn stated she would like to also point out that this permit is for 100 working days, not calendar days and the community has seen that KDOT working/calendar days are a lot different than the normal business working days.

Councilmember Longanecker stated at one time there was an asphalt plant on 68 Highway in Ottawa.

Mayor Roberts stated he would hope that the county would allow for public engagement before approving a temporary permit.

With no questions or comments, he then requested motion to authorize the Mayor and City Administrator to sign and send the letter of opposition to the County.

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

14. Report by the Mayor

Mayor Robert stated he would like to remind everyone that Frontier Days is next weekend, and specifically asks Council to remind neighbors of road closures and to thank the volunteers of Frontier Days as most of the event is ran by volunteers in the community.

15. Future Meeting Reminders:

- June 14th: Planning Commission – 7:00PM
- June 23rd: City Council Meeting – 7:00PM
- July 7th: City Council Budget Work Session – 7:00PM
- July 12th: Planning Commission – 7:00PM
- July 14th: City Council Meeting – 7:00PM
- July 28th: City Council Meeting – 7:00PM

16. 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 FOR THE PURPOSES OF POTENTIAL LITIGATION

Mayor Roberts stated he does not expect any motion after the Executive Session and adjournment will immediately follow.

He then requested motion to recess into executive session pursuant to KSA 75-4319(B)(2) under the attorney-client exception to include the City Attorney, City Administrator and Development Services Director to discuss potential litigation for 20 minutes.

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

The meeting recessed into executive session at 7:38 PM.

Mayor Roberts requested motion to return to open session.

Councilmember Longanecker made motion to return to open session with no action taken, seconded by Councilmember Stambaugh. The motion was approved, 4-0. Open session resumed at 7:58 PM.

17. Adjourn

Councilmember Beem moved to adjourn, seconded by Councilmember Stambaugh. All in favor. The meeting was adjourned at 7:58 PM.

Submitted by Alexandria Clower, City Clerk