

City of Edgerton, Kansas
Minutes of City Council Regular Session
June 10, 2021

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on June 10, 2021. The meeting convened at 7:00 PM with Mayor Roberts presiding.

1. ROLL CALL

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

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- City Clerk Alexandria Clower
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Accountant Justin Vermillion
- CIP Manager Brian Stanley
- Public Works Superintendent Trey Whitaker
- Marketing and Communications Manager Kara Banks

2. WELCOME

3. PLEDGE OF ALLEGIANCE

Consent Agenda

4. Approve Minutes from May 27, 2021 Regular City Council Meeting

Councilmember Longanecker moved to approve the Consent Agenda, seconded by Councilmember Beem. The Consent Agenda was approved, 5-0.

Regular Agenda

5. Declaration. There were no declarations made by any of the councilmembers.

6. Introduction. Mr. Bowne, The New President of Johnson County Community College

Mr. Andy Bowne addressed the council. He stated as the new Johnson County Community College President he wanted to take a moment to introduce himself and update the governing body on the Community College. He stated he began at the college July 1st, 2021 after the

retirement of the previous president. He thanked the Governing Body and the taxpayers for the support to the community college.

He stated the college serves about 40,000-plus students on average in a semester and last year, the college served between 80,000-85,000 students. He stated about 21,000 of those are high school students taking college grade classes for credit that will transfer to any accredited school. He stated each year about 10,000 graduates transfer to a four-year school. He stated about 35,000-40,000 thousand take advantage of the continuing education classes JCCC has to offer, and about 15,000 or so will earn certification to enhance their careers.

He stated from an academic perspective, about 20 percent of classes are being offered face-to-face, and with COVID guidelines changing, the school is hoping to see more people in person this fall. He stated the summer classes this year look typical for a summer at JCCC, most students tend to enroll in online classes. He stated when fall classes begin, the numbers will jump to around 50,000 in face-to-face classes at the campus.

He stated JCCC offers classes at a rate of \$94 per credit hour for those that are county residents and \$112 for those out of county, making JCCC one of the lowest cost options in the state. He concluded by saying this past year has been a challenging year for all and he appreciates the support to the community college.

Mayor Roberts stated specifically for Edgerton, JCCC offers the Learning and Career Center at the Logistics Park. He stated the LCC has highest numbers in CDL training and helps other companies with customized training. He stated the community college has been a tremendous partner for Edgerton.

Councilmember Conus stated he appreciates the opportunities JCCC offers to the community. He stated his grandson just finished at JCCC and will now attend KU. He stated he as well attended JCCC in 1976.

Business Requiring Action

7. CONSIDER RESOLUTION NO. 06-10-21A ADOPTING THE KANSAS HOMELAND SECURITY REGION L HAZARD MITIGATION PLAN

Mr. Trey Whitaker, Public Works Superintendent addressed the council. He stated this plan allows us to protect residents, the community and city property in the event there would be a disaster.

Mr. Whitaker referred to the packet, which states mitigation plans are a prerequisite for grants. To meet all requirements of FEMA, plan participants must show their continued commitment to the county's mitigation efforts by adopting the plan through a formal resolution.

Councilmember Longanecker asked if this is the same as what the Council has approved in the past.

Mr. Whitaker confirmed this was a continuation of what had previously been approved by Council. He stated FEMA approved the new plan and the City along with other jurisdictions worked through this emergency management process.

Mayor Roberts stated FEMA mandates that City adopt this plan to apply for FEMA money.

Councilmember Brown asked if this is the same as the training that council members completed a couple of years ago.

Mayor Roberts stated that the training Mr. Brown is questioning is NIMS training. He stated everyone in the organization had to be trained and certified in certain categories with NIMS in the case there would ever be a disaster event in Edgerton. He stated it is a great thing to have, but from an elected official standpoint, there is not much for the Governing Body to do other than stay out of the way and help where needed, if needed. He stated if a disaster is big enough, the County would take precedence.

Councilmember Lewis moved to approve Resolution No. 06-10-21A, seconded by Councilmember Longanecker. The Resolution was approved, 5-0.

8. CONSIDER ORDINANCE NO. 2081 ANNEXING CERTAIN LAND INTO THE CITY OF EDGERTON, KANSAS

Ms. Katy Crow, Development Services Director, addressed the council. She stated the City has received two consents for annexation applications for properties currently located in Johnson County, Kansas. She stated copies of those applications are included in the Agenda Packet.

Ms. Crow stated Kansas Statute 12-520 states that the governing body of any city, by ordinance, may annex land to such city if that land adjoins the city and a written petition for consent to annex is filed with the city. She stated the property owners have filed the required petition for consent for annexation and the properties are contiguous to property within the City of Edgerton corporate city limits.

Councilmember Longanecker moved to approve Ordinance No. 2081, seconded by Councilmember Conus. The Ordinance was approved, 5-0.

9. Report by the City Administrator

- Project Update on 207th Street Grade Separation

Ms. Linn stated the intersection in its current state has a high amount of traffic and it is expected to be higher when complete. She stated the piers are nearly complete and, depending on the weather, should be finished this week or next. She stated the road closures are minimal for the next few weeks and the long-term closures are not scheduled until the final connection to the roadways. She stated the city sent letters to the residents in that area informing them to use the website, social media and NotifyJoCo for updates. She stated the gas company had to lower the pipeline under the road, causing a bump on 207th Street. She stated this repair to the roadway is signed appropriately and drivers in the area should use caution. She stated the contractor inspects this surface regularly and regrades as

needed. During the final tie in, the bump will be smoothed out and the road finished with a flat paved surface. She stated there may be times when the contractor is working to the east of the railroad tracks, so it may not appear that much is getting done. She offered a reminder that this area is still an active construction site. She stated the City appreciates the public's continued patience.

Ms. Linn stated the weather seems to have switched from extremely wet and muddy to dry, dusty, and hot. She stated the crews continue to work with the contractor to keep the road clean and dust under control. She stated there has been some chatter about the design and would like the community to know that the city went through an extensive public process to ask the community their thoughts and opinions. She stated the majority of those that attended public meetings and open houses gave input was that the roadway should go off alignment on the North. She stated this option was presented to Council and the Governing Body made that decision.

Councilmember Longanecker asked why there was a bump.

Ms. Linn stated the pipeline needed enough cover, but they did not want to do too much work on a temporary patch. She stated because of the cloverleaf, the road will connect there and when it connects the roadway will be fixed and have an even grade. In the meantime, crews will continue to monitor the road.

Councilmember Lewis stated he sees some kind of truck sweeping the road to keep dust and dirt from going toward houses almost daily.

- Report on Summer Kick-Off Block Party

Ms. Linn stated the overall attendance for the Summer Kick-Off Block Party was about 200 people and about 30 people attended the movie night that followed. She stated the event had face painting, crazy hair, photo booth, a live DJ and more. She stated Central Bank of the Midwest had their mascot, a duck named "Dollar Bill" in attendance. She stated this event received some great sponsorships, including NorthPoint Development, Arrowhead, Hostess, Central Bank of the Midwest, New City Church and the United Methodist Church.

Mayor Roberts stated Rev. Jim Hopwood with the Methodist Church is retiring again and this time he says it will be final. He asked council to congratulate him if they see him. He stated Rev. Hopwood has done a lot for the community over the years and he is very appreciated.

Councilmember Beem stated his kids loved the event and were happy to get out of the house. He stated the city did a great job.

Mayor Roberts stated everyone seemed to really enjoy the event.

Ms. Linn stated in the coming weeks, the city will have other events such as Frontier Days, which is hosted by the Frontier Days Committee in downtown Edgerton. She stated after that, the community picnic and fireworks show will be held July 3rd at Martin Creek Park. She stated July 24th, there will be a movie night at Glendell Acres Park with hopes of having a public engagement piece for the park renovation and then on August 7th there will be a movie night in the greenspace with the hopes of an additional event.

- Discussion Regarding Parking in Downtown

Ms. Linn stated the city was approached by a downtown business owner with concern about downtown parking. She stated the city has had a lot of events lately, well attended meetings, larger court docket, etc. She stated this increase effects parking in and around downtown Edgerton. She stated from a zoning and economic development standpoint, the city wants new businesses downtown, but the city does not want these businesses to be impacted from lack of parking. She stated this raises the question of how the city allocates spots for businesses and office space, and still maintains public parking.

Ms. Linn suggested having two spaces on Nelson Street signed for 1 hour parking. She stated having an hour will allow those that need it, ample time to get their hair done, shop, etc. but will also discourage those that are here for court to park there.

Councilmember Longanecker asked who would be keeping track of time.

Ms. Linn stated she would assume businesses downtown would help keep an eye and do a good job of notifying staff if they need to do so. She stated this is not something that police would necessarily enforce.

Mayor Roberts stated he has heard from a current business owner that there are times her shop must close because there is nowhere for her customers to park.

Council members agreed this would be a good start to resolve the issue.

Ms. Linn stated she anticipates this will require a resolution that will be brought back to council and added to consent for approval.

Mayor Roberts stated he recommends drilling holes and placing permanent signs.

- Update on Building Inspector Hiring Process

Ms. Linn handed out an updated job description for the Building Inspector position. She stated the City currently has a contract with George Butler Associates (GBA) to handle all of the inspections, review, etc. for the city. She stated when COVID began, staff had to have a conversation about this position and ultimately decided to pause recruitment. She stated previously the job description listed minimum and preferred qualifications with a minimum qualification being certified through ICC. She stated it is now suggested this become a preferred qualification rather than a necessity. This way the city can interview candidates that maybe have the years of experience and but not necessarily the ICC certification. She stated the job description will have an emphasis on reviewing of plans, inspections, and paperwork.

Mayor Roberts stated he thinks it is good to change this because there are a lot of people who work 40 plus years in the field and may have all their other licenses but are not ICC certified. He stated he is an advocate for education and believes it is important, but he would rather see someone who is qualified from years of experience in the position work to get properly certified than to see someone held back because they do not have the certification that is not necessarily needed, more so preferred.

Councilmember Lewis stated from a small business side, he knows it will be easier to have someone dedicated on staff to help people walk through the process and answer questions as well as be on site if someone comes into City Hall and just needs a quick question answered.

Ms. Linn stated GBA will still be kept on as an on-call service.

All Council members agreed to move forward with recruitment of the Building Inspector position.

- Update on Senate Bill 13

Jeff White with Columbia Capital addressed the Council. He stated in 1998 cities operated under a mill levy limit. In 2002, the State removed the Local Ad Valorem Tax Reduction (LAVTR) payments as well as the City-County Revenue Sharing payments. In return, the state lifted mill levy limits, giving city councils full control. In 2007, legislation followed that eliminated the property tax on machinery and equipment. To compensate for the lost revenue to local governments, the Legislature promised to resume the LAVTR and City-County Revenue Sharing payments in 2008, which lasted only a couple of years and have never been reinstated. The State legislative policy remained constant from 2008 to 2015 until the tax lid legislation was passed in 2015, with an update in 2016. There were not any changes to the tax lid legislation in the last 5 years. There were bills introduced last year, but nothing was successful. This year's legislature finally passed Senate Bill 13 and was amended by House Bill 2104 to fix a few dates. He stated under the new legislation the biggest change is the Revenue Neutral Rate (RNR), which is effective with the property tax levy in 2021 for the 2022 budget. He stated in a community that is growing, the same mill levy rate in 2021 will likely produce more property tax revenue than in 2020.

Mr. White stated by June 15th each year the County Clerk must provide cities with the RNR. If a city desires to exceed the RNR, the city will have to hold a public hearing and pass a resolution. The city will have to notify the County Clerk by July 20th of the desire to hold a public hearing and include the mill levy rate to be considered and the date/time/location of the public hearing. The County Clerk will then notify all the taxpayers of public hearings. The law applies to any entity that levies ad valorem property taxes, except for the State of Kansas. The public hearing must be held between August 20th and September 20th. Budgets must be approved and submitted to the County Clerk by October 1st. The RNR public hearing is in addition to the normal budget public hearing and must also be published in the newspaper ten days in advance of the hearing date. The RNR hearing and the budget public hearing can be held on the same date.

There are no provisions in SB 13 for adjustments to the RNR for new construction, properties rolling off incentives, addition of new territory, growth in assessed value due to inflation, or changes in debt service requirements. The tax lid law cities previously operated under allowed adjustments for those categories as well as increases in certain expenditures (i.e., public safety). Mr. White noted that the City Council should consider adopting a policy to adjust the RNR for these categories.

Councilmember Lewis asked if the County sets the revenue neutral rate.

Mr. White stated the county calculates the RNR. He stated the property tax revenue to be raised is based off last year's total raised. He stated the calculation is last year's property tax revenue divided by this year's assessed valuation, multiplied by 1,000 to express the RNR in mills. He stated that, for example, if in 2021 a city levied 4 mills, to generate that same revenue amount in 2022, if the community's assessed value grows, the mill levy rate will go down.

Councilmember Lewis asked if the city could opt in and out of the RNR.

Mr. White stated it is an annual choice. He stated the city must hold a public hearing and during this process, the city may still be in budget deliberations. He stated the city could first give an option to exceed and then through budget deliberations decide how much is needed and reduce the rate before budget approval. Once the budget is approved the rate is set and cannot be changed.

Ms. Linn stated this item was brought before Council for direction from council so staff can begin to create the budget.

Mayor Roberts stated this is a monumental change compared to how property taxes have been handled in the past. He stated he would assume that a lot of jurisdictions will be holding public hearings to exceed the RNR.

Councilmember Lewis stated he thinks this is counterproductive to growth in the community.

Ms. Linn stated the notice of assessed valuation will come from the county. Between then and the Budget Work Session on July 15th, staff would like direction from council to prepare the budget to capture property tax revenue for the following categories of changes in assessed valuations: property rolling off incentives, annexation, non-residential property, residential property due to inflation based on the CPI-U, General Obligation debt issuance and errors made by the county. Ms. Linn stated the council is not adopting a resolution at this council meeting, but rather giving direction to staff as to how they should prepare the budget.

Councilmember Conus asked if the city receives one Ad Valorem payment from the county.

Ms. Karen Kindle, Finance Director, stated the city receives two large payments a year and a few other small ones throughout.

Councilmember Conus asked if the city will be able to grab those payments individually.

Ms. Kindle stated the assessed valuation is broken out separately on a report and if there is any increase in the assessed valuation for non-residential, the city can request an additional report to calculate and back track what those numbers are. This will allow us to calculate the adjustments to the revenue neutral rate.

Ms. Linn stated this is done at budget time.

Councilmember Lewis asked how this is advantageous to the city or any growing community. He stated that he has not heard anything that has been beneficial for the city.

Mayor Roberts stated the advantage is truth in taxation and the mandatory public hearings telling the public this is what the city is doing and why they are doing it. He stated in growing areas like Johnson County, there will be a lot of jurisdictions following suit with the RNR public hearings.

Mr. Lee Hendricks, City Attorney, stated he believes there will be a lot of jurisdictions holding RNR hearings just in case there are valuation errors by the county. He stated there are too many unknowns. The city can always have a hearing and come back with a solution to finalize after.

Councilmember Lewis stated it seems like the Legislature is trying to make things simple on their end and more complicated and less effective for the cities.

Mayor Roberts stated the State cares about sales tax and income tax, not about property tax because it is less than 1 percent for them. He stated based on the current law now, it will negatively affect Edgerton. He stated in 2024 when the City of Edgerton begins to see the Ad Valorem taxes for the first warehouses built, the city will not see any additional income if the RNR rate is not exceeded. He stated the residents of Edgerton pay about \$330,000 in property taxes and in the first year the abatements begin to roll off, the first warehouse buildings will pay a nearly equal amount. He stated if the City stays at the revenue neutral rate, the City will not see an increase in property tax revenue going forward.

Councilmember Lewis questioned why the city would continue to do the work and have these new warehouses, or other developments coming to town if the city does not benefit from the work being done.

Councilmember Conus stated he is in favor of this new bill. He stated he likes that it focuses on the dollar amount and not the mill rate, bringing more transparency for the taxpayers.

All councilmembers agreed to have staff move forward with preparation of the budget to include capturing property tax revenue for the listed items, including property rolling off incentives, annexations, growth in assessed value for non-residential property, growth in assessed value of residential property due to inflation based on the CPI-U, issuance of General Obligation debt and errors made by Johnson County.

10. Report by the Mayor

Mayor Roberts stated he had sent the Board of County Commissioners a letter. He stated Commissioner O'Hara made some comments about Edgerton that were not factual and misconstrued contract language. He stated he sent pages of the contract document so they could understand and have all the facts. He stated Ms. O'Hara has reached out a couple times and he expects to have a meeting with her. He stated although she is not Edgerton's district commissioner, he believes she should still have all the facts.

11. Future Meeting Reminders:

- June 24th: City Council Meeting – 7:00PM
- July 8th: City Council Meeting – 7:00PM
- July 13th: Planning Commission Meeting – 7:00PM
- July 15th: 2022 Budget Work Session – 7:00PM
- July 22nd: City Council Meeting – 7:00PM

12. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(12) FOR MATTERS RELATED TO SECURITY MEASURES TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR AND COMMUNITY POLICING OFFICER FOR THE PURPOSES OF DISCUSSING SECURITY MEASURES THAT PROTECT PUBLIC AND PRIVATE PROPERTY

Councilmember Longanecker moved to recess into executive session pursuant to K.S.A 75-4319(B)(12) to include the City Attorney, City Administrator and Community Policing Officer for the purposes of discussing security measures that protect public and private property for 5 minutes.

Councilmember Lewis seconded the motion. The meeting recessed into executive session at 8:25 PM, 5-0.

Councilmember Longanecker moved to return to open session with no action being taken. Councilmember Lewis seconded the motion. Open session resumed at 8:30 PM, 5-0.

13. 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 CONTRACT NEGOTIATIONS

Councilmember Longanecker moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) to include the City Attorney and the City Administrator for the purposes of contract negotiations for 5 minutes.

Councilmember Lewis seconded the motion. The meeting recessed into executive session at 8:32 PM, 5-0.

Councilmember Lewis moved to return to open session with no action being taken. Councilmember Beem seconded the motion. Open session resumed at 8:37 PM, 5-0.

14. Adjourn

Councilmember Lewis moved to adjourn, seconded by Councilmember Conus. All in favor. The meeting adjourned at 8:37 PM.

Submitted by Alexandria Clower, City Clerk

EVENTS

June 18-19th: Frontier Days

July 3rd: Edgerton's Community Picnic and Fireworks

July 24th: Summer Movie Night

August 7th: Summer Movie Night