

**City of Edgerton, Kansas
Minutes of City Council Regular Session
June 13, 2019**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on June 13, 2019. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

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

With a quorum present, the meeting commenced.

Staff in attendance:

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

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for May 23, 2019 Regular City Council Meeting
5. Approve Resolution No. 06-13-19A Edgerton's Downtown Summer Movie Nights as "Public Festivals" For the Purposes of the City's Noise Restrictions Pursuant to Section 11-604 of the City Code of the City of Edgerton, Kansas

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

Motion passed 5-0.

REGULAR AGENDA

6. **Public Comments.** None.
7. **Declaration.** None.

BUSINESS REQUIRING ACTION

8. CONSIDER ORDINANCE NO. 2012 AUTHORIZING THE CITY OF EDGERTON, KANSAS, TO ISSUE HOME RULE REVENUE BONDS (LOGISTICS PARK INFRASTRUCTURE PHASE TWO PROJECTS) SERIES 2019A, IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$11,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY OR REIMBURSE THE COSTS OF PUBLIC INFRASTRUCTURE IMPROVEMENTS; AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS

Scott Anderson, City Bond Counsel, outlined the changes to the Ordinance in the updated copy that was handed out at the Council meeting. The language was updated to state "amount not to exceed \$11,000,000." Mr. Anderson stated Development Agreement contemplates that the City will issue home rule revenue bonds to reimburse the City for amounts it has been spending and to pay Edgerton Land Holding Company (ELHC) for amounts it has spent on various public infrastructure improvements.

Homestead Lane and 207th Street South of Interstate 35, Big Bull Creek Lift Station, South I-35 Gravity Sanitary Sewer Main, and 207th Street East of Waverly Road are various projects that would be reimbursable from the Home Rule Revenue Bonds. The issuance of the bonds will convert the interest rate accruing on the costs paid by ELHC from a taxable 9.5% interest rate to a tax-exempt rate. This interest savings will ultimately result in more funds being available in the public infrastructure fund. The bonds are payable solely from funds on deposit in the public infrastructure fund and are not a general obligation of the City.

Motion by Longanecker, Second by Lewis to approve Ordinance No. 2012.

Motion passed 5-0.

9. CONSIDER RESERVE POLICY

Karen Kindle, Finance Director, stated that Staff has reviewed the Budget Reserve policy outline in Resolution No. 05-13-10E and has identified updates to reflect recommendations from Raftelis Financial Consultants, Columbia Capital, and guidelines set out by Standard & Poor (S&P).

Ms. Kindle outlined the updates, which are listed in detail in the Agenda Packet.

Councilmember Conus asked for more detail on the portion where the City is self-insuring for \$50,000. Beth Linn, City Administrator, stated that this was for the City Property and Equipment that was designated as self-insured. Councilmember Conus asked if the 17% reserve included the \$50,000 or the reserve would be 17% + \$50,000. Ms. Kindle stated that it was included in the 17% but specifically designated.

Motion by Lewis, Second by Longanecker to approve Reserve Policy.

Motion passed, 5-0.

10. Report by the City Administrator

Beth Linn, City Administrator, informed Council that updates of the Unified Development Code would be handed out in order for them to review over the next two weeks before the next Council meeting. Mayor Roberts thanked Staff for their hard work on the updates.

11. Report by the Mayor

Mayor Roberts wanted to thank Staff for the destruction of two buildings for under \$9,000. Mayor Roberts appreciated staff finding asbestos and lead testing for \$650.00. He compared this to the headlines in the Gardner News about the City of Gardner approving a \$43,000 study on the decommissioning of the old police station.

12. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR, AND ASSISTANT CITY ADMINISTRATOR

Motion by Longanecker, Second by Smith to recess into executive session pursuant to K.S.A. 75-4319 (b)(2) for the purpose of discussing contract negotiations to include City Attorney, City Administrator, and Economic Development Counsel for ten (10) minutes.

Motion was approved, 5-0.

Session recessed at 8:00 pm. Meeting reconvened at 8:10 pm.

Motion by Longanecker, Second by Smith to return to open session.

Motion was approved, 5-0.

Motion by Longanecker, Second by Smith to recess into executive session pursuant to K.S.A. 75-4319 (b)(2) for the purpose of discussing contract negotiations to include City Attorney, City Administrator, and Economic Development Counsel for an additional ten (10) minutes.

Motion was approved, 5-0.

Session recessed at 8:11 pm. Meeting reconvened at 8:21 pm.

Motion by Longanecker, Second by Smith to return to open session.

Motion was approved, 5-0.

13. CONSIDER DEVELOPMENT AGREEMENT WITH MY STORE III INC.

Beth Linn, City Administrator, introduced the Development Agreement with My Store III, Inc which is a Kansas Corporation which operates a truck stop and gas station in the Kansas City metropolitan area.

My Store III has purchased property along Homestead Lane just north of the Interstate 35 and plans to develop a truck stop including the amenities such as fueling stations for regular and diesel fuel, truck parking, restrooms with showers, truck scale and wash, etc. As part of the Project, the Developer is required to construct Public Infrastructure Improvements. The Development Agreement proposes the Developer petition the City for the creation of a Community Improvement District for a community improvement district sales tax of one percent (1%) on the entire property (approximately 25 acres) to be collected for twenty years as allowed by Kansas Statute. The City would create a special fund to collect these CID revenues. In addition, the City agrees to deposit (subject to annual appropriation) the City's share of retail sales tax actually collected from the Project Site into this same fund. The Development Agreement states the City agrees to reimburse the Developer up to \$750,000 for the cost of making the Public Infrastructure Improvements as described in the agreement. That reimbursement would be paid solely from funds deposited into the CID revenue fund.

Motion by Lewis, Second by Longanecker to approve Resolution No. 06-13-19B adopting the Development Agreement with My Store III, Inc.

Motion passed, 5-0.

14. Future Meeting/Event Reminders:

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

15. Adjourn

Motion by Smith, Second by Lewis to adjourn.

Motion was approved 5-0. The meeting adjourned at 8:35 pm.