

**City of Edgerton, Kansas
Minutes of City Council Regular Session
July 9, 2020**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on July 9, 2020. The meeting convened at 7:01 PM with Mayor Roberts presiding.

1. ROLL CALL

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

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- City Clerk/Planning and Zoning Coordinator Chris Clinton
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Public Works Director Dan Merkh
- Marketing and Communications Manager Kara Banks

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for June 25, 2020 Regular City Council Meeting.

Councilmember Lewis motioned to approve the Consent Agenda, motion seconded by Councilmember Conus. The Consent Agenda was approved, 3-0.

REGULAR AGENDA

5. Public Comments.

Ms. Deborah Conus, 605 W Merriwood Lane, stated in June of 2020 she was driving east on Highway 56 behind a semi-truck. The truck went to make a right turn on Waverly Road. She said the truck had to go into oncoming traffic in order to make the right turn onto Waverly Road. Ms. Conus is requesting the Council to come up with a solution for the interest of public safety at Waverly Road and 56 Highway.

Mayor Roberts thanked Ms. Conus and agreed that the intersection is a safety issue. He said 56 Highway is under the jurisdiction of Kansas Department of Transportation and Waverly Road from 56 Highway to the railroad tracks is County right-of-way. He stated a study was

done before the intermodal was complete that showed that area is a safety issue. The City has attempted to have Waverly Road north of 181st Street established as a no truck route but has not had any luck from that. Mayor Roberts recommends Ms. Conus contact the County to request that area be designated as a no truck route. He said Edgerton has made its section a no truck route. Ms. Conus asked if the City could push the County to make Waverly Road a no truck route. Mayor Roberts answered the City has tried many times. Ms. Beth Linn, City Administrator, said contact information for Johnson County's Public Works Director and County Commissioner will be emailed to her.

Councilmember Smith joined the meeting at 7:07 PM via telephone.

6. Declaration.

There were no declarations made at this time.

BUSINESS REQUIRING ACTION

7. PUBLIC HEARING ON PROPOSED PROJECT PLAN A1 WITHIN THE EDGERTON HOMESTEAD LANE RETAIL DISTRICT REDEVELOPMENT (TIF) DISTRICT

Mr. Scott Anderson, Bond Council, approached the Council. He explained state statutes require a representative of the City to go through the proposed project plan. He explained the project plan comprises of approximately twelve (12) acres located on the northeast corner of Homestead Lane and Interstate 35 (I-35). He explained the tax revenues will be used to reimburse the City and the developer, My Store III, Inc., for the associated costs of construction. The tax revenues can be used for reimbursement for twenty (20) years. Part of the process is to conduct a feasibility study.

Mr. Jeff White from Columbia Capitol addressed the Council. He stated state statute requires a feasibility study to show the tax revenues will outweigh the costs to construct the development in order to qualify for the tax reimbursement. He said the feasibility indicated the redevelopment of this parcel will be self-supported over time and the development will generate \$2,500,000 million over the life of the project plan. Mr. White stated this project plan is feasible and eligible for the tax reimbursement per state statute.

Mayor Roberts opened the public hearing. There were no public comments made. Mayor Roberts closed public hearing.

8. CONSIDER ORDINANCE NO. 2041 APPROVING AND ADOPTING REDEVELOPMENT PROJECT PLAN A1 WITHIN THE EDGERTON HOMESTEAD LANE RETAIL DISTRICT REDEVELOPMENT (TIF) DISTRICT IN THE CITY OF EDGERTON, KANSAS

Mr. Anderson spoke before the Council. He stated on August 22, 2019, the City created the Homestead Lane Retail TIF District on the property generally located at the northeast and northwest corners of I-35 and Homestead Lane. He said pursuant to an Amended and Restated Development Agreement with My Store III, Inc., the City agreed to consider a TIF project plan for the redevelopment of 12.162 acres located on the northeast corner of I-35 and Homestead Lane that is within the District. My Store III, Inc. proposes to construct a

truck stop, truck parking, truck maintenance facility, truck wash, restaurants, and associated infrastructure improvements on the 12.162 acres. The City proposes to construct an interchange and other necessary public infrastructure improvements. All of these improvements are referred to as Project Plan A1. Mr. Anderson explained the City has taken all but one of the actions required. The final action is approval of Project Plan A1 via ordinance by at least a two-thirds ($\frac{2}{3}$) Council vote.

Councilmember Lewis motioned to approve Ordinance No. 2041 approving and adopting redevelopment Project Plan A1 within the Edgerton Homestead Lane Retail District Redevelopment (TIF) District in the City of Edgerton, Kansas. The motion was seconded by Councilmember Longanecker. Ordinance No. 2041 was approved, 4-0.

9. CONSIDER RESOLUTION NO. 07-09-20A APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DISPOSITION AND DEVELOPMENT AGREEMENT (PROJECT PLAN A1 – HOMESTEAD LANE RETAIL DISTRICT REDEVELOPMENT (TIF) DISTRICT)

Mr. Anderson stated the Disposition and Development Agreement (DDA) contains a description of the TIF eligible costs for Project Plan A1, and the method and priority for reimbursing My Store III, Inc., and the City for those costs. The DDA provides that eligible costs are to be reimbursed by the City on a pay-as-you-go basis with the annual TIF revenues being split between the City and My Store III, Inc. Mr. Anderson explained The DDA also establishes the maximum My Store III, Inc. reimbursement at \$1,750,000. He explained the County will capture the tax revenue and put it into a special allocation fund to be distributed to the City and My Store III, Inc. The developer has shown an estimated cost of over \$4,000,000 and the City has estimated \$1,750,000 cost for the construction of the intersection of 200th Street and Homestead Lane.

Councilmember Lewis motioned to approve Resolution No. 07-09-20A approving and authorizing the execution and delivery of a disposition and development agreement. Councilmember Smith seconded the motion. Resolution No. 07-09-20A was approved, 4-0.

10. CONSIDER JOHNSON COUNTY, KANSAS RECORDS AND TAX ADMINISTRATION (RTA) ELECTRONIC/DIGITAL RECORDING MEMORANDUM OF UNDERSTANDING (MOU)

Mayor Robert stated this item is not on the agenda, but City Staff has brought it to his attention.

Ms. Katy Crow, Development Services Director, spoke before the Council. She stated on May 14, 2020 the Council approved a Master Services Agreement (MSA) with Simplifile to facilitate the recording of executed documents such as plats, deeds, lot splits, easements, and rights-of-way, with the RTA. In order to move forward with the MSA, the RTA requires a MOU be completed for each municipality wishing to utilize electronic filing. The MOU outlines the requirements for document submittal including file size, dpi, file format, and guaranteed submission of original documents. Ms. Crow said the proposed agreement between Johnson County and the City continues until modified, amended or terminated. The

RTA does not charge an additional fee for the electronic recording of documentation. She said the City Attorney and IT provider have reviewed and approved the agreement.

Councilmember Lewis motioned to approve the MOU with the RTA. The motion was seconded by Councilmember Smith. The MOU was approved, 4-0.

11. Report by The City Administrator

- Marketing and Communications Quarterly Report

Ms. Kara Banks, Communications and Marketing Manager, spoke before the Council. She said the City's Facebook page has gained 207 followers since her last update in February and has had 177 more likes. The post engagement with photos average 888 people reached. The posts with the highest engagement was the COVID survey and the fireworks trailer. Ms. Banks stated the 3rd of July event added a lot of followers to the City's Facebook page in a short amount of time. She said the City's website has had 7,800 visitors in the last ninety (90) days. The City Council Documents page is a high trafficked page but the Fireworks Show event page still had more clicks. She explained most visitors spend less than a minute on the website. Typically, people are looking for a specific piece of information and leave so this shows they are able to locate the information quickly. The City has gained twenty-seven (27) Twitter followers and the top tweet earned 393 impressions. Ms. Banks said Kansas City Business Journal covered the TA Express groundbreaking and Dot's Pretzels' new facility here in Edgerton. KMBC and KCTV5 showcased the Community Picnic and Fireworks Show and KCTV5 interviewed Mayor Roberts and event attendees. Mayor Roberts said the Dot's Pretzels story spread fast. He inquired to when the facility will open. Ms. Banks replied they are hiring, and Ms. Crow answered an inspection is scheduled next week for their Temporary Certificate of Occupancy.

- Wellsville Water

Ms. Linn stated City Staff has been approached by the City of Wellsville's Utility Department to discuss the City of Wellsville making a connection to the City of Edgerton's water supply to obtain water from Edgerton. She explained the City of Wellsville is similar to Edgerton as they are a member of the Hillsdale Area Water Cooperative but are unable to purchase water from them. They currently purchase their water from Baldwin City like Edgerton does. She recommends City Staff work with the Staff from Wellsville and ask them to provide a feasibility study and infrastructure survey by a third-party engineer to see if it would be possible. She said it would be best to have that information available before any negotiations start. Mayor Roberts said it would be best to notify Water 7. He said this would benefit both Edgerton and Wellsville. Ms. Linn agreed and said it would help Edgerton by not being the end of the water line. The Council agreed to have City Staff work with the City of Wellsville and provide updates as talks progress.

12. Report by the Mayor

Mayor Roberts stated he does not have anything to report at this time.

13. Future Meeting Reminders:

- July 14th: Planning Commission Meeting – 7:00 PM
- July 23rd: City Council Meeting – 7:00 PM
- August 11th: Planning Commission Meeting – 7:00 PM
- August 13th: City Council Meeting – 7:00 PM
- August 27th: City Council Meeting – 7:00 PM

14. **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 PURPOSE 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 Smith seconded the motion. The meeting recessed into executive session at 7:35 PM, 4-0.

Councilmember Longanecker motioned to return to open session. Councilmember Lewis seconded the motion. Open session resumed at 7:40 PM, 4-0.

15. **Adjourn**

Mayor Roberts stated Councilmember Longanecker called him and they spoke about the Super 8 hotel in Gardner. He said the State has rented it to quarantine COVID positive or exposed patients. Mayor Roberts explained no forms of local government were informed of this happening. The sheriff and fire department were not informed. He said it is bad precedence set by the State. Councilmember Longanecker said the County Commissioners did not know about this happening. Mayor Roberts said the Governor keeps saying COVID-19 is a big deal, which it is, but then quarantines positive or exposed persons without informing the local authorities. Edgerton does not have a hotel, so it is not as big of a risk, but he is concerned about the lack of communication from the State. Councilmember Longanecker said he and his wife found out about this via Facebook and he is upset with the State for not informing either city. Councilmember Lewis said he heard the people being quarantined are staff from the Osawatimie State Hospital and are being supplied with food and other items from other caretakers. Councilmember Longanecker said it does not always work to tell people to stay in place and the location is within walking distance of the Wal-Mart many Edgerton resident visit. Mayor Roberts recommends people contact the Governor and state representatives to convey their frustrations with not being informed about this situation. Councilmember Lewis said he just found out today. Councilmember Smith said she saw it on Facebook as well, but she thought the people in the hotel can come and go as they please. Mayor Roberts said people were saying that, but the official statement says they cannot. Councilmember Lewis said the State legally cannot keep those quarantined at the Super 8. He said there will not be a sheriff officer there telling people they cannot leave. Mayor Roberts said this should have been communicated better before this news broke. He requested Ms. Banks provide the Council the Governor's hotline number to leave comments. Councilmember Lewis asked if there is a process or procedure in place as this could not be

the first time this has happened in the State. Mayor Roberts replied there was one in Olathe that Johnson County Emergency Department set up but that was kept quite as well. He said no progress can be made unless there is feedback from constituents. Councilmember Longanecker said there is a whole hotel being used for five (5) people and there are other places across the state like this. He stated he is upset that tax dollars are being used this way and the State feels it can just raise taxes whenever it seems fit. Mayor Roberts said local government needs to be informed so they can act on the orders and implores the State to inform local government before things like this happen again.

Councilmember Lewis motioned to adjourn the meeting, seconded by Councilmember Longanecker. The motion carried and the meeting adjourned at 7:51 PM.

EVENTS

July 15th: Senior Lunch and BINGO – 12:00 PM to 2:30 PM

July 28th: Municipal Court