

**City of Edgerton, Kansas  
Minutes of City Council Regular Session  
July 11, 2019**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on July 11, 2019. The meeting convened at 7:00 p.m. with Council President Clay Longanecker presiding in the absence of Mayor Roberts.

**1. ROLL CALL**

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

With a quorum present, the meeting commenced.

Staff in attendance:	City Administrator Beth Linn
	Assistant City Administrator Scott Peterson
	City Attorney Lee Hendricks
	City Clerk Rachel James
	Development Services Director Katy Crow
	Code Enforcement Charlie Lydon
	Finance Director Karen Kindle
	Public Works Director Dan Merkh
	Public Works Superintendent Trey Whitaker
	Marketing and Communications Manager Kara Banks

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

**4. Approve Minutes for June 27, 2019 Regular City Council Meeting**

Motion by Brown, Second by Smith to approve the consent agenda.

Motion passed, 4-0.

**REGULAR AGENDA**

**5. Public Comments.** None.

**6. Declaration.** None.

**BUSINESS REQUIRING ACTION**

**7. CONSIDER RESOLUTION 07-11-19A, PROVIDING A DEADLINE FOR THE REMOVAL OF OVERGROWN GRASS, WEEDS, UNSIGHTLY VEGETATION AND HEALTH NUISANCES LOCATED AT 204 W. 7<sup>TH</sup> STREET, EDGERTON, KANSAS PURSUANT TO EDGERTON MUNICIPAL CODE SECTION 8-208 AND ALLOWING FOR THE CITY TO ABATE THE COSTS ASSOCIATED WITH THE REMOVAL OF SAID NUISANCES**

Katy Crow, Development Services Director, and Charlie Lydon, Code Enforcement, introduced the Resolution by covering the history of the challenges with the property and the difficulties in contacting the property owners. The property owner has passed away and the property is currently vacant. Both the front and back yards have an accumulation of overgrown grass, weeds, unsightly vegetation which is leading to snakes, rats, raccoons and other pests to inhabit the area.

Linda and Virgil Florence of 605 West Hulett Street, Kay Fox of 208 West 7<sup>th</sup> Street, Paulette Young of 112 West 7<sup>th</sup> Street, and Pam Andres of 616 West Hulett voiced their support of this Resolution and their continued concern of the state of the overgrowth in the yards. They were particularly concerned about the wildlife that is being drawn to the area due to the overgrowth.

Beth Linn, City Administrator, spoke on the process and emphasized the importance following the correct process as outlined in the Municipal Code. Lee Hendricks, City Attorney echoed this remark.

Motion by Brown, Second by Smith to approve Resolution 07-11-19A.

Motion passed 4-0.

**8. CONSIDER PROJECT AUTHORIZATION FOR THE REBUILDING OF 207<sup>TH</sup> STREET PHASE II – EAST OF WAVERLY ROAD**

Katy Crow, Development Services Director, introduced the second phase of the Rebuilding of 207<sup>th</sup> Street. The agreement for the development of Phase II of Logistics Park Kansas City established a new Public Infrastructure Fund (Ph II PIF) for the collection of certain revenues associated with the development and payment of project expenditures as allowed by the Agreement. The continued rebuild of 207<sup>th</sup> Street east of Waverly Road for approximately 0.5 miles, adjacent to Inland Port 51, is included as allowable project expense in LPKC Phase II. The entire cost of the project is borne by Edgerton Land Holding Company until it changes over to funding from Home Rule Revenue Bonds. Brett Powell, NorthPoint Representative, was available for questions.

Motion by Smith, Second by Brown to approve the Project Authorization for the Rebuilding of 207<sup>th</sup> Street Phase II – East of Waverly Road.

Motion passed, 4-0.

9. **CONSIDER GUARANTEED MAXIMUM PRICE, SCHEDULE AND SCOPE FROM MILES EXCAVATING, INC. FOR 2019 STREET RECONSTRUCTION PROJECT**

Dan Merkh, Public Works Director, introduced the Guaranteed Maximum Price, Schedule, and Scope of the 2019 Street Reconstruction Project providing by Miles Excavating, Inc. The Agenda item was updated since the publication of the packet. As previously discussed, the roadways are past their useful life and need to be replaced. A public information meeting is set for Wednesday July 31<sup>st</sup> at 7PM. Construction is scheduled to begin, pending approvals, on August 1, 2019.

There is an increase from the original packet due to further discussions with the design-build team to verify items within the plans and specifications, finding that the increase is for \$31,400 which is in the form of concrete quantities and updates to the typical section. Staff also recommends having an owner held and owner-controlled contingency of \$30,000. Beth Linn, City Administrator, stated it is critically important due to the speed of the project to include the contingency. This project had been discussed during the Capital Improvement Projects Work Session in 2018. Further detail of short-term temp notes and other details of the financing plan will be presented at the City Council meeting on the 25<sup>th</sup> of July. Ms. Linn stated \$40,000 would be allocated from the General Fund. Ms. Linn stated the project could not have been financed without the revenue generated by Logistics Park Kansas City. Councilmember Longanecker stated that the positive impact of the Logistics Park is starting to directly impact the residents in town.

Motion by Brown, Second by Conus to approve Guaranteed Maximum Price of \$3,061,399.10, Schedule and Scope from Miles Excavating, Inc for 2019 Street Reconstruction Project.

Motion passed, 4-0.

10. **CONSIDER RESOLUTION 07-11-19B PROVIDING FOR NOTICE TO BE GIVEN FOR A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT IN THE CITY OF EDGERTON, KANSAS PURSUANT TO K.S.A. 12-1770 ET SEQ. AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH DISTRICT (EDGERTON HOMESTEAD LANE RETAIL DISTRICT PROJECT)**

Scott Anderson, City Bond Counsel, introduce the resolution and stated that the City is exploring the creation of a TIF Redevelopment District on property generally located at the northeast and northwest corners of Interstate 35 and Homestead Lane (the "Proposed District"). Development Dynamics, LLC prepared a Redevelopment Area Qualification/Eligibility Analysis to determine whether the Proposed District satisfies statutory requirements for a conservation area. The study concluded that the Proposed District meets the statutory requirements for a conservation area. In order to proceed with the creation of a TIF Redevelopment District, the City must adopt a resolution stating the City is considering the establishment of a redevelopment district. The resolution must give notice of a public hearing and contain detail on the District, all of which is contained within the Resolution. The map of the area and more information is available in the published Agenda Packet for July 11, 2019 or at City Hall.

Motion by Conus, Second by Brown to approve Resolution 07-11-19B.

Motion passed, 4-0.

11. **CONSIDER RESOLUTION 07-11-19C PROVIDING FOR NOTICE TO BE GIVEN FOR A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A REDEVELOPMENT DISTRICT IN THE CITY OF EDGERTON, KANSAS PURSUANT TO K.S.A. 12-1770 ET SEQ. AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH DISTRICT (EDGERTON OFFICE PROJECT)**

Scott Anderson, City Bond Counsel, introduced the resolution which is the first step in the exploration of the creation of a TIF Redevelopment District on property generally located at the northwest corner of 191st and Waverly Road (the "Proposed District"). The Proposed District satisfies the statutory requirement for a blighted area. The Kansas TIF statutes define a "Blighted area" as, among other things, any area where the majority of the property is in a 100-year floodplain area. In this case, 55.6% of the Proposed District is within a 100-year floodplain. In order to proceed with the creation of a TIF Redevelopment District, the City must adopt a resolution stating the City is considering the establishment of a redevelopment district. The resolution must give notice of a public hearing and contain detail on the District, all of which is contained within the Resolution. The map of the area and more information is available in the published Agenda Packet for July 11, 2019 or at City Hall.

Motion by Brown, Second by Smith to approve Resolution 07-11-19C.

Motion passed, 4-0.

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 Brown, 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 Assistant City Administrator for fifteen (15) minutes.

Motion was approved, 4-0.

Session recessed at 7:47 pm. Meeting reconvened at 8:02 pm.

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

Motion was approved, 4-0.

Motion by Brown, 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 Assistant City Administrator for an additional ten (10) minutes.

Motion was approved, 4-0.

Session recessed at 8:03 pm. Meeting reconvened at 8:13 pm.

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

Motion was approved, 4-0.

Beth Linn, City Administrator, outlined Resolution 07-11-19D a Resolution Pursuant to K.S.A. 26-201 Setting Forth the Necessity for Condemnation of Private Property and Authorizing Preparation of a Survey and Legal Descriptions of the Property to be Condemned.

The Property is located on the South Side, East of Waverly. This property is needed for permanent road right-of-way, temporary construction easements, and drainage easements. City Staff will continue to work with the property owners. This resolution does not eliminate continued negotiations with the property owner.

Motion by Brown, Second by Smith to approve Resolution 07-11-19D.

Motion passed, 4-0.

13. **Report by the City Administrator** none.

14. **Report by the Mayor** none.

15. **Future Meeting/Event Reminders:**

- July 31st: Public Information Session – 2019 Street Reconstruction Project 7PM @ City Hall
- August 3rd: Movie Night feat. How To Train Your Dragon 3: The Hidden World – 8PM
- August 6th: National Night Out with Johnson County Sheriff's Office – 6PM to 8PM @ Martin Creek Park
- August 8th: City Council Meeting – 7PM
- August 13th: Planning Commission – 7PM

16. **Adjourn**

Motion by Smith, Second by Brown to adjourn.

Motion was approved 4-0. The meeting adjourned at 8:15 pm.