

City of Edgerton, Kansas
Minutes of City Council Regular Session
August 13, 2020

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on August 13, 2020. The meeting convened at 7:02 PM with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Katee Smith	present
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
- Public Works Superintendent Trey Whitaker
- Marketing and Communications Manager Kara Banks
- Accountant Justin Vermillion
- Animal Control/Code Enforcement Officer Charlie Lydon

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for July 23, 2020 Regular City Council Meeting
5. Approve Ordinance No. 2043 Amending Chapter XI, Article I, Section 11-101 of the Code of the City of Edgerton, Kansas, Concerning the Uniform Public Offense Code
6. Approve Ordinance No. 2044 Amending Chapter XIV of the Edgerton, Kansas Municipal Code to Incorporate the 2020 Standard Traffic Ordinance, Subject to Existing Local Traffic Provisions in the City Code Which Supplement and/or Modify Certain Sections Thereof

Councilmember Longanecker requested Item five (5), Ordinance No. 2043, be removed for discussion.

Councilmember Smith motioned to approve Items four (4) and six (6) on the Consent Agenda, motion seconded by Councilmember Lewis. Items 4 and 6 were approved, 4-0.

Mr. Lee Hendricks, City Attorney, stated Councilmember Longanecker inquired about the changes to the Uniform Public Offense Code (UPOC). Mr. Hendricks stated this is updated annually via an ordinance. He stated the UPOC was updated to delete some language regarding the Criminal Use of Weapons. Mr. Hendricks said he has never charged somebody in municipal court with it and is not sure what has changed exactly. The UPOC is given to each municipality as it is uniform, so the change should not be a major one, but he will look into the changes. Councilmember Longanecker motioned to table Ordinance No. 2043 to the August 27, 2020 City Council meeting. Councilmember Smith seconded the motion. Ordinance No. 2043 was tabled to the August 24, 2020 City Council meeting.

REGULAR AGENDA

7. Public Comments

- Ms. Margy Sundstrom, 715 Myers Drive, Tonganoxie, KS 66086, spoke before the Council. She stated she is a member of the Lions Club in Tonganoxie and has been since 2005. She stated the Lions Club is the largest service organization in the world and began in 1917. The Lions Club believes people can do more together than alone. She explained members have met members of the community and community leaders to find ways a Lion's Club could serve the community. She invites community members to speak with the organization and help them form a Club here in Edgerton. She said Club members will be talking with the fire department, police officers, and church leaders as well. The Lions Club allows the members of the local Club to organize and focus on items important to them and their community. Ms. Sundstrom stated the pandemic has increased the need for Lions Clubs. Lions Clubs can help bring other services to and around Kansas to Edgerton. She said Lions Clubs are among the first organizations to help when disasters happen. Ms. Sundstrom explained some of the benefits a Lions Club provides to the members and community. Mayor Roberts said the Lions have an outstanding record of service and implores people who want to serve to look into the Lions Club.
- Janeice Rawles, 709 W. Heather Knoll Drive, Edgerton, KS 660621, approached the Council. She stated there is a detention pond at 8th Street and Heather Knoll Drive that is typically dry but during heavy rains can retain water that can get 5 to 6 feet deep. She explained there are kids are playing near and in the water. There are no signs or fences surrounding the detention pond to keep people and children away. She does not want to see the City be liable if an accident does happen. Ms. Rawles requested the City at least put up signs asking people to stay out of the detention area. She offered to show the Council pictures of the area on her phone. Mayor Roberts thanked her for watching out for the care of the children who do play in the water. She stated the water is runoff from the corn field on the other side of 8th Street so there are most likely chemicals in the water as well. Councilmember Longanecker asked how long the water sets in the area. Ms. Rawles replied the water does not set for a long time but does attract mosquitos. She said she has read a lot of complaints about standing water and the mosquitos on social media.
- Mr. Mike Curtis, 609 W. Meriwood Lane, Edgerton, KS 66021, addressed the Council. He stated there is some curbing that was damaged along his street. He requested the

curbing be repaired or replaced. He is not sure how it got damaged and stated it is possible a snowblade hit the curb and damaged it.

- Mr. Chris Clinton, Planning and Zoning Coordinator/City Clerk, read a letter from Ms. Linda Florence regarding the appearance of the library. The letter is attached to the minutes for public record. Ms. Beth Linn, City Administrator, stated City Staff has reviewed the agreement. She explained the City owns the building but allows the library to use it. There is language in the library's contract regarding maintenance, but maintenance specifically about the area referenced in Ms. Florence's letter is not clear. City Staff will maintain the patio and sidewalk area and the Public Works department has been made aware of that. Councilmember Smith inquired about the mortar that has fallen off of the building. Ms. Linn replied repairing the building is on the Capital Improvement Project list and City Staff will continue to monitor and repair as needed.

8. **Declarations**

- There were no declarations made by any of the Councilmembers.

9. **PUBLIC HEARING REGARDING A POSSIBLE DANGEROUS AND UNFIT STRUCTURE EXISTING AT 502 EAST 2ND STREET IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EDGERTON CITY CODE, CHAPTER IV, ARTICLE 4, SECTION 4-407**

Ms. Katy Crow, Development Services Director, and Charlie Lyndon, Code Enforcement/Animal Control Officer, approached the Council. She stated on June 25, 2020 the Governing Body approved Resolution 06-25-20A, Resolution 06-25-20B, and Resolution 06-25-20C. Resolution 06-25-20A allowed the City to abate the costs associated with the removal of yard nuisances at 502 East 2nd Street in Edgerton, Kansas. The cost to remove the vegetation overgrowth and miscellaneous debris was \$742.35. Ms. Crow explained City Staff continues to work on finding a contractor who can remove the RV on the property. Resolution 06-25-20B approved deeming the property an immediate hazard and allowing the City to board up the property. This was completed on July 23, 2020 at the cost of \$657.00. Resolution 06-25-20C approved providing for a hearing to discuss a possible dangerous and unfit structure at the property. During the hearing, the owner may appear and show cause as to why the structure should not be condemned, ordered repaired or demolished.

Ms. Crow stated public notice related to the hearing was published in the Gardner News on July 1, 2020 and July 8, 2020. The total cost of the publications is \$345.00. She explained notices were sent to the property owner on record, R-7 Capital Funding, via Certified Mail on July 1, 2020. The letter was accepted on July 3, 2020 and a second notice, sent on July 14, 2020, was accepted on July 18, 2020. Ms. Crow said City Staff has not been contacted by the property owner to discuss the property.

Mayor Roberts clarified all of the funds the City has put toward abating the conditions are placed on the tax rolls and would be required to be paid once the property is sold.

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

10. CONSIDER A POSSIBLE DANGEROUS AND UNFIT STRUCTURE EXISTING AT 502 EAST 2ND STREET IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EDGERTON CITY CODE, CHAPTER IV, ARTICLE 4-407

Ms. Crow informed the Council pursuant to Chapter IV, Article 4, Section 4-407, upon conclusion of the hearing, the Governing Body must make a determination as to whether the structure under consideration is dangerous, unsafe, or unfit for human use or habitation. She said the findings must be in writing and the owner or agent will be notified to either repair or demolish or remove the structure. The Governing Body must provide a time frame for the owner to abate the condition. She stated the repair alteration, or improvement of the structure cannot exceed 50% of the fair market value in the allotted time or the property owner will have to demolish the structure. If the owner is unable to comply within the allotted time, then the City may do the work. Ms. Crow said City Staff recommends the deadline to be thirty (30) days from the date of the hearing. Ms. Crow stated City Staff will work in conjunction with the City Attorney to draft a resolution to bring to the Council on August 27, 2020.

Councilmember Conus inquired if it is typical to be unable to contact the owner. Ms. Crow replied when the property was sold on the tax audit action block, there was no name or personal information for the owner, just the corporation. City Staff was able to find a corporation under the name of R-7 Capital Funding and sent notification to all the addresses available including to addresses in Oklahoma. Mr. Lydon stated there have been attempts to break into the structure on the property as well. Councilmember Longanecker said he saw the door to the RV camper was open. Ms. Crow stated a City contractor looked inside and noticed there were animals living in the RV. Mr. Hendricks said he recommends 30 days for the owner to repair the property, however that does not mean the City must take action on the next day. He said he typically does not hear back from property owners about the half the time in these situations. Mayor Roberts thanked City Staff for taking their due diligence with this situation. He stated the property owner should have the first opportunity to fix the issue before the City abates the nuisances.

Councilmember Conus motioned for City Staff to prepare a resolution to declare the structure at 502 East 2nd Street as dangerous, unsafe or unfit for human use or habitation and provide 30 days for the owner to repair, demolish, or remove the structure. Councilmember Longanecker seconded the motion. City Staff will prepare a resolution to present to the Council on August 27, 2020, 4-0.

11. CONSIDER RESOLUTION 08-13-20A AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2020A, OF THE CITY OF EDGERTON

Ms. Karen Kindle, Finance Director, spoke before the Council. She stated at the October 10, 2019 Council meeting, the Council approved the sale of the Series 2019A Temporary Notes to finance a portion of the 2019 Street Reconstruction Project. The term of the notes was one (1) year and the interest rate is 1.98%. The notes will be paid off over time using the

Logistics Park Kansas City (LPKC) Phase I City Maintenance and Administration fee. The Series 2019A Temporary Notes mature on October 1, 2020. She explained City Staff has worked with the City's financial advisor and the City's bond counsel to renew the notes. A portion of the principal will be paid off along with the interest payment due at maturity of the notes. The remaining principal will be financed by issuing new temporary notes, Series 2020A.

Ms. Kindle explained the Financial Advisor requested a proposal from US Bank, the holder of the Series 2019A Notes, as well as a proposal from Intrust Bank. US Bank provided a proposal; however, Intrust Bank declined to provide a proposal. Ms. Kindle stated US Bank's proposal is for a two-year term with semi-annual interest payments and an interest rate of 0.86%, which is substantially less than the rate received on the Series 2019A notes. The proposal also allows the City to make prepayments during the term of the notes.

Ms. Kindle stated Resolution No. 08-13-20A authorizes the offering for sale of the Series 2020A Notes and grants authority for the Mayor to execute a note purchase agreement with the US Bank within certain parameters. In addition, the resolution authorizes the Mayor, City Administrator, City Clerk, the Finance Director and other City officials, Bond Counsel, and the Financial Advisor to take such other actions that may be necessary to carry out the sale of the Notes. Ms. Kindle stated the anticipated schedule would have the Council adopting ordinances and/or resolutions authorizing the final terms on September 10, 2020 and closure of the notes on September 24, 2020. The redemption of the Series 2019A Temporary Notes would take place on October 1, 2020.

Councilmember Longanecker stated he likes the interest rate so low. Councilmember Conus asked if the notes will be paid with the nine (9) cents. Ms. Kindle replied it will be. Councilmember Conus inquired if the notes could be paid off early. Ms. Kindle said if more of the 9 cents is obtained quicker than expected then the notes would be paid off early. She explained the 9 cents referred to money received from LPKC. Ms. Linn stated the property owners pay 9 cents per square foot instead of assessed property taxes at this moment.

Councilmember Longanecker motioned to approve Resolution 08-13-20A. Councilmember Conus seconded the motion. Resolution 08-13-20A was approved, 4-0.

WALK ON ITEM: CONSIDER APPROVAL OF ENCROACHMENT AGREEMENT WITH KPC PIPELINE LINE

Mr. Merkh presented before the Council. He stated the 56 Highway Multi-Use Trail Project is currently under construction. At the east end of Phase I of the project, the trail will cross KPC Pipeline's underground infrastructure. The section of the trail that crosses the KPC Pipeline easement is approximately fifty (50) feet in length, however the actual infrastructure impact will only consist of approximately twenty-five (25) feet of trail. He said KPC Pipeline's existing infrastructure consists of 2 high-pressure natural gas, cross-country pipelines. One is an eight (8) inch line and the other is a 10-inch line.

Mr. Merkh explained in order to proceed with construction over the pipeline's infrastructure, KPC Pipeline requires an encroachment agreement. The agreements outline the use within the KPC Pipeline easement. City Staff has reviewed the agreement and the agreement is

currently under review by the City Attorney. All comments will be addressed prior to signing the agreement.

Mayor Roberts asked Mr. Hendricks if the City would have to pay to replace the trail if KPC Pipeline would remove it for work on the pipeline. Mr. Hendricks replied KPC Pipeline was the first to file an easement, which is extremely important. He said with the City putting an easement over KPC Pipeline's easement then KPC Pipeline might have the ability to block the city's agreement. Mr. Hendricks stated he has not looked at the agreement in full at this time, but he will look into the language of the issue Mayor Roberts brought up. It is rare for an easement to be on an easement. Mayor Roberts stated he wants to understand the legality of the agreement and the risks of the agreement. Mr. Hendricks agreed and said it is a risk assessment that might be looked at with a cost benefit analysis. Councilmember Lewis requested City Staff inquire the age of the pipe, how often maintenance will need to be completed, and the last time maintenance was done on the pipeline in the City's easement. Mr. Merkh replied the pipe is an older is most likely cast iron or stainless-steel pipe with a rubber casing. He said City Staff will request more information on the pipe itself. Councilmember Longanecker asked how close the trail is to being completed. Mr. Merkh answered construction is waiting for the agreement, pending approval of the next item on the agenda. Mayor Roberts said the trail is important to the City and the residents but also understands the need for the agreement. Ms. Linn stated it is important to know the process with possible future projects that could cross the pipeline elsewhere in the City.

Councilmember Longanecker motioned to allow the City Attorney to make revisions and allow Mayor Roberts to sign the agreement once the City Attorney approves the language. Councilmember Smith seconded the motion. The motion carried, 4-0.

12. CONSIDER USING JOHNSON COUNTY COOPERATIVE CONTRACT LANGUAGE FOR MAX RIEKE BROS. AND UPDIKE PAVING CORP. FOR THE CONSTRUCTION OF PHASE II OF THE 56 HIGHWAY MULTI-USE TRAIL AND ALLOCATION OF ADDITIONAL FUNDS TO THE PROJECT IN THE AMOUNT OF \$78,883 FROM THE LPKC PHASE I MAINTENANCE FEE

Mr. Dan Merkh, Public Works Director, approached the Council. He stated in 2019, the City completed the design of the Highway 56 Trail Project. The Council allocated a total of \$150,000 for the total Highway 56 Trail Project for both Phase I and Phase II. The typical cross section is six (6) inches of aggregate base and ten (10) feet of geo textile fabric. Phase I is on the south side of 56 Highway, from Edgerton Elementary School drive approach to 1st Street. Phase II will continue onto 7th Street.

Mr. Merkh explained after the bid opening September of 2019, the Council rejected the bids due to costs significantly over budget. City Staff was directed to look for options such as phasing this project with other projects, using cooperative purchasing options and any other cost saving measures available. He stated the Council approved moving forward with an asphalt cross section for Phase I, utilizing cooperative purchase contract with the County.

Mr. Merkh said Phase II construction includes the sitework, asphalt, sign relocation, hydrant relocation, and the construction of a retaining wall. He stated City Staff recommends

utilizing the cooperative bidding through the County to construct Phase II of the project at an estimated cost of \$74,710.

Mr. Merkh said the current Capitol Improvement Project (CIP) lists this project as two separate projects. He explained throughout the process of design and bidding, these Phases have been discussed as a single project. CIP funding allocated totaled \$150,000 which was separated out between the two phases, \$85,300 for Phase I and \$64,700 for Phase II. Mr. Merkh stated the estimated total for the project is \$228,883 due to unexpected costs of legal/land acquisition and the increase to construction costs.

Mr. Merkh informed the Council City Staff recommends the additional \$78,883 be allocated from the LPKC Phase I Maintenance Fee. Sufficient funding exists in the Fee due to the vacancy of the Assistant City Administrator position during 2020.

Mayor Roberts said this would finish Phase II and would connect the west side of town with the sidewalk. Councilmember Lewis inquired if the multi-use trail would be going to 8th Street. Mayor Roberts replied the cost was too great for land acquisition, so the decision was made to terminate at 7th Street for now. Councilmember Lewis asked why the funds need to be added to finish the project if cost cutting methods were taken. Ms. Linn answered City Staff estimated the cost of land acquisition much lower than what it actually cost. Councilmember Smith inquired if the funds are available due to no Assistant City Administrator position and the funds would not be there next year. Mr. Merkh replied the funds are available due to all of the vacancies. Ms. Linn stated all the funding for this project is from the LPKC Maintenance Fee, therefore no General Funds or taxpayer dollars are being used to fund this project. Mayor Roberts said this project is being funded by the growth at LPKC.

Councilmember Smith motioned to approve the use of Johnson County cooperative contract language for Max Rieke Bros. and Updike Paving Corp. for the construction of Phase II of the 56 Highway Multi-Use Trail and allocation of additional funds to the project in the amount not to exceed \$78,883 from the LPKC Phase I Maintenance Fee. Councilmember Longanecker seconded the motion. The motion carried, 4-0.

13. PUBLIC HEARING REGARDING THE 2021 RECOMMENDED BUDGET

Ms. Linn provided an overview on the budgeting process. She explained the City conducts a survey of the citizens biennially and started doing so in 2013. The themes of the top priorities have stayed somewhat consistent in the timeframe the City has done these surveys. In 2020 the top priorities the citizens reported were the overall enforcement of City Codes and Ordinances, maintenance of City streets, buildings and facilities, and traffic flow and congestion management. Ms. Linn stated those are used to set the goals for the Council.

Ms. Linn stated there are many ways the City generates revenue. The main way is property tax. Sales and use tax, licenses and permits, charges for services, LPKC payments in lieu of taxes (PILOT), and other sources are the ways the City produces revenue. She explained the PILOT payments are based on the square footage of the buildings in LPKC. Non-

residential payments compose 80% of the property taxes the City receives. The property tax burden on the residents is 20%.

Ms. Linn explained the current utility rates. She stated the average customer currently pays \$39.05 per month for water service and \$29.29 per month for sewer. The proposed rates would increase water bills to \$39.66 and sewer bills to \$30.18. The increase on an average customer would increase the water bill by \$0.61 and sewer by \$0.89 for a total increase of about \$1.50 per month for the average customer.

Ms. Linn explained how property taxes are divided and figured. She stated the mill rate for the City in 2010 was 42.893 and currently the mill rate is 30.881. She said the mill rate has decreased by 12.012 or 28%. The other taxing agencies and jurisdictions have almost all increased. The only ones not to increase are the State, which stayed the same, and the School District, which dropped 12.764 or 16.3%. This has led to an overall decrease in the mill levy in the City by 17.269 or 10.5%. Ms. Linn stated the tax burden for residents has dropped since 2011 as well. In 2011, the residential portion of property tax was 31% and in 2018 it dropped to 20%. The non-residential tax burden has equally increased. She said developments like LPKC, Dollar General, and On the Go Travel Center will continue to lower the tax burden on residents. Ms. Linn stated property values continue to rise, which increases property taxes. In 2010 the annual property value that was set by the Johnson County Appraiser's Office was \$110,120. In 2020 the appraised valuation increased to \$156,126. She said that is an 42.3% increase in average Edgerton home values. In the same decade, Johnson County saw an 42.4% increase in the average home value. Ms. Linn explained how \$1 of property taxes is divide. She stated \$0.44 of every dollar goes to the School District, Unified School District #231. The City see \$0.20 of every dollar of property taxes. Johnson County Fire District #1 received \$0.18 of \$1 of property taxes. \$0.06 goes to Johnson County Community College and the State of Kansas receives the last penny.

Ms. Linn stated LPKC has allowed the City focus on projects the residents have highlighted in the surveys, including construction of Big Bull Creek Wastewater Treatment Plant, the railroad quiet zones, renovations at Manor Park, the infrastructure improvements for Dollar General and future retail along West 3rd Street, the ballfields and trails at Martin Creek, the 2019 Street Reconstruction, the Wastewater Masterplan that is currently underway, the construction of the 56 Highway Multi-Use Trail, and the upcoming 207th Street Grade Separation. Those projects are not using any General Funds dollars. Ms. Linn stated these projects are funded by the 9 cents received from LPKC.

Ms. Linn said City Staff also leverages grants to improve Edgerton without using taxpayer dollars. City Staff has used County Assistance Road Systems (CARS) Grants. Those have been used to improve 4th and 5th Streets at Nelson Road, the overlay on 8th Street and Sunflower Road, and the 207th street Grade separation. A Community Development Block Grant was used to improve the Nelson Street waterline. City staff obtained a Sustainable Places Grant from Mid-America Regional Council (MARC) for the Downtown Edgerton Plan. In the last 5 years, City Staff was able to leverage \$1.67 million for those projects.

Ms. Linn broke down the sales tax by entity. She stated the sales tax rate for Edgerton is 8.975%. 6.5% of the sales tax goes to the State of Kansas. Johnson County has a 1.350% sales tax and the City of Edgerton has a 1.0% rate. The final 0.125% of the sales tax rate is

collected for the Johnson County Research Triangle. She explained the City is seeing consistent sales tax or better than nearby communities as many of the Top 10 sales tax generating industries are in located in LPKC.

Ms. Linn concluded with stating there will be new revenue coming to Edgerton soon. She said the new TA Express Travel Plaza at Homestead Lane and Interstate 35 will bring in new sales tax when it opens. City Staff and the Developer are expecting to be open early 2021. This will increase based on the traffic generated along Homestead Lane.

Mayor Roberts opened the public hearing.

Ms. Debbie Gilliland, 506 Shanandoah Drive, Edgerton, KS 66021, spoke before the Council. She said she is voicing her opinions and those of her neighbors. She stated some of the City Staff salaries are high for the area and that does not make sense for such a small town. That does not mean the City Staff is bad. She asked if more of the money being used for the salaries be put toward the residents. She explained her husband has lost his job due to the pandemic and some other residents could use a tax break from the funds used for the salaries of City Staff. She said she is not looking for a handout but some of the salaries are high. Ms. Gilliland stated the salaries need to get back in line with other cities in the area. The residents are hurting, and lessening property taxes would be a big help. She explained getting help on the water bill would be a great service as well. She said it has climbed a lot recently even after people have moved out of her home. She does not think the salaries she has seen for City Staff make sense in this area.

Mr. Curtis approached the Council. He agreed with what Ms. Gilliland stated. He is a small business owner and he looks at income versus spending in his business and in the City. Both have increased in the City, but spending is higher than the income. He stated there is a decrease in the income in the proposed budget, even though spending is going up more. In his review, Mr. Curtis stated he was drawn to the employee benefits portion of the budget. He said the proposed budget would have the City spending more than it brings in. He inquired how the Council could approve a budget that would put the City in the red. Mayor Roberts explained it is budget authority, or what can be spent and not what is actually going to be spent. Mr. Curtis inquired if the budget is based on what will actually be spent or the budget authority. Mayor Roberts stated the proposed budget is based on the budget authority and that is what is used to set the mill rate. Mr. Curtis commented that it does not matter how much resident pay in taxes then. Mayor Roberts explained the City does have reserves, which are higher than what they need to be, and can offset any budget deficits. Mr. Curtis wondered how the City came up with the salaries for City Staff. He said he is not attacking anybody and understands that City Staff are trying to pay their bills, but there are residents who are struggling to make ends meet. He stated employee benefits have increase \$102,000 over the last few years. He asked the Council how they set the salaries. Mayor Roberts replied the Council will address his concerns after the public hearing. Mr. Curtis said the Mayor of Gardner's salary is \$21,000, Overland Park's Mayor makes \$32,000 per year and the City of Olathe's Mayor has a salary of \$25,000 but that is a third of Edgerton's Mayor's salary and yet Edgerton is smaller than all of those communities.

Mr. Clinton read an email from Mr. Tyler Winkleman to Ms. Kara Banks, Marketing and Communications Manager. In his email, Mr. Winkleman stated all public hearings should be

recorded for those who pay the salaries of City Staff but cannot get off work to attend and anyone making over \$70,000 per year in such a small town is greedy with taxpayers' dollars and should resign immediately.

Mayor Roberts closed the public hearing

Mayor Roberts stated the Council did a salary study with other cities in the area, mostly north of Edgerton. The reason for the study was rooted in recruiting and retaining high quality employees in the City of Edgerton. He said the growth the City has had is amazing. The assessed valuation the County sets is based on the size of the community. Mayor Roberts explained Edgerton the assessed valuation grew \$16 million and the valuation of Gardner, which has a population 10 times greater than Edgerton, grew \$11 million. City Staff works extremely hard to get things done for the City. Mayor Roberts remembered when City Staff was unable to get projects done. This led to missed opportunities and projects that the City can do now with the City Staff that is in place. He explained the study was voted on by the Council and is used to reward City Staff comparably with competing cities. Councilmember Longanecker stated in the past that the City did not have the chance to see if a new hire was a good employee or not as they would go elsewhere for better compensation and benefits. He said the City has a much better Staff than it has had in the past.

Mayor Roberts acknowledged he did request a raise for the Mayor position and did not become a full-time employee of the City until the Council approved it. He explained he does not get any benefits from the City in terms of insurance and the Council can review the Mayor's salary at any time. Mayor Roberts stated his passion for the job does not come from the wage, but the wage does allow him to be the Mayor full-time and get tasks done that will benefit the City. He said he was doing that before the full-time salary was approved by the Council. Mayor Roberts stated the City did the largest street reconstruction project in the history of Edgerton last year and that would not have been possible in the past. He explained the mill levy was increased last year to provide a full-time police officer to Edgerton. He believes now is not the time to cut that position. He requested people to review the actual numbers compared to the percentages of the budget. Mayor Roberts explained Edgerton went from the highest mill levy in the area to closer to average and has lowered the tax burden on the residents. Mayor Roberts said LPKC will help the City get to a better position and the City knew it would be 10 years to get there, but it is coming soon.

Councilmember Lewis stated regardless of City Staff salaries, the projects are being funded without taxpayer dollars being used. The salaries might be higher, but there is a lot of stuff getting done and the City is not spending outside the budget and not outside the budget authority. Councilmember Lewis stated the city is not operating in the red and will never operate in the red. He said everybody in the City is each other's' neighbor and the strength of the City comes from the citizens. Councilmember Lewis stated Ms. Linda Florence and the library is a good example. The library was a citizen driven project and has benefited the City greatly. The City was alone for weeks after the ice storm in 2001 the City came together to help each other, and that strength is still there. Councilmember Lewis said those benefits can be given back to the citizens in terms of services the City provides or through tax

breaks. Mayor Roberts stated there was not enough public at the last meeting, but the Council was given options regarding the mill levy and he supports going down one-half mill.

Council Smith stated the work employees do in Edgerton is more than employees in other cities in similar positions due to LPKC and the rapid growth of Edgerton. She stated it is extremely difficult to compare Edgerton to other cities because Edgerton is unique. The City Staff has been bringing in more companies to the City which help the residents. She stated LPKC and other commercial properties make up 80% of the tax burden with the residential portion of the tax burden being only 20%. Councilmember Smith said Councilmembers still pay taxes like the residents and take that to all into consideration when discussing the budget.

Councilmember Longanecker addressed concerns about utility bills. He stated three (3) things have happened within the last 8 years with the water billing system. He stated the City went years without looking at the rates, and due to that, the City was losing money on the water service and had to increase the rates. The second item is the City installed new meters because the old ones were not reading correctly. This led to residents thinking the rates when up, when in all actuality, the new meter was reading what is actually being used. Councilmember Longanecker stated lastly is the fee for trash collection has increased which makes it the utility bill slightly higher. He explained the small increase for FY2021 is better than the huge increase that was done a few years ago. Ms. Gilliland stated their bill is still high even though they conserve water. Councilmember Longanecker replied those are some reasons why it might seem high. He said his utility bill has increased as well. Mayor Roberts said he does not like raising the rate, but when the rate study showed the rate needed to be increased by thirty (30%) over two years, he knew that was not sustainable. The small increases allow the City to still pay the water supplier without placing a huge burden on the residents yearly. He explained wastewater treatment requires a lot of electricity and Evergy has not lowered their rates. Mayor Roberts said the Council is wanting to spread the increases over the years so there are smaller increases instead of one huge increase. Ms. Rawles inquired to when the last utility rate study was completed. Mayor Roberts answered the City does them annually to prevent large increases. Ms. Linn pulled up the increases in the electricity costs. She said the City has to pay for the wastewater treatment and to prevent the City losing money on the utility, the rates that are charged to the residents is increased to offset the costs. Councilmember Lewis said nobody on the Council wants to raise utility rates or taxes and the Council is always looking for ways to lower them. Councilmember Longanecker said the City pays half the trash bill which helps greatly in keeping the cost to the residents lower.

Councilmember Lewis stated employee benefits are due to insurance rates increasing which City Staff nor the Council could control. Mayor Roberts said staff budgets for a 20% increase annually and hopes the actual increase is less. Mr. Bill Booton, 203 W Meriwood Lane, Edgerton, KS 66021, inquired what happens to the funds that are not used by the end of the fiscal year. Mayor Roberts replied the funds roll into the next year as encumbered funds. He said the proposed budget does show deficit spending, but the actual amount spent compared to the revenues the City will bring in will most likely be close to zero. Ms. Linn showed where the encumbered funds are provided in the General Fund that was published in the Council Packet. Mayor Roberts said there are other municipalities that try to spend it

all so there are no incumbered funds, but Edgerton shows how much that is carried over from year to year.

Ms. Gilliland asked since there are more funds coming from LPKC, then higher the City Staff salaries. Mayor Roberts replied the Council has compared the compensation for City Staff to other communities that are growing, and the services provided by those cities to the residents. He said City Staff does more work than others in the same position at other municipalities. There is a difference in the amount of work completed compared to the actual number of employees the City has hired. Mayor Roberts explained the Council has approved twenty (20) full-time positions with thirteen (13) of them currently filled. Mr. Curtis inquired if that number of employees is comparable to other cities in the area. Mayor Roberts replied the Council approved that number of employees to ensure all of the tasks are being completed. He said City Staff has completed more work than other cities that have more employees. Ms. Gilliland stated that is only because of LPKC. Mayor Roberts replied the work still needs to be completed no matter what development the City has.

Mayor Roberts stated this has been a crazy year and the City is still trying to get businesses into Edgerton, but it is harder due to the pandemic. He explained each tenant at LPKC is brought to City Staff's attention long before they are announced to the public. This is to ensure the company is a good fit for Edgerton and the other way around. He said employees at LPKC bring in a higher income than the median income in Edgerton and there is a variety of places to work in LPKC. Mayor Roberts knows that what Edgerton considers a small warehouse in LPKC is beneficial to many cities. Edgerton has built more warehouses than other cities have. Mayor Roberts explained the tenants of the warehouses do not get any incentives to lease the buildings and would most likely take a loss if they leave. The tax abatements will roll off and the City will profit from the property taxes because those buildings cannot relocate.

Mayor Roberts thanked everyone for their input and said the conversations are great to have in person. The Council works for the citizens and that is why the citizen survey is done. The surveys are what the Council uses to set their goals.

Councilmember Conus stated he has 3 concerns with the recommended budget. He said he does not like raising taxes as it puts an additional burden on those on a fixed income. While the Council considers lowering the mill levy, his taxes are the highest they have ever been. He said he has to budget that, and he has to cut spending somewhere else. Councilmember Conus stated the City has one of the largest commercial developments in the nation and the City still has to raise taxes on the citizens. He stated he wants to lower the mill levy to what it was in 2019. He said one would think his taxes would go down to that rate, but the property taxes will still be 12% more than last year due to the appraised value.

Councilmember Conus said his second concern is about the amount of spending the City is doing. He explained for the last 3 years, revenues have gone up 7.3% while spending is up 38.8%, employee benefits up 117%.

Councilmember Conus explained his third concern is with the overall budget. He said this is the first time the budget has been proposed with a deficit even after a 15% increase in property taxes last year. He said the projected revenues are down 11%, but there was no

decrease in spending. He said the good news is the rest of the Council is considering at least a one-half mill decrease.

Mayor Roberts stated even if the mill levy went down to what it was in 2019, property taxes would still go up. He explained the City is not the only taxing jurisdiction on property taxes. City Staff has shown how the City's mill levy has decreased over the last 10 years and has broken down to show taxpayers where their dollars go. Mayor Roberts said appraisal values have increased, which is good, but that also means the property owner will have to pay more in taxes. He explained the City does not have a say in the appraisal process and it is the County Appraiser and the way the tax laws are written in the State of Kansas. He has seen home sale prices higher than the appraised values and the City is unable to correct that.

Mr. Curtis inquired if the Council's highest priority is the growth of the City and not helping the citizens who are struggling because of the pandemic. He said even though the appraisal value of the City is increasing due to the growth, there is no extra money in the pocket of residents. He believes the budget is more about the growth of Edgerton than the people paying the taxes. Mayor Roberts replied the survey that is filled out by the residents is where the goals are set for spending. He understands the top priorities from the most recent survey, which were the overall enforcement of City codes and ordinances, maintenance of City streets, buildings and facilities, and traffic flow and congestion management, were submitted before the pandemic. The pandemic has changed many things, but there are other things that have helped offset the effects of the pandemic. Mayor Roberts said he has not had people come to him personally and request assistance. There was a minor increase in the number of patrons that use the Community Food Pantry. He said as the Mayor, he is to take care of the community as a whole and not each individual in the City. He wishes he could, but that is not feasible for him or the City. He explained the goal is not just growing LPKC and Edgerton but to addressing the top priority as decided on by the citizens in the survey.

Ms. Gilliland stated her husband was provided a severance package when he lost his job so there is no help from unemployment. She said not everybody is not getting the extra money per week from unemployment pay. Mayor Roberts said there are some getting assistance from that and in other ways as well. He stated he wants to help and there are options available, but the City still needs to conduct business to provide the services to residents. It is not to the City's advantage to put off the priorities of the citizens that were mentioned in the survey. Mayor Roberts explained when the tax abatements roll off, the City will flourish. Councilmember Conus asked when the first tax abatement rolls off. Mayor Roberts replied he believes it is 2025, but there might be a small roll off in 2024. Ms. Gilliland inquired if LPKC pays anything in terms of taxes. Mayor Roberts answered the residents did not put any money into LPKC and the developer is paying 9 cents per square foot. There is a repayment plan in place in the Public Infrastructure Fund which allows the funding of projects the City plans. Mayor Roberts explained the City is seeing the benefits of LPKC earlier than expected. Ms. Linn displayed the budget forecast. She stated the first tax abatement will roll off in 2025 and that will drastically shift the tax burden off of the residents. Ms. Linn stated in 2025 the tax abatement for the DeLong property rolls off then in 2026 the tax abatements will roll off of the Demdaco building, the Flexsteel building, and the Smart Warehouse building.

Mayor Roberts stated the Council should help continue to lower the mill levy while the tax abatements roll off. He said it will not be instant decrease but a slow creep to lower the mill levy annually. The Stormwater Master Plan and other projects the City has started and has planned do affect the community and need to be done. If there are problems with City infrastructure, then he wants to address it. Ms. Gilliland said her street floods the yards along her block. Mayor Roberts recognized there are localized problems that need to be handled but it does take time and funding to handle those problems. Mayor Roberts said he wants to fix the problems while lowering the mill levy.

Ms. Linn explained the ad valorem taxes are applied to all properties and PILOTs are shown separately so residents can see where LPKC is paying to have their share at this moment in time. Ms. Gilliland inquired how she can view the packet. Ms. Linn explained how residents can view the Council packet on the City's website. Mayor Roberts explained what was published in the newspaper is the maximum mill levy the Council can approve without republishing but the Council can vote to decrease without republishing. He stated he would like to see it go down one-half mill but acknowledges Councilmember Conus's mentioning of decreasing to the 2019 mill levy.

14. CONSIDER APPROVING THE 2021 RECOMMENDED BUDGET

Councilmember Conus motioned to approve the 2021 Budget with the mill levy decrease to the level it was for the 2019 Budget and the same amount of expenditures. Councilmember Lewis seconded the motion. The motion did not carry, 2-3 (Councilmember Longanecker, Councilmember Smith, and Mayor Roberts voting against the motion).

Councilmember Longanecker motioned to approve the 2021 Budget with a decrease of one-half of a mill than what is recommended with the same expenditures. Councilmember Smith seconded the motion. The 2021 Budget was approved with a one-half mill decrease than the recommended budget, 4-0.

Mayor Roberts stated he wants to continue to decrease the mill levy as possible and will fight for that. He said the motion was not to cut spending as the one-half mill decrease will allow the expenditures to be close to the amount of revenue the City will bring in. Councilmember Smith stated she is happy citizens spoke up and brought up concerns in their neighborhood and she greatly appreciates the input. Councilmember Longanecker informed the audience there are 2 meetings a month. Mayor Roberts welcomed everybody to come to other meetings no matter what is on the agenda.

15. Report by The City Administrator

Ms. Linn stated she does not have anything to report at this time.

16. Report by the Mayor

- Mayor Roberts stated he has had thought about broadcasting the meetings. He has seen posts on social media mentioning the live broadcasts of meeting. Councilmember Conus stated he would like City Staff to research on how to do so. He understands there would

be more equipment to buy and training for City Staff but sees it as a benefit overall. Councilmember Lewis said if residents are watching after the meeting has adjourned and not live, they will not be able to comment on it. The Council requested City Staff to research on broadcasting meetings live and drafting a policy to do so. Mayor Roberts does not want to create any issues, but this would allow residents to partake in meetings and work sessions from home. Ms. Rawles inquired if public comments are taken during work sessions. Mayor Roberts answered the Council always welcomes public comment if there is public present. Typically, the public will leave before the work session and not provide any comments. Councilmember Lewis added work sessions are the best time for residents to speak as that is when Council will direct City Staff to what projects the Council wants funded. Ms. Linn stated the packets and agendas are published before each meeting and residents can be notified when a packet or agenda is published. Councilmember Smith said Council is transparent and would like to see residents and the public participate. Mayor Roberts agreed and asked residents to get involved. Councilmember Smith said residents can read only the agenda and see if there is a topic that they want to read further into then read the information provided in the packet.

17. Future Meeting Reminders:

- August 27th: City Council Meeting – 7:00 PM
- September 8th: Planning Commission Meeting – 7:00 PM
- September 10th: City Council Meeting – 7:00 PM
- September 24th: City Council Meeting – 7:00 PM

18. Adjourn

Councilmember Smith motioned to adjourn the meeting, seconded by Councilmember Lewis. The motion carried and the meeting adjourned at 9:02 PM, 4-0.

EVENTS

August 25th: Municipal Court