**City of Edgerton, Kansas**

**Minutes of City Council Regular Session**

**August 22, 2019**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on August 22, 2019. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. **ROLL CALL**

Ron Conus absent

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

Finance Director Karen Kindle

Development Services Director Katy Crow

Public Works Director Dan Merkh

Public Works Superintendent Trey Whitaker

Marketing and Communications Manager Kara Banks

Elevate Edgerton President James Oltman

1. **WELCOME**
2. **PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

1. Approve Minutes for August 8, 2019 Regular City Council Meeting
2. Approve Ordinance No. 2018 Amending Chapter XIV of the Edgerton, Kansas Municipal Code to Incorporate the 2018 Standard Traffic Ordinance, Subject to Existing Local Traffic Provisions in the City Code which Supplement and/or Modify Certain Sanctions Thereof
3. Approve Ordinance No. 2019 Amending Chapter XI, Article 1, Section 11-101, of the Code of the City of Edgerton, Kansas, Concerning the Uniform Public Offense Code
4. Approve Concurrence to Bid the Highway 56 Multi-Use Trail Project (West 1st Street To West 8th Street)
5. Approve Project Authorization for the Construction of the I-35 South Gravity Sewer Phase II Improvements

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

Motion passed, 3-0.

**REGULAR AGENDA**

1. **Public Comments**. None.
2. **Declaration**.None.

**BUSINESS REQUIRING ACTION**

1. **CONSIDER HOLDING A PUBLIC HEARING IN REGARDS TO AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF EDGERTON, KANSAS (EDGERTON OFFICES PROJECT)**

Scott Anderson, Economic Development Counsel, introduced the proposed district located at the northwest corner of 191st Street and Waverly Road.

The TIF district fits the requirements for a blighted area with 56% of the District within a 100-year flood plain. The City should first hold a public hearing on the creation of the Redevelopment District. At the conclusion of the public hearing, the City should consider the Ordinance creating the Redevelopment District.

Mayor Roberts opened the public hearing at 7:06PM.

There were no public comments.

Mayor Roberts closed the public hearing at 7:07PM.

1. **CONSIDER ORDINANCE NO. 2020 MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF EDGERTON, KANSAS (EDGERTON OFFICE PROJECTS)**

Scott Anderson, Economic Development Counsel, stated that there are two aspects of Ordinance No. 2020. First, that the project site qualifies as a blighted area and second establishes a redevelopment district.

Mayor Roberts stated that a little under 30 mills will be sent to the school district from the revenue generated by the district.

Motion by Longanecker, Second by Brown to approve Ordinance No. 2020.

Motion passed, 3-0.

1. **CONSIDER HOLDING A PUBLIC HEARING IN REGARDS TO AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF EDGERTON, KANSAS (EDGERTON HOMESTEAD LANE RETAIL DISTRICT PROJECT)**

Scott Anderson, Economic Development Counsel, presented on the second TIF District located at the Northeast and Northwest corners of Interstate 35 and Homestead Lane. The process for the Retail District required engaging Development Dynamics, LLC for a Conservation Study. The study concluded that the Proposed District meets the statutory requirements for a conservation area. In particular, the study found the existence of the criteria in (a) dilapidation, obsolescence or deterioration of the structures; (c) the presence of structures below minimum code standards; and (g) inadequate utilities and infrastructure. The City sent notice of the pubic hearing to the county, school district, and landowners.

Mayor Roberts opened the Public Hearing at 7:12PM.

There were no public comments.

Mayor Roberts closed the Public Hearing at 7:13PM.

1. **CONSIDER ORDINANCE NO. 2021 MAKING FINDINGS AND ESTABLISHING A REDEVELOPMENT DISTRICT WITHIN THE CITY OF EDGERTON, KANSAS (EDGERTON HOMESTEAD LANE RETAIL DISTRICT PROJECT)**

Scott Anderson, Economic Development Counsel, stated that there are two aspects of Ordinance No. 2021. First, that the finding by Council that the district constitutes a conservation area as well as the creation of the Redevelopment District.

Councilmember Smith ask when the area was last inhabited. Mayor Roberts responded that it has been well over 10 years.

Motion by Smith, Second by Brown to approve Ordinance No. 2021.

Motion passed, 3-0.

1. **CONSIDER ORDINANCE NO. 2022 AUTHORIZING BOND DOCUMENTS AND THE ISSUANCE OF THE CITY’S INDUSTRIAL REVENUE BONDS (COLDPOINT LOGISTICS REAL ESTATE, LLC THIRD EXPANSION PROJECT) SERIES 2019, FOR THE PURPOSE OF FINANCING AND PROVIDING TAX ABATEMENT FOR A WAREHOUSE AND COLD STORAGE DISTRIBUTION**

Scott Anderson, Economic Bond Counsel, introduced Ordinance No. 2022 which authorizes bond documents and Industrial Revenue Bonds for the Coldpoint Logistics Real Estate, LLC third expansion project. The expansion would be approximately 147,800 sq. ft. to an existing approximately 473,270 sq. ft warehouse and cold-storage distribution facility. The Ordinance authorizes the City to issue up to $26,000,000 of industrial revenue bonds for the Project.

Motion by Longanecker, Second by Brown to approve Ordinance No. 2022.

Motion passed, 3-0.

1. **CONSIDER RESOLUTION NO. 08-22-19A AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2019A, OF THE CITY OF EDGERTON, KANSAS**

Karen Kindle, Finance Director, introduced the Resolution which authorizes the sale of the Temporary Notes which were approved by Council on August 8, 2019. Upon approval of this resolution, the staff, working with the Financial Advisor and Bond Counsel, will offer the Notes for sale via a bank direct purchase RFP. Resolution No. 08-22-19A grants authority for the Mayor to execute a note purchase agreement with the purchaser of the Notes within certain parameters. This allows for flexibility for the pricing date, rather than it having to be on a Council Meeting date. Having this flexibility will allow staff and the advisors to time the sale of the Notes to obtain the best arrangement. 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.

Motion by Brown, Second by Longanecker to approve Resolution No. 08-22-19A.

Motion passed, 3-0.

1. **CHARTER ORDINANCE NO. 25 EXEMPTING THE CITY OF EDGERTON, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1736 TO K.S.A. 12-1738 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO THE PUBLIC BUILDINGS AND FACILITIES AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS**

Karen Kindle, Finance Director, introduced the Charter Ordinance and the mechanism to fund The Greenspace Project with General Obligation (GO) Bonds. Staff consulted with the City’s Financial Advisor, Bond Counsel and City Attorney regarding the process for issuing GO bonds for public building facilities. Based on recommendations from this group, staff recommends the City Council consider chartering out of non-uniform statutes related to public building facilities and the issuance of bonds for such purposes. The Charter Ordinance would allow the City to have the authority to purchase, lease, build, construct, improve, repair, equip, renovate, make additions to or furnish a public building or facility. The

Charter Ordinance will also allow the City to issue GO bonds to pay the costs of such improvements when authorized to do so by the adoption of a resolution by the Governing

Body of the City describing the type of public building/facility improvements to be made and

the amount of GO bonds to be issued.

Charter Ordinances must be passed by a 2/3 vote of the Governing Body, which includes the Mayor, and be published once a week for two weeks in the official City newspaper, The Gardner News. After the second publication there is a 60-day wait period to allow for the potential petition for referendum. The Charter Ordinance becomes effective on the 61st day after second publication.

Motion by Longanecker, Second by Smith to approve Charter Ordinance No. 25.

Motion passed, 4-0, with Mayor Roberts included in the vote.

1. **CONSIDER HOLDING A PUBLIC HEARING REGARDING THE 2020 RECOMMENDED BUDGET**

Beth Linn, City Administrator, overviewed the 2020 Budget which she stated was the culmination of months of work by City Staff as well as City Council. Ms. Linn outlined the timeline of work sessions and budget process starting with the first-ever multi year revenue forecast for the General Fund on May 9th, 2019. Ms. Linn called to attention the items of consensus which includes the power shifts for sheriff’s office, vehicle and equipment schedules, and the various funds discussed during work sessions.

Mayor Roberts opened the public hearing at 7:26PM.

There were no public comments.

Mayor Roberts closed the public hearing at 7:27PM.

1. **CONSIDER THE 2020 RECOMMENDED BUDGET**

Mayor Roberts stated that the powershift is a very big deal for the Edgerton Community and something the citizens have been asking for. Mayor Roberts believes that the powershift will be a tremendous boost to the community and will be able to be a position that can be fluctuated as needed.

Councilmember Smith stated she appreciates all of the hard work Staff puts in to preparing the budget. Councilmember Brown stated he agreed.

Mayor Roberts stated that process has improved tremendously over the years and he appreciates the amount of work that staff puts in to the process. Councilmember Smith stated that is has been nice having the separate work sessions so the accounts can be examined in depth.

Motion by Longanecker, Second by Smith to approve the 2020 Recommended Budget.

Motion passed, 3-0.

1. **CONSIDER ORDINANCE NO. 2023 AMENDING CHAPTER XV, ARTICLE 1 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO INCLUDE SECTION 15-134 REGARDING HYDRANT WATER METERS AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Beth Linn, City Administrator, introduced Ordinance No. 2023, which is an update to the volumetric rate portion of the water rate for water purchased from a hydrant meter.

In April 2019, the City of Edgerton updated the Edgerton City Code to allow contractors working in the area to get a hydrant meter from the City to purchase large quantities of water necessary for construction. Currently the volumetric Charge is set to increase significantly with additional usage to encourage customers to conserve water when possible. In contrast, contractors already conserve water as they only pull water necessary for construction. Based on that realization, staff would recommend the City Council consider setting the rate for water purchased from a hydrant meter be set equal to the first tier (0-2,000 gallons) for Outside City Limits. Today that rate is $6.18 per thousand gallons. This rate is fairly competitive with other municipalities in the area.

Motion by Longanecker, Second by Smith to approve the version of Ordinance No. 2023 which has been updated and amended by the City Attorney.

Motion passed, 3-0.

1. **Report by the City Administrator** none.
2. **Report by the Mayor**

Mayor Roberts overviewed the KDOT Transportation Planning meeting he attended and was assured of more funding for projects around Edgerton in the future.

Additionally, Mayor Roberts highlighted the Kubota ribbon cutting event and thanked them for a wonderful event. He also applauded Kubota for giving away a tractor to a Veteran at the event and said it’s a wonderful program and they donate a tractor to 5 veterans each year.

1. **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**

Motion by Smith, Second by Brown 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, Assistant City Administrator, Economic Development Counsel, and Public Works Director for twenty (20) minutes.

Motion was approved, 3-0.

Session recessed at 7:39 pm. Meeting reconvened at 7:59 pm.

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

Motion was approved, 3-0.

Motion by Smith, Second by Brown 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, Assistant City Administrator, Economic Development Counsel, and Public Works Director for an additional twenty (20) minutes.

Motion was approved, 3-0.

Session recessed at 8:00 pm. Meeting reconvened at 8:20 pm.

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

Motion was approved, 3-0.

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

* September 7th: Cops N’ Bobbers Fishing Derby @ Edgerton Lake – 10AM to Noon
* September 10th: Planning Commission – 7PM
* September 12th: City Council Meeting – 7PM
* September 18th: Senior Lunch and Bingo – Noon

1. **Adjourn**

Motion by Smith, Second by Brown to adjourn.

Motion was approved 3-0. The meeting adjourned at 8:22 pm.