

City of Edgerton, Kansas
Minutes of City Council Regular Session
August 26, 2021

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on August 26, 2021. The meeting convened at 7:00 PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present via phone
Jody Brown	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- City Clerk Alexandria Clower
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Accountant Justin Vermillion
- Public Works Director Dan Merkh
- CIP Manager Brian Stanley
- Public Works Superintendent Trey Whitaker
- Marketing & Communications Manager Kara Banks

2. WELCOME

3. PLEDGE OF ALLEGIANCE

Consent Agenda

4. Approve Minutes from August 12, 2021 Regular City Council Meeting
5. Approve Renewing the appointments of John Daley and Deb Lebakken to the Edgerton Planning Commission, each for a three-year term expiring in September 2024

Councilmember Longanecker moved to approve the Consent Agenda, the motion was seconded by Councilmember Lewis. The Consent Agenda was approved, 4-0.

Regular Agenda

6. **Declaration.** No Councilmember had anything to declare at this time.

Presentation by James Oltman with ElevateEdgerton! regarding the new Workforce Recruitment social media campaign.

Mr. Oltman stated one of the many priorities of ElevateEdgerton! is workforce development, not only to obtain development for jobs but also working with those facilities to gain and maintain

quality employees. He stated the current workforce shortage is a challenge, no matter the profession. He stated EE! is working with the employers to try to break through the noise and tell the story of what LPKC has to offer. He stated there are a few testimonials from current employees at LPKC that he would like to show the Governing Body.

Mr. Oltman played the video for council.

Mr. Oltman stated these are just three examples of videos that will begin showing on social media next week, promoting workforce recruitment. He stated these are real LPKC employees who participated. He stated because of the employment opportunities LPKC has to offer, people have been able to become debt free, purchase homes, etc. He added it is important to remember that behind every number there is a real person with a real story.

Mayor Roberts stated the jobs at LPKC provide great opportunities, not only for the community of Edgerton, but also to the residents of the surrounding areas.

Business Requiring Action

7. PUBLIC HEARING FOR RESOLUTION NO. 08-26-21A OF THE CITY OF EDGERTON, KANSAS TO LEVY A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE

Mayor Roberts opened the Public Hearing regarding Resolution No. 08-26-21A at 7:11PM

There were no public comments made.

Mayor Roberts then closed the Public Hearing at 7:11 PM

8. CONSIDER RESOLUTION NO. 08-26-21A OF THE CITY OF EDGERTON, KANSAS TO LEVY A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE

Ms. Karen Kindle addressed the council. She stated as previously discussed during the budget process the most prominent change in this process is related to Senate Bill 13. She stated in June, City Staff worked with the Governing Body to come up with certain policy adjustments that the City would make regarding the Revenue Neutral Rate (RNR). She stated this information was presented at the budget work session. She stated the county had the City's RNR listed at 23.995, but it should have been 28.964. The 4.9 out of the 5.9 mill difference is due to an error at county. She stated the budget calls for a total mill rate of 29.939 as of packet publication, the Resolution provided was created from a template provided by the State of Kansas and has been reviewed and approved by the City Attorney.

Mayor Roberts stated there has been some misinformation provided, the amount provided by the county was an incorrect number and has now been corrected.

Councilmember Lewis moved to approved Resolution No. 08-26-21, to Levy a Property Tax Rate to Exceed the Revenue Neutral Rate. Seconded by Councilmember Brown. The Resolution No. 08-26-21A was approved, 4-0.

9. PUBLIC HEARING REGARDING THE 2022 RECOMMENDED BUDGET

Mayor Roberts opened the Public Hearing Regarding the 2022 Recommended Budget at 7:15 PM.

Mr. Ron Conus, 605 W Meriwood Ln., addressed the Council. He stated he had four points he would like to address regarding the recommended budget.

1. The City of Edgerton has the largest commercial development in the United States, with the PILOT project projecting over \$500,000 generated just this year. Despite the revenue brought in, the residential taxes continue to increase.
2. The intermediate family income range is the second lowest in the Johnson County area. Tax increases put an added burden on those families.
3. He is not a fan of big government, when the government is bigger there is an increase in dollars used for spending and an increase in taxes. He stated the highest efficiency rate for the City was in 2017 and the City government has been increasing at a size greater than the revenues coming in.
4. Earlier this year, the Kansas Legislature approved Senate Bill 13. The intent of this bill was to prevent politicians from claiming they have lowered the taxes. He stated the City presented a graph to the Governing Body related to the property taxes and how they had dropped to the lowest level in 10 years. He stated he sent this graph to the Kansas Policy Institute to analyze the data given and this group labeled the chart misleading. He stated anyone that has looked at their yearly tax levels can see that their numbers have risen to new highs. He stated this budget, especially with the mill rate will take taxes to the highest level they've been in the 15 years he's lived in Edgerton.

He stated not one Councilmember objected to this tax increase and hopes that the going forward the Governing Body will work to stop raising taxes on their citizens by voting no.

There were no further public comments.

Mayor Roberts closed the Public Hearing at 7:18 PM.

Ms. Linn stated the formal adoption of the Budget will be held on September 9th. She stated as part of the information process for the Governing Body and the residents of Edgerton, City Staff worked to produce a video that explains the budget and how revenue is spent.

Ms. Linn played the video.

Ms. Kindle stated the Agenda Packet includes a memo of changes to the budget since the budget work session took place. She stated the most important thing to note was the information received from the County regarding the TIF districts. At the time of the budget work session, the TIF information from the county had not yet been received. She stated since being received, City Staff worked to review with the City's Bond Counsel, Scott Anderson. She stated there have been some changes made to the schedule based on this info received related to the four TIF funds.

She stated the revenue for the TIF funds come from the incremental increase of property taxes related to commercial development in the applicable TIF District. There are two parts to the incremental property taxes: the City's portion related to the City mill levy and the portion that is related to the mill levies of other taxing jurisdictions. She stated the City's portion is taken out

of the City's total property tax revenue and deposited into the applicable TIF funds. She stated the TIF revenues are received from the County on the same schedule as the regular property tax distribution.

She stated for TIF – Edgerton Office, the 2021 estimate reflects no increase in assessed valuation and therefore, no increase in incremental property taxes for this TIF. In 2019 the City paid for the TIF study and the 2021 estimate includes a transfer from the general fund to cover the cost of the study. The 2022 recommended budget reflects the small increase in the assessed value of that property, therefore, a small increase in incremental property taxes for this TIF. She stated the 2022 recommended budget column shows spending the balance should a project plan be approved for 2022.

She stated for TIF – Homestead Lane A, revenues included are from parcels in the Project Area A that are not a part of Project Plan A1. She stated in the 2021 estimate there is no increase. The 2022 recommended budget shows an increase due to the information from the County which showed an increase in assessed value. She stated the revenue amount shown is a combination of the increment from the City mill levy and the increment from the other jurisdictions mill levies. The 2022 recommended budget includes payment to the General Fund for the down payment for the initial administration fee. She stated the revenue was received in 2020 and will need to be transferred to the General Fund in 2022. The rest of the expenditures represent the potential remaining balance in the fund and the amount listed allows budget authority should a project be approved.

She stated for TIF – Homestead Lane A1, referred to as On the Go Travel Center. She stated the revenues include the incremental property taxes for all parcels that are apart of the Project Plan A1. The 2021 estimate shows a small increase in assessed value, therefore, a small amount of incremental property taxes. The revenue shown is a combination of the increment from the City and other jurisdictions mill levies. She stated for 2022 recommended, the information from the county showed an increase in assessed value, the revenue amount shown is a combination of the city and other jurisdictions mill levies. The 2022 recommended expenditures include a payment of the amount due to the developer per the Disposition and Development Agreement, a payment of the remaining balance of the initial administration fee to the General Fund and a transfer of the funds to pay towards the temporary notes issued in 2020 to finance the city's cost for the 200th Street Intersection Project.

She stated for TIF – Homestead Lane B, the revenues include those parcels in Project Area B. She stated the 2021 estimate shows an increase in incremental property taxes and the revenue shown is a combination of the City's and other jurisdictions mill levies. For 2022 recommended budget, the information from the county showed an increase in assessed value. She stated for the 2022 recommended expenditures, the budget column shows spending the potential balance should there be a project plan adopted in 2022.

She stated for the General Fund a line was added to the revenue side below the Ad Valorem Tax line to show the incremental City taxes that will go to the TIF funds. She stated a line was also added to show the TIF administration fee revenue related to the Homestead LN TIF – Project Plan A1. There were no changes made to the expenditures or transfers to other funds.

Ms. Kindle stated the remainder of the 2022 Recommended Budget documents are the same from the work session.

There were no questions from the Councilmembers.

Ms. Linn stated the consideration for the formal adoption of the 2022 Budget will be held September 9th.

10. CONSIDER AGREEMENT WITH INCITE DESIGN STUDIO FOR GREENSPACE PROJECT

Mr. Dan Merkh, Public Works Director, addressed the council. He stated the City Council previously approved the CIP Budget for the 2020 to 2024 calendar years. The Greenspace project was included in that budget with a project time frame of April 2019 to May 2021, that has since been pushed due the COVID-19 Pandemic. The budget for this project was listed at roughly \$4 Million, with the funding source listed as General Obligation Bonds.

He stated the project includes the design and construction of a building approximately 20,000 – 30,000 square feet. Public engagement was completed by City Staff to identify program elements most desired by the community, and those details will be finalized during Phase I with the proposed architect.

He stated during the uncertainty of the pandemic in 2020, City Staff proposed revising the scope and schedule of the project to change the delivery method of this project to design-bid-build slated to begin in 2021.

Mr. Merkh stated with a total of nine submissions, the selection committee recommends Incite Design Studio based upon their existing experience providing these services to municipalities both of similar and larger populations, as well as experience designing buildings of similar size. City Staff is currently working with Incite to finalize the scope and fee for the project. He stated this contract is drafted into a 2-phase approach; Phase I includes the finalizing of public input, schematic design, delivery method assessment, and finalizing scope and construction estimates. Phase II will be to finalize design and documents. He stated upon completion of Phase I, Phase II will be brought back to Council at a later date.

He stated Phase I contract amount is \$30,600. Upon final approval from the City Attorney and City Engineer, staff recommends authorizing the Mayor to execute the contract. He stated if approved, the design of the project will begin immediately. Any changes to the contract or to the schedule impacting the completion date will be brought back before the Council.

Mayor Roberts stated he would like to see the City move forward. This project brings an amenity to the community that goes above and beyond anything Edgerton has ever had in the past. He stated there was a lot of public comment, which allows a design and final project based on the community's wants.

Councilmember Lewis moved to approve the Agreement with Incite Design Studio for the Greenspace Project and Authorizing the Mayor to Execute the Contract. Councilmember

Longanecker seconded the motion. The Agreement and Authorization of the Mayor to Execute was approved, 4-0.

11. CONSIDER ORDINANCE NO. 2092 RESTATING ARTICLE 12 – SIGN REGULATIONS OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF EDGERTON KANSAS TO UPDATE CERTAIN SECTIONS AND INCLUDE SIGNAGE REGULATIONS FOR L-P DISTRICT ZONING DESIGNATIONS AS AMENDED AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

Ms. Katy Crow addressed the council. She stated the City's Uniform Development Code (UDC) was adopted to encourage the most appropriate use of land and to ensure the logical and compatible growth of various districts within the City. The UDC is intended to implement the planning goals and policies of the City Council and Planning Commission.

She stated the current UDC was adopted in 2004 and has been revised several times since to better fit the vision of Edgerton, as approved by the Governing Body. In 2019, the core contents of Article 12 underwent a complete update along with the signage requirements specific to commercial zoning districts. The sign code for the logistics park was not included in that article, but are instead referenced in Article 5, Logistics Park (LP).

She stated to bring consistency to the UDC, staff recommended to the Planning Commission that the signage for the LP District be moved from Article 5 to Article 12. This will provide clarification when discussing sign code requirements with applicants and when administering sign code enforcement. She stated in July and August of this year, the Planning Commission held Public Hearings related to both articles.

She stated in addition to the incorporation, staff presented information regarding portions of the current Article 5 sign code, where clarification is needed due to conflicts within the code content. She stated staff recommended updates to the LP sign code related to temporary signs, internal and external directional signs, and yard signs. She stated internal signs include those for directions within the lot, outer directional signs include those that would direct toward the site.

She stated the information incorporated into Article 12 is highlighted within the draft form included in the packet, as well as information regarding discussions held during Public Hearings. She stated the draft includes those recommended updates or changes per those discussions.

Ms. Crow stated upon conclusion of the Public Hearing held by Planning Commission, recommendation was made by the Planning Commission to the Governing Body to adopt Article 12 with the revisions included in this packet. She stated the City Attorney has reviewed the amended Article and approved the updates. She stated Ordinance No. 2092 is the restatement of the entire Article 12.

Councilmember Longanecker moved to approve Ordinance No. 2092, Restatement of Article 12 of the Unified Development Code. Councilmember Brown seconded the motion. The Ordinance was approved, 4-0.

12. CONSIDER ORDINANCE NO. 2093 AMENDING CHAPTER XIV OF THE EDGERTON, KANSAS MUNICIPAL CODE TO INCORPORATE THE 2021 STANDARD TRAFFIC ORDINANCE, SUBJECT TO EXISTING LOCAL TRAFFIC PROVISIONS IN THE CITY CODE WHICH SUPPLEMENT AND/OR MODIFY CERTAIN SECTIONS THEREOF

Ms. Kara Banks, Marketing and Communications Manager, addressed the council. She stated the League of Kansas Municipalities prepares and publishes the code, known as the STO, annually. The City of Edgerton, by ordinance, then adopts the current STO with exemptions as stated. She stated the Kansas State Legislature made multiple changes during the 2021 session with the most notable changes for Edgerton listed within the Agenda Packet.

There were no questions from the City Council.

Councilmember Brown moved to approve Ordinance No. 2093, Incorporating the 2021 Standard Traffic Ordinance into the City of Edgerton Municipal Code. Councilmember Longanecker seconded the motion. The Ordinance was approved, 4-0.

13. CONSIDER ORDINANCE 2094 AMENDING CHAPTER XI, ARTICLE I, SECTION 11-101 OF THE CODE OF THE CITY OF EDGERTON, KANSAS, CONCERNING THE UNIFORM PUBLIC OFFENSE CODE

Ms. Banks stated similar to the last ordinance on the Agenda, this Ordinance will adopt and incorporate the Uniform Public Offense Code as prepared and published by the League of Kansas Municipalities. She stated most changes were minor, with the most applicable change related to the City being that of Senate Bill 172, which created new criminal offenses, including trespassing on critical infrastructure facilities. This new law allows for a person(s) to be charged with a misdemeanor for such offense.

Councilmember Longanecker asked if trespassing was not an offense before.

Mr. Lee Hendricks, City Attorney, stated this was a federal offense before, but now a person can also be charged within a smaller jurisdiction as a misdemeanor offense and, if desired, the City of Edgerton could take action against the defendant.

Councilmember Longanecker moved to approve Ordinance No. 2094, Incorporating the 2021 Uniform Public Offense Code into the City of Edgerton Municipal Code. Councilmember Brown seconded the motion. The Ordinance was approved, 4-0.

14. Report by the City Administrator

Ms. Linn stated she had no report to give at this time.

15. Report by the Mayor

- Future Meetings Schedule for Remainder of 2021

Mayor Roberts stated for the remainder of the year, there are a few Council Meetings that fall on or close to a City Holiday where City Offices will be closed. He stated in November, both scheduled meeting dates are on holidays, November 11th, Veterans Day and November 25th, Thanksgiving. He asked Council if they would like to move those dates or cancel the meetings.

He stated in the past, the council has canceled the date for Thanksgiving and has held special meetings if necessary. This year he would suggest Council moving the first meeting and cancelling the second meeting. He stated going a full month without a meeting would not be the best idea. He stated in conversations with City Staff, they would recommend moving the November meeting to the third Thursday, November 18th.

Councilmember Longanecker moved to cancel the November 11th City Council Meeting and move this meeting to November 18th, seconded by Councilmember Beem, 4-0.

Councilmember Longanecker moved to cancel the November 25th City Council Meeting, seconded by Councilmember Beem, 4-0.

Mayor Roberts stated typically, the second meeting in December is canceled because it is usually close to Christmas and Council could hold a special meeting if necessary. He stated the first meeting in December is the 9th and will be held as usual. The second meeting is scheduled to be held on December 23rd. The following Friday is Christmas Eve. Although City offices are generally open on Christmas Eve, due to Christmas Day falling on a Saturday, City offices are closed for the holiday the day before. He stated he would be comfortable with the concept of calling a special meeting, if necessary, and canceling the scheduled date of December 23rd.

Councilmember Lewis moved to cancel the December 23rd City Council Meeting, seconded by Councilmember Brown, 4-0.

Mayor Roberts stated he has a couple of proposed Work Sessions if the Governing Body could make a 6PM start time. He stated those dates will be September 9th and September 23rd, both to be held at 6:00 PM, before the Regular City Council Meeting. The Work Session on the 9th will be held for discussion related to the Glendell Acres Park Renovation Project. The Work Session on the 23rd will be held as a joint work session with the Edgerton Planning Commission for discussion and presentations from the Johnson County Planning Department related to utility scale solar installations.

He stated he recommends this work session and wants residents to attend to hear what the County is proposing. He stated the current regulations would allow for a solar farm to be within 1 mile of any city, and this could tamper with the long-term growth of Edgerton.

Councilmember Lewis moved to approve the Work Sessions at 6:00PM on September 9th & 23rd, seconded by Councilmember Longanecker, 4-0.

16. Future Meeting Reminders:

- September 9th: City Council Meeting – 7:00PM
- September 14th: Planning Commission Meeting – 7:00PM
- September 23rd: City Council Meeting – 7:00PM
- October 12th: Planning Commission Meeting – 7:00PM
- October 14th: City Council Meeting – 7:00PM
- October 28th: City Council Meeting – 7:00PM

17. 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 FOR THE PURPOSES OF CONTRACT NEGOTIATIONS

Councilmember Brown moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) to include the City Attorney and the City Administrator for the purposes of Contract Negotiations for 10 minutes. The open meeting will resume in the Council Chambers. Councilmember Beem seconded the motion.

The meeting recessed into executive session at 8:00 PM, 4-0.

Councilmember Brown moved to return to open session with no action being taken. Councilmember Lewis seconded the motion. Open session resumed at 8:10 PM, 4-0.

18. Adjourn

Councilmember Lewis moved to adjourn, seconded by Councilmember Beem. The meeting adjourned at 8:11 PM, 4-0.

Submitted by Alexandria Clower, City Clerk

EVENTS

August – Early September: JCPRD Walk & Read at Big Bull Creek Park

August 28th: Nocturnal Nature at Big Bull Creek

September 1st: Craft Night at Community Hall

September 6th: City Hall Closed for Labor Day