

**City of Edgerton, Kansas
Minutes of City Council Regular Session
September 10, 2020**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on September 10, 2020. The meeting convened at 7:00 PM with Mayor Roberts presiding.

1. ROLL CALL

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

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
- Finance Director Karen Kindle
- Public Works Director Dan Merkh
- Public Works Superintendent Trey Whitaker
- Marketing and Communications Manager Kara Banks
- Customer Service Representative/Court Clerk Alex Clower

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for August 27, 2020 Regular City Council Meeting
5. Approve Renewing Jeremy Little and Charlie Crooks appointments to the Edgerton Planning Commission, each for a three-year term expiring September 2023
6. Approve the Final Acceptance of Phase I of the South I-35 Gravity Sewer
7. Approve the Final Acceptance of Phase II of the South I-35 Gravity Sewer
8. Approve the Concurrence to Bid the 1st Street and Meriwood Lane Stormwater Repair Project
9. Approve Resolution 09-10-20C Waving the City's Compliance with Generally Accepted Accounting Principles for Financial Reporting and Causing Such Reports to be Prepared in Compliance with the Cash Basis and Budget Laws of the State of Kansas

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

Employee Introduction

Mr. Dan Merkh, Public Works Director, introduced Mr. Braden Hunsperger, who was hired on as a maintenance worker for Parks and Recreation. Mr. Merkh stated they are pleased to be fully staffed once more. Mr. Hunsperger addressed the Council. He said he started in landscaping then worked as electrician apprentice. He learned he likes working outdoors more than indoors and glad to be able to be doing just that. The Council welcomed him to Edgerton.

REGULAR AGENDA

10. Public Comments

- There were no public comments made at this time.

11. Declarations

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

BUSINESS REQUIRING ACTION

12. CONSIDER EAGLE SCOUT PROJECT PLAN FROM ZACHARY NORBY FOR RESTORATION OF THE EDGERTON COMMUNITY MUSEUM PORCH INCLUDING A \$325.00 FUNDING REQUEST

Mr. Merkh addressed the Council. He stated Mr. Norsby originally approached the Council on August 8, 2019 to request a donation to fund his Eagle Scout Project at the Edgerton Community Museum. The project included restoring a section of the porch roof and replacement of the porch stairs and handrail. At that time, the Council directed Mr. Norsby to meet with City Staff to review a detailed project plan and return to Council with that detailed plan. He was also asked to solicit donations from outside sources prior to asking for funding from the Council. Mr. Norsby reached out to the building inspector on September 30, 2019 asking for guidance on what type of plans would be required. He was told that work on commercial space requires a Johnson County licensed contractor and that the 2006 IBC would be the code under which compliance would be reviewed.

Mr. Merkh explained on August 12, 2020, Mr. Norsby reached out to City Staff via email to state that the project scope had been tailored back to exclude the rebuilding of the steps and handrail so that a building permit and a commercial contractor would not be required. City Staff asked Mr. Norsby to provide a detailed plan that could be reviewed and evaluated. On September 1, 2020 City Staff met with Mr. Norsby at the Edgerton Community Museum along with a representative from GBA, the City's contracted service provider for building inspection services. It was determined at that time that the work being performed, which was listed as the splinting of beams, attaching a sheet of plywood, screen, and Tyvek, would not require a building permit.

Mr. Norsby approached the Council. He stated last year he ran into some complications with a contractor approving him, applying for a permit, and supervising the work. He explained he adjusted the work to where a building permit will no longer be required. The support beams will now be splinted of being replaced and the handrails will not be replaced.

Plywood will be added to the roof for aesthetic purposes and Tyveck will be added on top to protect the soffit from moisture penetration. Mr. Norsby explained the final steps will be to wash and scrape any of the old paint and repaint the porch with the same colors. He said the estimated price is \$313 and does include a fifty-dollar (\$50) discount from Home Depot. He is requesting a donation not to exceed \$325. Mr. Norsby stated as part of the request, he will need access to water for power washing, electricity for the use of any power tools, and restroom facilities as needed.

Mayor Roberts inquired to any concerns City Staff has. Mr. Merkh replied City Staff does not have any concerns at this time. Councilmember Longanecker asked if there was water access off the side of City Hall. Mr. Merkh answered City Staff will have to verify the location of any spigots for water access. Councilmember Longanecker stated the Museum can supply electricity. Mr. Norsby stated restroom access will be needed on a Sunday. Ms. Beth Linn, City Administrator, said City Staff could loan a key for City Hall to Mr. Norsby but asks him to coordinate with City Staff to ensure there is not a Hall rental or event that weekend.

Councilmember Longanecker motioned to approve a donation not to exceed \$325, the use of water from City Hall if it is available, restroom access at City Hall, and electricity from the Museum. Councilmember Smith seconded the motion. The donation and utility access was approved, 4-0.

13. CONSIDER RESOLUTION 09-10-20A AUTHORIZING THE IMPROVEMENT OR RE-IMPROVEMENT OF A MAIN TRAFFICWAY WITHIN THE CITY OF EDGERTON, KANSAS; AND PROVIDING FOR THE PAYMENT OF THE COSTS THERE OF

Ms. Karen Kindle, Finance Director, spoke before the Council. She stated at the August 27, 2020 Council Meeting, the Council took the first step in issuing the temporary notes to finance the Homestead Lane Intersection Project by approving Ordinance No. 2045 designating Homestead Lane as a main trafficway of the City. She said Resolution No. 09-10-20A is the next step towards issuing temporary notes to finance the project. The resolution authorizes the project and provides for the payment of the project costs. The resolution includes a description of the project and the cost of the project, as well as how much of the project will be funded with temporary notes.

Councilmember Longanecker inquired to what the plan is for paying the bonds back. Ms. Kindle replied eventually TIF revenues from the development will be used to pay off the loans. Ms. Linn explained this is used as a gap financing tool. The Notes provide a way to fund the work before TIF revenues come in. Mayor Roberts asked how other cities use this tool. Mr. Kevin Wempe, Bond Council, stated General Obligation Temporary Notes can be used as a permanent finance tool or it could be used to get to the permanent finance tool. Typical permanent finances are General Obligation Bonds, CID, or TIF revenues. The Temporary Notes will be establishing the revenues in the meantime. These are used to fund the construction to get the project to completion. Councilmember asked if these were two (2) year notes. Mr. Wempe replied they are. Mayor Roberts stated he has heard other cities use temporary notes throughout the development. Mr. Wempe recommends the temporary notes be used to close the gap between the permanent financing.

Councilmember Longanecker motioned to approve Resolution No. 09-10-20A which is authorizing the improvement or re-improvement of a main trafficway within the City of Edgerton, Kansas; and providing for the payment of the costs there of. Councilmember Beem seconded the motion. Resolution No. 09-10-20A was approved, 4-0.

14. CONSIDER APPROVING RESOLUTION 09-10-20B AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2020A, OF THE CITY OF EDGERTON, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH

Ms. Kindle informed the Council in 2019, the City issued general obligation temporary notes to finance the 2019 Street Reconstruction Project. Those notes mature on October 1, 2020. The City will pay off a portion of the principal and finance the remaining principal with the Series 2020A general obligation temporary notes. She explained in the development agreement with My Store III, which was approved on November 19, 2019, the City is required to construct an intersection at Homestead Lane and 200th Street. The construction costs for his project will also be financed with the Series 2020A general obligation temporary notes.

Ms. Kindle stated the Council has taken various actions over the last two meetings to issue the temporary notes. On August 13, 2020, the Council approved Resolution No. 08-13-20A which authorized the City to offer the temporary notes for sale and authorized the Mayor to execute a Note Purchase Agreement within certain parameters. She said on August 27, 2020 the Council approved Ordinance No. 2045 designating Homestead Lane as a main trafficway of the City. Ms. Kindle explained earlier this meeting, the Council approved Resolution No. 09-10-20A which authorized the Homestead Lane Intersection Project and the amount to be funded with temporary notes.

Ms. Kindle said the Financial Advisor requested a proposal from US Bank, the holder of the Series 2019A Notes, as well as a proposal from Intrust Bank. Only US Bank provided a proposal. US Bank proposed 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. She informed the Council, the Mayor has executed a Note Purchase Agreement with US Bank, which was authorized by Resolution No. 08-13-20A. The Note Purchase Agreement documents US Bank's agreement to purchase the notes from the City and include various representations by the City and US Bank regarding the sale of the notes.

Ms. Kindle stated Resolution No. 09-10-20B contains the specifics for the notes, including the amount of the notes, the interest rate, the maturity date, repayment provisions, and other details. She said approval of Resolution No. 09-10-20B is the final step in the temporary notes process. If the Resolution is approved, the closing date for the notes would be September 24, 2020. The City Attorney has reviewed and approved the resolution and the Note Purchase Agreement.

Councilmember Smith inquired if the Series 2019A Notes were one (1) or 2-year term notes. Ms. Kindle answered they are a 1-year term and the Series 2020A will be 2-year term but can be paid at any time.

Councilmember Smith motioned to approve Resolution No. 09-10-20B authorizing and directing the issuance, sale, and delivery of General Obligation Temporary Notes, Series 2020A, of the City of Edgerton, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Councilmember Longanecker seconded the motion. Resolution No. 09-10-20B was approved, 4-0.

15. CONSIDER THE PURCHASE OF A SEAL MASTER TR-125 DA CRACK SEALING MACHINE FROM SEAL MASTER OF KANSAS CITY

Mr. Merkh addressed the Council. He stated in 2019, the Council directed City Staff in the annual Budget that the Crack Seal Machine be added to the 2020 Vehicle and Equipment Budget for purchasing in the 2020 Budget Cycle. On August 22, 2019, the Council approved the budget for 2020, which included the purchase of this equipment. On June 25, 2020, the purchase of the Crack Seal Machine was confirmed during the annual Budget. On August 13, 2020, the Council approved the 2021 budget, which included the Current Program for Vehicle and Equipment: 2020-2021.

Mr. Merkh said at the present time, Public Works rents a machine from PMSI twice a year to handle some of the annual crack sealing duties. At times, the scheduling of the rental unit has been difficult, weather is not conducive for completing crack sealing activities, the transportations of the rental unit to and from PMSI is a considerable constraint in City Staff time and dedicating City Staff time to only completing crack sealing activities does not allow for flexibility in the work day. Mr. Merkh explained Crack Sealing is a preventative maintenance activity that is used to reduce the amount of water making its way through and into an asphalt roadway, or concrete joint. Crack sealing is one of the most cost effective and helpful preventative maintenance activities throughout the life of the roadway. He said with the continued investment in both improving the street network and more in-depth maintenance activities the addition of a Crack Seal Machine will provide the City the flexibility to provide preventative measures, reduce the response time to seal cracks, and expand the sealing program. The expansion of this program will include sealing activities following major maintenance and reconstruction projects.

Mr. Merkh explained the Vehicle and Equipment Policy requires the preparation of the specifications for the replacement of equipment with an effort for those to be as standard as possible to provide for economical and efficient repairs. It also requires that the City first use cooperative purchasing partnerships. City Staff used Sourcewell Cooperative Purchasing, formerly National Joint Powers Alliance (NJPA), to access competitively solicited bids and received 2 bids from local distributors/dealers. A third bid was obtained from a company outside Sourcewell to meet the requirements of the City's purchasing policy. The provided three (3) bids, all meeting minimum requirements. He stated City Staff recommends the

purchase of the lowest and best bid, a Seal Master TR-125 DA for \$57,804. This unit will be purchased from Seal Master of Kansas City and if approved, expenditures are scheduled to occur in 2020.

Councilmember Smith inquired if it is common for cities to own this type of equipment. Mr. Merkh replied that it is. Mayor Roberts explained the City did own a crack seal machine, but it was lost in the flood in 2017. The machine is important to help maintain the roads. Mr. Merkh agreed. He said many cities in the area do own this equipment. Councilmember Smith asked if Edgerton could rent it to other cities if Public Works is not using it to recoup some of the cost. Mr. Merkh replied there could be an issue with liability, but City Staff can look into it that option.

Councilmember Longanecker motioned to approve the purchase of a Seal Master TR-125 DA Crack Sealing Machine from Seal Master of Kansas City. Councilmember Beem seconded the motion. The purchase was approved, 4-0.

16. CONSIDER THE PURCHASE OF A MACK GRANITE 64FR (TANDEM AXLE DUMP TRUCK) TO BE PURCHASED FROM WESTFALL GMC TRUCK (MACK) AND THE CORRESPONDING EQUIPMENT UPFIT FROM AMERICAN EQUIPMENT

Mr. Merkh spoke before the Council. He said in 2019, the Council directed City Staff in the annual Budget that the Tandem Dump Truck be added to the 2020 Vehicle and Equipment Budget for purchasing in the 2020 Budget Cycle. On August 22, 2019, the Council approved the budget for 2020, which included the purchase of this equipment. On June 25, 2020, the purchase of the Tandem Dump Truck was confirmed during the annual Budget. On August 13, 2020, the Council approved the 2021 budget, which included the Current Program for Vehicle and Equipment: 2020-2021.

Mr. Merkh said with the proposed Tandem Axle Dump Truck, Public Works will have the capability to haul approximately sixteen (16) tons of material at one (1) time. With the ability to haul additional materials, this unit will allow City Staff to make fewer trips to pick up bulk material. The Tandem Dump Truck will handle much of the hauling of material for the Public Works Department. These essential functions include hauling of asphalt, rock, topsoil, and other bulk material used in the day-to-day operation of the Public Works Department. He stated with the growth at Logistics Park Kansas City (LPKC), and the corresponding increase in the number of roadways that the City must maintain, the addition of the Tandem Axle Dump Truck will make winter operations and snow removal more effective and efficient. This unit will replace the Tandem Axle Dump Truck lost in the 2017 flood. Mr. Merkh said this will be better equipped to handle the removal of ice better than the current trucks the City uses.

Mr. Merkh explained the Vehicle and Equipment Policy requires the preparation of the specifications for the replacement of equipment with an effort for those to be as standard as possible to provide for economical and efficient repairs. It also requires that the City first use cooperative purchasing partnerships. City Staff used Sourcewell Cooperative Purchasing, formerly NJPA, to access competitively solicited bids and received 3 bids from local distributors/dealers. From this process, 3 lowest bids were submitted, with all 3 meeting minimum requirements. Mr. Merkh said the upfit was competitively bid locally from the only

2 companies that specialize in snow removal items. Both companies submitted bids, with Kranz of Kansas City submitting an electronic system and material type that did not meet the minimum specifications. American Equipment's bid did meet minimum specifications and minimum requirements as requested. He stated City Staff recommends the purchase of the lowest and best bid, a Mack Granite 64FR (Tandem Axle Dump Truck) for \$233,542. Budget allocation for this equipment is \$250,000. This unit will be purchased through the Sourcewell Cooperative Purchasing, through Westfall GMC Truck (Mack) and the corresponding upfit will be completed by American Equipment. If approved, the expenditures are scheduled to occur in 2021 due to lead time in manufacturing.

Councilmember Longanecker inquired if the price shown included the price for the upfit of the snow removal items. Mr. Merkh answered it does. Mayor Roberts explained the City used to not have the equipment to effectively remove ice from roadways and would have to ask the County to do it. The City owned one for a short timeframe and it was a great value during that timeframe.

Councilmember Longanecker motioned to approve the purchase of a Mack Granite 64FR to be purchased from Westfall GMC Truck and the corresponding equipment upfit from American Equipment. Councilmember Smith seconded the motion. The purchase was approved, 4-0.

17. CONSIDER THE PURCHASE OF A CATERPILLAR 926 WHEEL LOADER, TO BE PURCHASED FROM FOLEY EQUIPMENT

Mr. Merkh spoke before the Council. He said in 2019, the Council directed City Staff in the annual Budget that the Wheel Loader be added to the 2020 Vehicle and Equipment Budget for purchasing in the 2020 Budget Cycle. On August 22, 2019, the Council approved the budget for 2020, which included the purchase of this equipment. On June 25, 2020, the purchase of the Wheel Loader was confirmed during the annual Budget. On August 13, 2020, the Council approved the 2021 budget, which included the Current Program for Vehicle and Equipment: 2020-2021.

Mr. Merkh explained the Wheel Loader is a unit that will handle much of the loading of material at the Public Work Facility. The essential function includes loading of salt during winter operations, loading of spoil/debris material for haul off, stock piling bulk material such as topsoil, mulch, rock, millings, and tree/vegetation both departmentally and residential drop off. The Wheel Loader has the capacity to complete other tasks in the field such as setting of manholes, pipe for stormwater, wastewater and water and removal activities related to large scale concrete work. Mr. Merkh said the Wheel Loader will serve as the key piece of equipment during winter operations for the loading of sale. This unit is the only way that City Staff will be able to load the proposed Tandem Axle Dump Truck and will handle the task of loading salt in the other winter operational vehicles with salt spreading capabilities. Currently City Staff uses a skid steer to load the salt.

Mr. Merkh explained the Vehicle and Equipment Policy requires the preparation of the specifications for the replacement of equipment with an effort for those to be as standard as possible to provide for economical and efficient repairs. It also requires that the City first use cooperative purchasing partnerships. City Staff used Sourcewell Cooperative Purchasing,

formerly NJPA, to access competitively solicited bids and received six (6) bids from local distributors/dealers and 1 who did not submit a bid. From this process, five (5) lowest bids were submitted, with 2 not meeting minimum requirements. He stated City Staff recommends the purchase of the lowest and best bid, a 2020 Caterpillar 926 Wheel Loader for \$183,844. Budget allocation for this equipment is \$200,000. This unit will be purchased through the Sourcewell Cooperative Purchasing, through Foley Equipment. If approved, the expenditures are scheduled to occur in 2020.

Mayor Roberts stated during the work session related to the equipment, there was a discussion about the safety of this item versus of what the City currently uses and does. He said this item makes loading salt a lot safer and it is impossible to put a price on safety.

Councilmember Longanecker motioned to approve the purchase of a Caterpillar 926 Wheel Loader to be purchased from Foley Equipment. Councilmember Smith seconded the motion. The purchase was approved, 4-0.

18. CONSIDER APPROVING AN AGREEMENT WITH VARNEY & ASSOCIATES, CPAS, LLC TO PREPARE THE CITY'S FINANCIAL AUDIT FOR FISCAL YEAR 2020

Ms. Kindle approached the Council. She said in 2015, the City conducted a Request for Proposal (RFP) for audit services and selected Varney & Associates, CPAs, LLC, to perform the annual audit of the City's financial statements. The RFP solicited audit services for 3 fiscal years from 2015 to 2017. In May of 2018, the Council approved a 3-year agreement with Varney & Associates to audit the financial statements from the fiscal years of 2018, 2019 and 2020 for a flat fee per year of \$8,400. The engagement letter for the 2020 audit was provided to the Council, as is the audit fee in the 2021 Budget. The City Attorney has reviewed and approved the engagement letter.

Mayor Roberts said he thought it was interesting the same firm is doing the audit for Unified School District #231 as well.

Councilmember Conus motioned to approve the agreement with Varney & Associates, CPAs, LLC to prepare the City's financial audit for the 2020 fiscal year. Councilmember Smith seconded the motion. The agreement was approved, 4-0.

19. CONSIDER APPROVING THE WATER CONSERVATION PLAN

Mr. Merkh addressed the Council. He said the City is required to have a Water Conservation Plan adopted by the Governing Body and filed with the Kansas Water Office (KWO). The City last approved the Water Conservation Plan in July 2016. The primary objective of the Water Conservation Plan for the City is to develop a long-term water conservation plan, which is addressed in the Long-Term Water Use Efficiency Section of the Plan, and short-term water emergency plans, addressed in the Drought Response Section of the Plan, to ensure City customers of an adequate water supply to meet their needs. He stated the efficient use of water also has the beneficial effect of limiting or postponing water distribution system expansion and thus limiting or postponing the resultant increases in costs, in addition to conserving the limited water resources of the State of Kansas.

Mr. Merkh stated the KWO has reviewed the Plan and recommended updates, including to update the City's latest water use history. Once approved by the Council, City Staff will submit the updated plan to the KWO, who will in turn submit the plan to the Division of Water Resources with a recommendation for approval. City Staff intends to bring the Plan to the Governing Body for review annually.

Councilmember Beem motioned to approve the Water Conservation Plan. Councilmember Longanecker seconded the motion. The Water Conservation Plan was approved, 4-0.

20. CONSIDER APPROVING RESOLUTION NO. 09-10-20D APPROVING THE WATER EMERGENCY PLAN FOR THE CITY OF EDGERTON, KANSAS, AND AUTHORIZING THE CITY ADMINISTRATOR TO IMPLEMENT SAID PLAN AS NEEDED

Mr. Merkh spoke before the Council. He said City Staff recommends the Council consider adoption of Resolution No. 09-10-20D which approves the updated Water Emergency Plan providing for the means of managing water resources in the event of an emergency or weather-related event. A Water Emergency Plan is a best management practice for water utilities and is required for water utilities by the KWO. The Plan was last approved by the Council on July 14, 2016. He explained the primary objective of the Water Emergency Plan for the City is to isolate and conserve an adequate supply of potable water during emergency conditions that will be used only to sustain human life and maintain acceptable standards of hygiene and sanitation. Other topics included in the Plan include Organizational Hierarchy, Mutual Aid, Emergency Equipment, and Supplies and Disaster Response. The Plan also includes critical contact information needed at time of an emergency. City Staff recommends the Water Emergency Plan be reviewed on an annual basis simultaneously with the Water Conservation Plan. The 2020 updates include new communication measures to include the City social media accounts and new contact information in Appendix A of the Plan.

Mayor Roberts commended City Staff on the Water Conservation and Water Emergency Plans. These items have not been updated recently, but City Staff did a wonderful job of making them easy to read and understand and bringing them up to today's standards. Councilmember Longanecker inquired if these items need to be updated annually. Mr. Merkh answered it is recommended they at least be reviewed yearly. Mayor Roberts said it should be reviewed but the content rarely changes. He has not seen the Water Emergency Plan implemented in Edgerton, but it is good to have one in place in case it needs to be used. Ms. Linn stated it is good for City Staff to review annually and know that the Plans are in place.

WALK ON ITEM: CONSIDER THE SELECTION OF RENAISSANCE INFRASTRUCTURE CONSULTING (RIC) TO PROVIDE CONSTRUCTION INSPECTION SERVICES FOR THE HOMESTEAD LANE INTERSECTION IMPROVEMENTS

Mr. Merkh stated on September 1, 2020, the City issued a Request for Qualifications seeking construction inspection services for the installation of the Homestead Lane Intersection Improvements. The Council awarded the construction of the project to Miles Excavating. Five (5) firms were selected for solicitation for services with two (2) responses. In the

solicitation, firms were asked to provide an explanation of their ability to perform the work, an ability to meet the schedule, the reason why they should be selected, an hourly rate sheet, and an estimate of hours needed to perform the work.

Mr. Merkh stated RIC proved to be the best firm to perform the work. This project is on a tight construction schedule, and RIC can meet this schedule. They are also a valued partner with the City and ElevateEdgerton!, having worked with the City on multiple occasions. RIC has an extensive knowledge of how Edgerton conducts projects. They also have a team with over thirty (30) years' experience.

Mr. Merkh stated City Staff and RIC will work to prepare an Agreement for Service. The Agreement will provide a scope of work to include such services as performing inspections, notification of the City of any significant issues or changes to the plans, providing detailed reports of construction activity, reviewing testing reports and pay estimates. The Agreement also includes an hourly rate schedule applicable for the term of the Agreement. The Agreement is structured similar to the Agreement for the City Engineer services where the City is only billed for actual hours of work performed. City Staff will work with RIC to best prioritize the use of their services to limit the project budget.

Mr. Merkh explained upon completion, the Agreement will be reviewed by the City Attorney. City Staff would recommend approval of the selection of RIC and authorizing the Mayor to execute the Agreement once approved by the City Attorney to expedite the ability for RIC to begin services immediately to meet the construction schedule.

Mayor Roberts stated he does not have any concerns regarding RIC doing the inspections. He stated BG Consultants is typically who the City contracts with, but they are the designers of this project, so it is best to not have them doing inspections on this project.

Councilmember Longanecker motioned to approve the selection of RIC to provide construction inspection services for the Homestead Lane intersection improvements. Councilmember Beem seconded the motion. RIC was selected to provide inspection services for the Homestead Lane intersection improvements, 4-0.

21. Report by The City Administrator

- Quarterly Report from the Johnson County Sheriff's Office

Deputy Brad Johnson, Johnson County Sheriff's Office, approached the council. He stated he used the data from the first of the year to the end of July and compared them to the statistics from 2019. All of the data does include everything from LPKC as that is in Edgerton City Limits.

Deputy Johnson explained Group A crimes are crimes against persons and property, such as robbery, battery, sexual offences. There appears to be a drastic change in the percentage because the numbers are low, and it is compared to other cities in the county. He stated the number of reported battery crimes stays pretty constant. There were 5 reports of forcible sex offenses in 2019 and those individuals were arrested, and none have been reported in 2020. He said most of the reports of criminal damage to

property have been juveniles who have not been in school and got bored. Most of those cases have been resolved. Deputy Johnson stated theft has dropped considerably as 2 people in town were committing most of the crimes. The Sheriff's office was able to arrest them even after US Marshals attempted to capture them. He explained drug and narcotics charges are up to forty-five (45) cases. He said this is actually good as the deputies are catching the perpetrators instead of not knowing about them. In all of 2019 there were forty-three (43) drug cases, and it is up to forty-five (45) cases as of the end of July, so the drugs are coming off the streets.

Deputy Johnson stated Group B offenses are crimes against society. He stated these cases are drunk driving, ordinance violations, and failure to appear warrants and similar crimes. Overall, there is an increase of forty-nine (49) compared from 2019. This is because those cases are being caught and taken care of and not sliding by. The Crime Index, which informs the public with how safe an area is, for Edgerton is eight percent (8%). He stated that is lower than Gardner, which is eleven percent (11%). Mayor Roberts said Gardner is touted as one of the safest cities in Kansas. Deputy Johnson said since Edgerton does not have its own police department, it gets grouped in with the Sheriff's Office. Last year, Edgerton's Crime Index was twelve percent (12%).

Ms. Linn stated City Staff has built a relationship with Deputy Johnson that has been extremely helpful. City Staff appreciates the funding provided from the Council to have Deputy Johnson dedicated to Edgerton. Deputy Johnson stated he has been able to build relationships with the residents and hold people accountable. He explained the sheriff assigned for this area would rotate every 2 to four (4) weeks and it would make it difficult to build those relationships. He is able to take time on smaller cases than before. He has not had many complaints for four-wheelers in quite some time, which is surprising to him, especially with kids being out of school for so long. He explained he has been able to help people and be a good presence in the City.

Deputy Johnson stated the Sheriff's presence in LPKC has been low as they have not had the resources for inspection and weight checks. The Sheriff's Office felt it was important to have more resources for these vehicles. Deputy Johnson stated he is now a certified commercial vehicle inspector. He has stopped some trucks and have helped get some drivers off the streets. He is certified to weigh trucks to see if they are overweight, but more scales will be needed. This will help keep overweight trucks off the roads, so the City does not have to continue to repair streets damaged by overly heavy loads. He knows a fine schedule is being drafted for this issue.

Deputy Johnson stated he patrols the 1 square mile that is residential Edgerton. He said he has recovered 5 stolen vehicles and 2 stolen trailers and has gotten drugs and weapons off the streets. From January 1, 2019 to July 31, 2019, there were 164 citations written in Edgerton. In the same time frame for 2020, 317 citations have been issued and that is without any traffic stops for 2 months due to the pandemic. Deputy Johnson said many of the traffic stops are drivers who are not from Edgerton. He said his biggest complaint is drivers not stopping at stop signs. He said he has issued twenty-six (26) stop sign tickets and many warnings. Out of those 317 citations, 262 tickets have been written by Deputy Johnson. This increase in traffic patrol has decreased accidents by fifty-seven percent (57%). He acknowledged it is a lot of tickets, but the

finer are cheaper than accident repair bills. Deputy Johnson said there have been only 3 injury accidents in Edgerton. He said he does ride his bike around as well.

Mayor Roberts said when Deputy Johnson first started, the position was for forty (40) hours a week but he does come in on other days as well. Deputy Johnson stated that is correct. He informed Council he does pick up some overtime shifts and starts his shift in Edgerton. He drives the residential areas during the late-night hours to ensure everyone is safe. His hours do rotate but he always comes into Edgerton each shift. Deputy Johnson said he is invested in this community and likes to ensure it is safe. Councilmember Longanecker said Deputy Johnson is making a big difference and appreciates it and inquired if there are a lot of speeding tickets issued. Deputy Johnson stated there has been. Mayor Roberts asked what the highest speed over the limit Deputy Johnson has seen. Deputy Johnson answered there has been a seventy (70) in a 45 miles per hour ticket issued that was in a construction zone while crews were onsite. Ms. Linn commented there have been some speeding citations issued for drivers going over ninety (90) in a thirty-five (35) zone. Deputy Johnson concurred and many trucks going sixty (60) on Homestead Lane. Those also lead to an inspection as well.

- Councilmember Longanecker asked about 502 E Martin. City staff has been notified of people working on the house. A couple that claims to be buying the house from the current owner are interested in repairing the structure. There has been a lot of work done already on the yard. City Staff has started the conversation on what will be owed and the scope of work to be done. City staff plans to meet with them to discuss all of the items that need to be done at that property. Beth said they had the 30 days to repair or demolish but the City has not reached that point yet. The city would like to see progress on the property. City Attorney Lee Hendricks added that if it were the same owner, he would be concerned about any promises to improve the property. Councilmember Longanecker said there were a lot of people working on the property. Ms. Linn said the City does have concerns and will have the structure inspected to ensure it is done correctly.
- Ms. Linn stated on August 8, 2020 a memorandum was signed by the President to allow employees deferment of their FICA social security taxes. She stated employers can opt out of that. The memorandum would allow employees to defer their social security tax from September 1, 2020 to December 31, 2020 but would have to be repaid when the employee files their 2020 tax return. When the memorandum was signed, there was little guidance from the federal government. City Staff has received information from the federal Treasury and the City's payroll software provider. Due to it being an optional deferral, the software company is not offering support for implementation. Ms. Linn explained City Staff does not have the manpower to handle that issue currently and the City would be required to pay back that money if an employee leaves during that time and opted for the deferment.
- Ms. Linn explained that due of the size of Johnson County, they have received \$116,000,000 in Coronavirus Aid, Relief, and Economic Security (CARES) funding. The County has set an amount for local governments to seek reimbursement of funds pertaining to the pandemic. The expenditures have to qualify for 1 of 2 reasons to be eligible for reimbursement. The first qualifying expenditures are expenditures actually

made to combat the virus. The City was able to get reimbursed \$5,500 from the County for items purchased to aid in social distancing and hygiene. The second qualifying reason are unbudgeted items for resource planning. Ms. Linn explained Cities can request funds for unbudgeted expenditures for future items to purchase. This would be a way for City Staff to purchase items to get the Council and Planning Commission meetings live streamed. City Staff has researched some options to do so and the cost would be around \$42,000 due of the way the room is set up and its multi-purpose use. She stated the system has to be portable which adds to the cost. City Staff was informed 3 cameras and nine (9) microphones would need to be set up. It would need to be easily set up by City Staff.

Ms. Linn stated City Staff has been looking into more mobile technology in the case City Staff has to work remotely again. Research into items for the Council and Planning Commission has also been done. City Staff is looking into upgrades in the ventilation system to prevent cleaning of the area after each event as well. She stated the City will be submitting those projects to the County to see what the County provides funding for. The City will allocate the funds received from the County accordingly. Ms. Linn stated Edgerton's share of the funds set aside is \$50,000. Councilmember Conus inquired if this would be a grant or something that would have to be paid back at a later time. Ms. Linn replied that whatever the County provides would be a grant and has to be spent by the end of the year or would have to be paid back. A consultant reviews all of the purchases to make sure it meets the federal guidelines. She said there has been a lot of work put into just getting the request submitted. Mayor Roberts said all of the funds have to be spent by the County by the end of the year as well. He stated he believes it is a way for the County to slow the process of allocating the funds and adding extra paperwork. Ms. Linn stated City Staff hopes to be able to recapture the funds of the utility late fees that were waived during the pandemic.

22. Report by the Mayor

- Mayor Roberts stated he does not have anything to report.

23. Future Meeting Reminders:

- September 24th: City Council Meeting – 7:00 PM
- September 24th: City Council Work Session Regarding All-Terrain Vehicles
- October 8th: City Council Meeting – 7:00 PM
- October 8th: City Council Work Session Regarding CIP
- October 13: Planning Commission Meeting – 7:00 PM
- October 22nd: City Council Meeting – 7:00 PM
- October 22nd: City Council Work Session Regarding Code Enforcement

24. 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 Smith motioned to recess into executive session pursuant to K.S.A 75-4319(B)(2) for consultation with an attorney deemed privileged in the attorney-client

relationship to include the City Attorney and the City Administrator for the purposes of contract negotiations for twenty (20) minutes. Councilmember Longanecker seconded the motion. The meeting recessed into executive session at 8:37 PM, 4-0.

Councilmember Smith motioned to return to open session with no action being taken. Councilmember Beem seconded the motion. Open session resumed at 8:57 PM, 4-0.

Councilmember Smith motioned to recess into executive session pursuant to K.S.A 75-4319(B)(2) for consultation with an attorney deemed privileged in the attorney-client relationship to include the City Attorney and the City Administrator for the purposes of contract negotiations for 5 minutes. Councilmember Longanecker seconded the motion. The meeting recessed into executive session at 8:58 PM, 4-0.

Councilmember Smith motioned to return to open session with no action being taken. Councilmember Beem seconded the motion. Open session resumed at 9:03 PM, 4-0.

25. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY, PUBLIC WORKS DIRECTOR, AND CITY ADMINISTRATOR FOR THE PURPOSES OF PENDING LITIGATION

Councilmember Smith motioned to recess into executive session pursuant to K.S.A 75-4319(B)(2) for consultation with an attorney deemed privileged in the attorney-client relationship to include the City Attorney, Public Works Director, and the City Administrator for the purposes of pending litigation for 5 minutes. Councilmember Beem seconded the motion. The meeting recessed into executive session at 8:29 PM, 4-0.

Councilmember Smith motioned to return to open session. Councilmember Longanecker seconded the motion. Open session resumed at 8:34 PM, 4-0.

Councilmember Longanecker motioned to approve a payment of \$79,160 to D & J Development for the purposes of land acquisition for sanitary sewer easements as specified in the eminent domain case. Councilmember Conus seconded the motion. The payment was approved, 4-0. Mr. Lee Hendricks, City Attorney, this can be paid tomorrow, and work can then start soon thereafter.

26. Adjourn

Ms. Linn stated the City has fulfilled the position of City Clerk. She stated it was an internal hire and Ms. Alex Clower will be transitioning from Customer Service Representative/Court Clerk to the City Clerk over the coming weeks.

Mayor Roberts reminded everybody about the Cops and Bobbers event this Saturday. Councilmember Conus volunteered to help out.

Councilmember Smith motioned to adjourn the meeting, seconded by Councilmember Beem. The motion carried and the meeting adjourned at 9:07 PM, 4-0.

EVENTS

September 12th: Cops and Bobbers at Edgerton Lake – 9 AM to Noon

September 16th: Senior Lunch and BINGO at New City Church

September 22nd: Municipal Court