

City of Edgerton, Kansas
Minutes of City Council Regular Session
September 12, 2019

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on September 12, 2019. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
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

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

- 4. Approve Minutes for August 22, 2019 Regular City Council Meeting
- 5. Approve Disposal of Vehicles and Equipment

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

Motion passed, 4-0.

REGULAR AGENDA

- 6. **Public Comments.** None.
- 7. **Declaration.** None.

8. Introduction of Zach Bright

Dan Merkh, Public Works Director, introduced Zach Bright who was hired for the open Maintenance Worker position. Mr. Bright thanked Council for the opportunity to work for the City.

Josh Lewis arrived at 7:07PM

BUSINESS REQUIRING ACTION

9. **CONSIDER SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN CITY OF EDGERTON AND BG CONSULTANTS, INC FOR CONSTRUCTION ADMINISTRATION AND OBSERVATION SERVICES I-35 SOUTH PHASE II GRAVITY SEWER IMPROVEMENTS**

Scott Peterson, Assistant City Administrator, introduced the agreement which is needed for construction administration and observation services for the I-35 South Phase II Gravity Sewer Improvements.

BG Consultants has prepared the attached Agreement to provide the construction observation services for the I-35 South Phase II Gravity Sewer Improvements. The Agreement includes a scope of work to include such services as performing inspections, notification of the City of any significant issues/changes to the plans, providing detailed daily reports of construction activity, reviewing testing reports and pay estimates, etc. This project will be paid for initially by the City of Edgerton, but the City will be reimbursed at full cost by Edgerton Land Holding Company.

Motion by Longanecker, Second by Smith to approve Supplemental Agreement No. 1 Between City of Edgerton and BG Consultants For Construction Administration and Observation Services for the I-35 South Phase II Gravity Sewer Improvements.

Motion passed, 5-0.

10. **CONSIDER APPROVAL OF ORDINANCE NO. 2024 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE EDGERTON UNIFIED DEVELOPMENT CODE TO INCLUDE AN UPDATED VERSION OF ARTICLE 4 – SECTION 4.3, 4.4, 4.6, AND 4.7 AND ARTICLE 7 – SECTIONS 7.1 AND 7.2**

Katy Crow, Development Services Director, overviewed the updates to Article 4 and Article 7 related to Commercial Zoning Districts.

Councilmember Longanecker suggested the addition of language including a church or religious center be made on page 7-5. Ms. Crow consulted Lee Hendricks, City Attorney, on the matter. Mr. Hendricks cross referenced language used elsewhere in City Code and stated the terms church, youth center, or library could be added. There was general discussion on the addition of this language. Consensus was met on the addition of this language.

Mayor Roberts drew attention to 7-2 A 1 in regards to Bed and Breakfasts, he suggested the removal of the word sleeping. Consensus was met on the removal of this language.

Council member Smith asked about cell phone towers. Ms. Crow and Mr. Hendricks had a discussion about Chapter 7-6 Wireless Support Structures and Mr. Hendricks said there has been no update from the State and this language will work for now.

Motion by Smith, Second by Longanecker to approve Ordinance No. 2024 with the stated updates to section 7-2 A 1 and 7-5.

Motion passed, 5-0.

11. CONSIDER RESOLUTION NO. 09-12-19A ESTABLISHING FEES AND RATES FOR PERMITS, LICENSES AND SERVICES WITH THE CITY OF EDGERTON, KANSAS

Karen Kindle, Finance Director, introduced the updated Fee Resolution to Council which includes water and wastewater rate updates as well as the inclusion of the Code Enforcement abatement fee which is established in City policy yet not accounted for in the Fee Resolution.

Raftelis Financial Consultants recommended a small rate increase in each year of the forecast period in order to avoid large rate increases in the later years of the forecast period. The 2020 Budget adopted by the Council on August 22, 2019, included the rate increases. The wholesale wastewater rate remained unchanged at \$3.36 per 1,000 gallons. The fee resolution, if adopted, includes the rate increase and sets the effective date as the January 1, 2020, utility bills.

Staff recommended the addition of a Code Enforcement Abatement Administration fee which is mentioned in Edgerton Municipal Code Article 9, Section 8-903(b)(4). Staff used \$50 as the amount of the administrative fee charged during the abatement process to cover the cost of sending certified mail notifications and publication in the City of Edgerton's newspaper of record, The Gardner News.

Ms. Kindle referenced the visual included in the Agenda packet which showed Edgerton water and wastewater rates in the middle of comparison cities of similar size in the area. Mayor Roberts stated that water is the least expensive utility and he wondered how much commodities like fuel and utilities like electricity have increased in the past 30 years.

Councilmember Longanecker asked about separating the Conditional Use Permit Fee by zoning districts. Mayor Roberts stated he would like to see Staff put the numbers together and include a fee for secondary review of plats and plans and/or fees for multiple re-reviews. Beth Linn, City Administrator, recommended that this question be delayed until after the first of the year for a Governing Body Work Session that will focus on fees, code enforcement, and policies.

Motion by Longanecker, Second by Smith to approve Resolution 09-12-19A.

Motion passed, 5-0.

12. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR THE PURPOSES OF CONTRACT NEGOTIATIONS

Motion by Brown, Second by Longanecker to recess into executive session pursuant to K.S.A. 75-4319 (b)(2) for the purpose of discussing contract negotiations to include City Attorney, City Administrator, and Public Works Director for twenty (20) minutes.

Motion was approved, 5-0.

Session recessed at 7:45 pm. Meeting reconvened at 8:05 pm.

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

Motion was approved, 5-0.

Motion by Brown, Second by Longanecker 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 and City Administrator for an additional ten (10) minutes.

Motion was approved, 5-0.

Session recessed at 8:06 pm. Meeting reconvened at 8:16 pm.

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

Motion was approved, 5-0.

13. CONSIDER RESOLUTION NO. 09-12-19B PURSUANT TO K.S.A 26-201 SETTING FORTH THE NECESSITY FOR CONDEMNATION OF PRIVATE PROPERTY AND AUTHORIZING PREPARATION OF A SURVEY AND LEGAL DESCRIPTIONS OF THE PROPERTY TO BE CONDEMNED

Dan Merkh, Public Works Director, stated this is the first step in the process for condemnation, the Resolution confirms the necessity for condemnation and will authorize the preparation of survey and legal description. In an effort to meet the tight project schedule, Staff requested that City Council approve this Resolution for all easements on property west of Edgerton Elementary. If passed, the resolution does not prohibit the City negotiating and/or acquiring the easements – it will authorize the preparation of the descriptions.

Motion by Smith, Second by Longanecker to Resolution No. 09-12-19B.

Motion passed, 5-0.

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

15. **Report by the Mayor**

Mayor Roberts and Council had a brief discussion about swearing in dates of the new or reelected Councilmembers after the November election. It was determined that the outgoing Councilmembers last meeting would be the first meeting in December of the election year. Mr. Hendricks will prepare the Charter Ordinance for this update for the next meeting.

16. **Future Meeting Reminders:**

September 10th: Planning Commission – 7PM

September 12th: City Council Meeting – 7PM

17. **Adjourn**

Motion by Smith, Second by Lewis to adjourn.

Motion was approved 5-0. The meeting adjourned at 8:18 pm.

EVENTS

September 7th: Cops N’ Bobbers Fishing Derby @ Edgerton Lake – 10AM to Noon

September 18th: Senior Lunch and Bingo – Noon