

City of Edgerton, Kansas
Minutes of City Council Regular Session
September 23, 2021

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on September 23, 2021. The meeting convened at 7:10 PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	present
Josh Beem	absent
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
- Finance Director Karen Kindle
- Accountant Justin Vermillion
- Development Services Director Katy Crow
- 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 September 9, 2021 Regular City Council Meeting
5. Approve Resolution No. 09-23-21A Establishing Fees and Rates for Permits, Licenses and Services with the City of Edgerton, Kansas
6. Approve Ordinance No. 2097 Amending Section 14-205 Of Article 2 Of Chapter XIV Of The City Code To Include Parking Restrictions On East Nelson Between East Third Street And East Fourth Street

Mayor Roberts asked that item 6 be removed for further discussion.

Councilmember Longanecker moved to approve the consent agenda with item six removed, seconded by Councilmember Lewis. The Consent Agenda was approved, 3-0.

Ms. Beth Linn, City Administrator, addressed the Council. She stated there has been an increase in the number of cars parked downtown, particularly in relation to public meetings and municipal court nights. She stated the Governing Body had previously asked staff to prepare an

ordinance to restrict parking on two stalls in support of the downtown retail businesses. She stated staff worked with the City Engineer to obtain the correct signage, allowing for a limited time parking. She stated Council originally provided direction for a 90 minutes parking limit, but the options when looking for signs show only 1 hour or 2 hour limits. She stated staff would recommend a time limit of 1 hour for now and monitor to see if the time limit might need to increase.

Councilmember Longanecker asked who would be keeping track of the time.

Ms. Linn stated she would like to think this could be on the honor system and enforced through citizen concerns. She stated this is about discouraging people to park for long amounts of time and taking up spots for the downtown business patrons. She stated she would hope the sign will do most of the work by the discouragement.

Councilmember Longanecker moved to approved Ordinance No. 2097, amending the City Code to include parking restrictions on East Nelson between East Third Street and East Fourth Street. Councilmember Lewis seconded the motion. Ordinance No. 2097 was approved, 3-0.

Regular Agenda

7. **Declaration.** There were no declarations made by the Governing Body.

8. **Public Comments.** There were no public comments made.

9. **Introduction.** Dan Merkh, Public Works Director, Introduces New Employees for the Public Works Department.

Mr. Trinity Logan stated he is excited to work with the City and learn new tasks. He stated he was born and raised in Ottawa and most recently worked as janitorial staff at Baker University.

Mr. Scott Elrod stated he has a basic background in construction and most recently came from Johnson County as maintenance. He stated he is glad to be here and be a part of the city crew.

Council members welcomed both men.

Mr. Merkh stated both employees have hit the ground running and it is nice to have the workload being shouldered by more people.

Business Requiring Action

10. CONSIDER RESOLUTION NO. 09-23-21B PROVIDING FOR NOTICE OF A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A COMMUNITY IMPROVEMENT DISTRICT (WOODSTONE PROJECT)

Mr. Scott Anderson, Bond Counsel, addressed the Council via phone. He stated at the last meeting, the Governing Body approved a Development Agreement with Woodstone Properties. This agreement includes the development of two hotels, restaurants and other retail space on the southwest corner of 199th and Homestead Lane. He stated this

agreement provides for a number of incentives requested by the developer as listed in the Development Agreement approved. He stated the City will impose a 1% CID sales tax for 20 years to reimburse the developer for eligible project costs. The first step in the process is a petition from the developer, which has been received. The second step is a resolution for notice of public hearing regarding the creation of the CID. He stated the resolution for approval tonight, is not the creation of the CID or saying it will be created, it is just a resolution to set the date for the public hearing as November 18th.

Mayor Roberts asked how common CIDs are in the Johnson County area for retail development.

Mr. Anderson stated he would struggle to name a new development that does not have a CID. He stated they are incredibly common, everywhere from the Legends to the Plaza, from City Center in Lenexa to all the development at 119th Street.

Councilmember Brown moved to approve Resolution No. 09-23-21B, providing notice for a public hearing to consider establishment of a Community Improvement District. Motion seconded by Councilmember Longanecker. Resolution No. 09-23-21B was approved, 3-0.

11. CONSIDER RESOLUTION NO. 09-23-21C PROVIDING FOR NOTICE OF A PUBLIC HEARING TO CONSIDER ADOPTION OF REDEVELOPMENT PROJECT PLAN B1 FOR THE HOMESTEAD LANE RETAIL TIF DISTRICT

Mr. Anderson stated similar to the last resolution, this resolution also provides notice for a public hearing but this one is in relation to a TIF district. He stated in 2019, the City created Homestead Lane TIF District. He stated one project plan has already been approved, most commonly known as On the Go Travel Center. He stated the City has now agreed to create a second project plan with the new development planned by Woodstone Properties. He stated the agreement also contemplates that if approved, the TIF revenues will be split between the City and Developer. He stated in order to create a project plan, the city has a number of steps to complete. First step was completed at the Planning Commission meeting on September 14th, where the Planning Commission adopted a Resolution that found the project compliant with the comprehensive plan for the City. He stated the next step is the approval of a resolution that sets a public hearing date for the creation of the new Project Plan in the Homestead Lane Retail TIF District. He stated the resolution for approval does nothing more than set a public hearing date of November 18th for the project plan.

Councilmember Brown moved to approve Resolution No. 09-23-21C, providing notice for a public hearing to consider Redevelopment Project Plan B1 for the Homestead Lane TIF District. Motion seconded by Councilmember Longanecker. Resolution No. 09-23-21C was approved, 3-0.

12. CONSIDER AWARD CONTRACT FOR 2021 CDBG 7TH AND NELSON SANITARY SEWER REHABILITATION PROJECT

Mr. Dan Merkh, Public Works Director, addressed the Council. He stated each year Johnson County invites cities to submit applications for Community Development Block Grant (CDBG)

funds made available by the federal government. The primary goal of the Johnson County CDBG program is to provide federal assistance to eligible applicants for the purpose of community development.

He stated during the work session held in October 2019, the City Council identified the 7th and Nelson Sanitary Sewer Project as a priority for completion. This project would be an eligible Public Facilities and Improvement project for use of CDBG funds. He stated all of Edgerton is within a Census Block Group that qualifies for funding by area benefit.

He stated on May 28, 2020 the City Council approved the submission of an application to Johnson County for 7th & Nelson Sanitary Sewer Project for CDBG funding. He stated in September 2020, Johnson County notified staff of the proposed award of the full funding request of \$200,000.

He stated in August 2021, the City held a bid opening where a total of three bids were received, opened and read aloud to the public. He stated based upon the recommendation from the City Council-approved engineer of Trekk Design Group, Municipal Pipe Tool has been selected as the recommended contractor.

He stated based upon the review of the bids, the letter of recommendation from Trekk and requirements from US Department of Housing and Urban Development for CDBG projects, staff recommends the apparent low bidder, Municipal Pipe Tool, to complete the project.

Ms. Beth Linn, City Administrator, addressed the Council. She stated it is important to note the allocated budget is just over \$500,000, but the bid received is significantly below that. She stated the wastewater master plan is coming forward to Council in the coming weeks and there will be no shortage of projects to allocate the remaining dollars toward. She stated any dollars that are not needed will be allocated toward future sewer projects.

Ms. Linn stated staff is working to have a dollar estimate ready and two scenarios to spend those dollars on to present to the governing body at the work session for the Wastewater Master Plan.

Mayor Roberts stated there will be funds to expand in both areas - stormwater and wastewater.

Councilmember Lewis moved to approve the construction contract with Municipal Pipe Tool for the 2021 CDBG 7th & Nelson Sanitary Sewer Rehabilitation Project. Motion seconded by Councilmember Brown. The contract with Municipal Pipe Tool was approved, 3-0.

13. CONSIDER A PROFESSIONAL SERVICES AGREEMENT WITH RENAISSANCE INFRASTRUCTURE CONSULTING TO PROVIDE CONSTRUCTION INSPECTION SERVICES FOR THE 2021 CDBG 7TH AND NELSON SANITARY SEWER REHABILITATION PROJECT

Mr. Merkh addressed the Council. He stated similar to other large infrastructure projects constructed by the City, a critical component to the success of the project is to partner with a firm to perform the construction inspection services. He stated Renaissance Infrastructure

Consulting (RIC) has submitted bids and gone through the interview process with City Staff, including providing services for construction inspection of the 200th and Homestead Intersection Project. He stated RIC performed the inspection services for this project with a high level of satisfaction and attention to detail.

He stated RIC is a valued partner with the City and ElevateEdgerton!. He stated RIC has extensive knowledge of how Edgerton conducts projects, and they have a team with over 30 years of experience.

He stated City staff recommends utilizing RIC for construction inspection services associated with the 2021 CDBG 7th and Nelson Sanitary Sewer Rehabilitation Project. He stated selection of RIC will expedite the start date for the project. Staff and RIC will utilize the same agreement for services as previously agreed upon for the Homestead Lane Intersection Construction Inspection services. He stated this agreement provides a scope of work to include inspections, notification to the City of any significant issues or changes, detailed reports of activity, reviewing testing reports and pay estimates, etc. He stated the agreement also includes an hourly rate schedule applicable for the term of the agreement. The agreement is structured similarly to the agreement for City Engineer services where the City is only billed for actual hours of work performed.

Councilmember Longanecker moved to approve the Agreement for Inspection Services of the 2021 CDBG 7th and Nelson Project with Renaissance Infrastructure Consulting. Motion seconded by Councilmember Lewis. The agreement was approved, 3-0.

14. Report by the City Administrator

- Status Update on 502 E 2nd Street

Ms. Katy Crow, Development Services Director, addressed the Council. She stated she met with property owners on September 17th and since the last update, they have finished all siding and windows. She stated the only exterior piece left is the roof. She stated unfortunately there has not been much more progress made due to the owners having a busy schedule with their day jobs which doesn't allow them much time to work here. She stated they went into violation with tall grass and weeds, however the yard was mowed before abatement of the condition was required. Additionally, there is a significant amount of junk/trash/debris on the site due to the removal of old siding. She stated Staff sent an order of violation for that condition on September 14th and discussed the conditions with the owner during the walk through on September 17th. The owner has stated he will be cleaning up the violation in the next few days. She stated there continues to be challenges on the property with a dying tree that needs to be removed. The tree limbs are close to and, in some cases, touching the Evergy power lines. She stated recently a large limb from that tree fell into the adjacent alleyway and it was removed by City Staff. She reached out to a Evergy to safely remove the tree and help the homeowners. She stated Evergy has said they will trim the trees and leave the brush on site for the property owner to then remove. She stated City Staff will perform another walkthrough in November and provide an update at the November 18th Council meeting.

Councilmember Longanecker stated the outside is looking nice.

Mayor Roberts stated even with delays, they have done a great job so far.

Ms. Crow agreed and added there have been delays and they are still struggling to find and HVAC person.

Councilmember Longanecker asked if much work has been done on the inside.

Ms. Crow stated they have not, they have quite a bit going on in their day jobs that they have been kept very busy and have not had a lot of time to work on site the last couple months. She stated the property owner did say they're hoping to start work on the inside by October.

There were no further questions or comments from the Councilmembers.

- Senior Lunch report

Ms. Linn gave a report on this past month's Senior Lunch. She stated there was a packed house and everyone seemed to enjoy the catered food from Jumpin' Catfish.

Mayor Roberts stated it was good to see all of them out and together, adding there were people there that he has not seen at Senior Lunch before.

Ms. Linn stated City Staff does not normally attend senior lunches, but this past month Staff took the opportunity to introduce themselves to allow the seniors and those in attendance to know the faces of the City.

Mayor Roberts stated he thought that was a great idea and he would like to see the City sponsor Senior Lunch down the road.

Councilmember Longanecker stated he likes the idea of the City being involved and staff introducing themselves because it allows the seniors in town to stay involved.

There were no further questions or comments from the Councilmembers.

Ms. Linn stated she had previously mentioned wrapping up two of the heavy loads with the Wastewater and Stormwater Master Plans. She stated city staff would like to make presentations to the Governing Body on both as well as the CIP. She stated staff would recommend a CIP work session on October 14th following the regular scheduled City Council meeting. She stated staff would recommend a 6:00PM start time for work sessions regarding Wastewater and Stormwater Master Plans on the regularly planned council dates of October 28th and November 18th.

There were no further questions or comments from Council.

- Snow and Ice Control Presentation

Mr. Merkh addressed the council and gave a presentation on the upcoming 2021-2022 Snow & Ice Season.

He stated in the 2020-2021 snow season, there were 8 declared events and roughly a foot of accumulation, as well as a significant amount of sleet and rain. He stated with the variety of storms, this impacted the way the crews treated the roadways with proactive or reactive

treatment methods. He stated when a snow event is declared, which is when two or more inches of accumulation falls, the City notifies the public through social media, the website, and Notify JoCo to clear vehicles from roadways, or the vehicles could be towed at the owners expense. He stated the residents are again notified when the end of the event is determined.

He stated last year crews and the City Management noticed a deficiency at LPKC when the accumulation became too thick and crews struggled to clear the roads. He stated it is believed that with the added weight of the new tandem truck and the bigger blade, this will help crews clear snow in LPKC.

He stated the crews use Snow Slicer, which is an enhanced salt, and they also use brine to treat the roads. He stated the plowing procedures involve hitting roadways that are based on a priority level. Major roadways are cleared first as a priority one. He stated plows are not diverted from their route unless it's an emergency. He stated crews do not lift the plow on their way to the next route. He stated once the roads are clear, if the timing is right, crews will begin to clear the main sidewalks and parking lots around city facilities. He added there is often a shovel and salt during the winter season inside the facilities. He stated city crews plow trails. Residents are responsible for clearing their sidewalks within 48 hours after the end of the city declared snow event. He stated the city does not clear private sidewalks, driveways or parking lots. He stated unfortunately, all predictions this year say there will be a lot of snow.

There were no further questions or comments from the Councilmembers.

- Glendell Acres Renovation

Mr. Merkh addressed the Council and gave a presentation updating the Governing Body on the Glendell Acres Park Renovation project.

He stated the project budget is \$583,000 and the current low end cost opinion provided by SWT Design is just over the budget. He stated this order of magnitude cost opinion gives a general idea of the design for the park based on the desires of the community, as well as provides a cost estimate on the low end and high end for those specific plans. He stated because the current total is coming in over budget, staff would like Council direction to know the priority of what should be added first and what should be considered in next phases as the numbers become solidified, he asked if the budget begins to exceed, should other funding sources be considered as well. He stated the reason staff asks these questions is because based on the examples pulled from the design contractor, it is believed some of these ideas could fit in the dollar range, where others might need to be put on hold unless other funding is available. He stated there is currently \$300,000 from Park Impact Fees that could be used as well should Council decide to do so.

Mayor Roberts stated he would like to see the project be completed in one phase rather than postponing specific parts of the project and be as close to the budget as possible but would not mind considering using the Park Impact Fee if there are items needed that fall over the budgeted funds. He stated this is what the park impact fee is for anyway, it is to be used for upgrading and maintaining the parks.

Councilmember Longanecker asked how often the fitness equipment will be used.

Mr. Merkh stated the fitness aspect of the park equipment was highly desired from the survey.

Councilmember Brown stated the skate park has been wanted for as long as he can remember for the citizens.

Mayor Roberts stated the current skate park was actually created because a young citizen wanted it, raised the money for it, and the city helped build it. At that time the city did not have the funds for parks, and the skate park was a big item for the young kids. He stated he is in favor of all the project and if the funds need to be expanded slightly to make it a one-time project, he would like to see that happen.

Councilmember Lewis stated he sees this park as the central park of Edgerton and would like it to be all-inclusive to the ideas the community wants. He stated he would like to see it completed in one shot, and if funds are needed, get the funds.

Councilmember Brown asked how much would need to be used from the Park Impact Fee to complete the shown list of wants for the park.

Mr. Merkh stated roughly \$78,000. He said if the line items begin to get closer or look like they might go over, staff can bring back amounts as needed for approval.

Mayor Roberts stated the numbers shown can fluctuate, since the City has not yet actually bid the project.

Ms. Linn stated it is not only about the bids received for the project in its entirety, it is also about the bidding from the manufacturers for the park equipment and then civil site work. She stated staff could bring back bidding information as it is received for Council to consider.

Mayor Roberts asked the Council to decide if they wanted to cut down the project aspects, touch extra funding from the Park Impact Fee, or if neither of those, what they would like to see as next steps.

Councilmember Lewis stated if Staff thinks the budget could be exceeded, they could bring back the numbers then for approval.

Mayor Roberts stated he is in favor of getting the project done. He stated Council is going to have to approve the contract itself. He asked how can this project get done and maximize the scope within the budget.

Councilmember Lewis stated he thinks this is a big statement piece for the community.

Ms. Linn confirmed the consensus from the Governing Body is that the City move forward with the elements presented and continue to monitor the budget and keep Council informed.

There were no further questions or comments from the Councilmembers.

- Job Description

Mr. Merkh presented the Governing Body with a new job description for a Maintenance Tech III for the Utilities Department.

He stated there is a current position open for the utilities department for a Maintenance Tech I, but if an ideal candidate is found who can offer more and has a greater experience in the department, he would like to hire at this level. He stated this is another step for career progression within the city. He added this exact position would be for an operator of the wastewater plant who is trained and has experience testing water and wastewater systems.

Ms. Linn stated the City has worked to create opportunities for the employees within the City to grow and this gives them a path.

Councilmember Lewis confirmed that there is not currently a Maintenance Tech III position.

Mr. Merkh confirmed this is a not an additional employee, but rather a new position, with a higher pay grade than a current Maintenance Tech II position.

Mayor Roberts stated he supports this new job description and added this gives the City a way to compete with the private market. He stated Council to date has worked to hire and maintain quality employees. He stated he does think the City needs to begin looking at what needs to be done to be more successful in the job market.

Ms. Linn stated although staff is working to update the personnel manual, the current approved one states City Council must approve any new job descriptions.

Councilmember Longanecker moved to approve the new job description for a Maintenance Technician III, seconded by Councilmember Brown. The job description was approved, 3-0.

- County solar farm regulations

Ms. Linn gave an update regarding the Solar Installation.

She stated the Johnson County Planning Commission has invited the surrounding cities to join them for their Planning Commission meeting on September 28th. She asked the Governing Body if they had specific questions they would like staff to ask at this meeting.

Mayor Roberts asked that Ms. Linn and Ms. Crow to explain what they saw when touring a solar facility in Arizona.

Ms. Crow stated the closest city to that solar farm was at least 5 miles away, and the best word she could use to describe the facility was "massive." She stated there were solar panels as far as the eye could see. She stated the facility in Arizona was on purchased land, but NextEra would be installing on land in Johnson County would be leased. She stated this project in Arizona employs only 2 people.

Councilmember Lewis asked if this company sets the panels and then sells to the grid.

Mayor Roberts stated they put the power on the grid and it can be sold to anyone on the grid. He stated just because the plant is here does not mean that the electric bills in the surrounding area will go down.

Ms. Linn stated the facility they saw was 3,200 acres.

Mayor Roberts stated the one in Arizona, from start to finish, was completed in 18 months.

Ms. Crow stated all of the cables are above ground.

Ms. Linn stated they talked to the representative about the longevity, it's said that the permit right now can go from 30-40 years. The representative stated it can go much longer than that because when the panels need to be replaced, they work on them individually and upgrade as needed.

Mayor Roberts stated NextEra is saying this solar plant here is rated to go up to 500 megawatts.

Ms. Linn stated a big concern for the City is the training for the fire department because electrical fires are a lot different than normal structure fires. Ms. Crow stated the panels do have a fire suppression system but questioned how that would work if there were no power to the system.

Ms. Linn stated the county's draft regulations include a one-mile buffer, but the city has a three-mile planning buffer. She stated staff is encouraging the county to honor the planning area boundary as established under state statutes.

Ms. Crow stated based on the boundary map that has been provided, there are some cities that have asked if the areas that are smaller in green and surrounded by the buffer area, could be excluded from being used.

Ms. Linn asked the Governing Body to provide specific direction for staff to ask at the public hearing coming up.

Councilmember Brown asked if there could be clarification on the buffer area and if they could honor the city's three-mile planning buffer.

Councilmember Brown asked about future development and if the regulations specify any setbacks or screening to protect the current residents.

Councilmember Lewis stated they started in March of this year, and they want to have it approved by December of this year.

Ms. Crow stated when NextEra went to the county to propose this idea, they did not have any regulations, so the county is looking into it.

Mayor Roberts stated he also has significant concerns about the 20-year conditional use permit.

Councilmember Lewis stated that he would like to see the County require solar installations to be contiguous instead of jumping from place to place.

Councilmember Longanecker stated it is his understanding that once a contract is signed with this company, they can do whatever they want to the land.

Mayor Roberts asked what the environmental impacts are, as well as the impacts to the surrounding wildlife. He stated a big concern he has is the reflection from the panels in close proximity to the municipal airport.

Ms. Linn stated for clarification the Governing Body would like clarification on the length of the term for the conditional use permit, the city buffer, as well as stormwater runoff during construction and post construction. She stated the city would like clarification on environmental concerns as well as wildlife corridors, fire suppression systems, as well as fire lanes to the site and surrounding. She stated the city would like to know about buffering for adjacent uses, setbacks, visibility for neighboring housing, etc.

Mayor Roberts stated he would prefer the power lines go underground and that they would have to conform to the same standards as any other developer.

There were no further questions or comments from the Councilmembers.

15. Report by the Mayor

The mayor had no report to give at this time.

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

Mayor Roberts requested a motion for the City Council to recess into executive session in the Council Chambers for contract negotiations to include City Administrator Beth Linn, City Attorney Lee Hendricks, and Public Works Director Dan Merkh.

Councilmember Brown moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) for the purpose of contract negotiations to last for 15 minutes with the open meeting resuming at 9:15 p.m. in Council Chambers. Councilmember Longanecker seconded the motion.

The meeting recessed into executive session at 9:00 PM, 3-0.

Councilmember Brown moved to return to open session with no action being taken. Councilmember Lewis seconded the motion. Open session resumed at 9:15 PM, 3-0.

17. Future Meeting Reminders:

- October 12th: Planning Commission Meeting – 7:00PM

- October 14th: City Council Meeting – 7:00PM
- October 28th: City Council Meeting – 7:00PM
- November 9th: Planning Commission Meeting – 7:00PM
- November 18th: City Council Meeting – 7:00PM
- December 9th: City Council Meeting – 7:00PM
- December 14th: Planning Commission Meeting – 7:00PM

18. Adjourn

Councilmember Brown moved to adjourn, seconded by Councilmember Lewis. The meeting was adjourned at 9:18PM.

Submitted by Alexandria Clower, City Clerk

EVENTS

September 24th: Escape Room at Community Hall
 September 27th: Prehistoric Paleontologists (Kids Dino Program)
 September 29th: Hillsdale Watershed Program
 October 1st: Craft Night at City Hall
 October 2nd: Bull Creek Birds
 October 12th: Tales for Tots
 October 14th: Poison Apples and Potions – ½ Day Camp at City Hall
 October 30th: Mildale Farm Fall Festival
 October 31st: SpookEton Halloween Fest