

**City of Edgerton, Kansas
Minutes of City Council Regular Session
September 26, 2019**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on September 26, 2019. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	present via phone
Josh Lewis	absent
Katee Smith	present
Jody Brown	absent

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
- Marketing and Communications Manager Kara Banks
- Parks and Recreation Coordinator Maddie Becker

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for September 12, 2019 Regular City Council Meeting
5. Approve of Resolution No. 09-26-19A Waiving 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
6. Approve an Agreement with Varney & Associates, CPAs, LLC, to Prepare the City's Financial Audit for Fiscal Year 2019
7. Approve Final Acceptance of UBAS Portion of the 2019 Street Maintenance Program
8. Accept Permanent Trail Easement from Unified School District No. 231 for the Highway 56 Trail Project

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

Motion passed, 3-0.

REGULAR AGENDA

9. **Public Comments.**

Rebecca Hollingshead, Ottawa, asked Council to waive \$150 City Hall Rental fee in order for Venturing Crew 2369 to hold a Haunted Escape Room fundraiser. The fundraiser would raise money for the troops' High Adventure Trip.

Mayor Roberts stated that most of the time Council does not waive fees for City Hall Rentals; however, since this is a non-profit, Edgerton-based, youth organization which is fundraising for their leadership camping trip, he thought this would be acceptable.

Motion by Longanecker, Second by Smith to waive fee for requested date of City Hall Rental for the Venturing Crew.

Motion passed, 3-0.

10. **Declaration.** None.

11. Presentation by Jason Camis from Gardner Edgerton Chamber of Commerce – 2019 Third Quarter Update

Jason Camis, Gardner Edgerton Chamber President, briefed the Council on events and milestones over the past quarter and those upcoming through the end of the year. Mr. Camis stated there are 35 new members of the Chamber. The new website should go live sometime in October, the GE magazine will be distributed the third week of November, and the community map is 90% completed.

There was general discussion about City Staff reviewing the magazine article and map prior to publication.

Mayor Roberts wanted to remind residents of the Gardner Edgerton School Board Candidate Forum on October 12th at 8:30am at the Johnson County Fairgrounds. There will also be a Edgerton City Council candidate meet and greet at a date to be determined.

12. Parks & Recreation 2019 Snapshot

Maddie Becker, Parks & Recreation Coordinator, briefed Council on Parks and Recreation events, City festivals, programs, kids' activities, and senior trips that have taken place this year. Ms. Becker provided a budget snapshot of the events, as well as reporting attendance at a majority of the events has increased in the past year.

Mayor Roberts and Ms. Becker had a discussion about attendance at Summer Movie Nights and brainstormed new ideas for the Summer 2020 season. Ms. Becker stated she is always happy to take suggestions for events or programming that residents would like to see from Parks and Recreation Department.

12.5 Accept Temporary Construction Easement and Permanent Sanitary Sewer Easement

Beth Linn, City Administrator, presented the easements which are for the extension of sanitary sewer lines to connect to the Hostess building.

Motion by Longanecker, Second by Conus to approve acceptance of temporary construction easement and permanent sanitary sewer easement.

Motion Passed, 3-0.

BUSINESS REQUIRING ACTION

13. CONSIDER CHANGE ORDER #1 FOR 2019 STREET RECONSTRUCTION PROJECT, TO INCLUDE MILL & OVERLAY OF SURROUNDING STREETS WITH BASE REPAIR AND CURB REPLACEMENT, AND STORM OUTFALL CONSTRUCTION

Dan Merkh, Public Works Director, introduced Change Order #1 for the 2019 Street Reconstruction Project which covers repair to streets surrounding the project which have degraded because of storms during the 2018-2019 winter season and heavy truck traffic from the project. Mr. Merkh stated there are several areas that need base repair before a four (4) inch Mill and Overlay.

The total request increase is \$332,187; \$300,068 from Temporary Notes and \$32,119 from Street Excise Tax. The Temporary Notes will be repaid with City Maintenance Fee from LPKC Phase I.

Motion by Smith, Second by Conus to approve Change Order #1 for 2019 Street Reconstruction Project, to include Mill & Overlay of Surrounding Streets with base repair and curb replacement, and Storm outfall construction.

Motion passed, 3-0.

14. CONSIDER ORDINANCE NO. 2025 WHICH ADOPTS THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE CONDITIONAL USE PERMITS CU2019-02 (NORTH) AND CU2019-03 (SOUTH) TO ALLOW TWO BILLBOARDS – 36450 FRONTAGE ROAD, EDGERTON, KS

Katy Crow, Development Services Director, asked for this item to be tabled due to the unavailability of the petitioner.

Motion by Longanecker, Second by Smith to table item to the October 10th Council Meeting.

Motion passed, 3-0.

15. CONSIDER ORDINANCE NO. 2026 APPROVING THE DESCRIPTIONS AND SURVEY OF LANDS NECESSARY FOR ACQUISITION OF EASEMENTS NEEDED FOR CONSTRUCTING 56 HIGHWAY MULTI-USE TRAIL AND ASSOCIATED IMPROVEMENTS

Dan Merkh, Public Works Director, introduced the Ordinance which authorizes the preparation of survey and legal descriptions along 56 Highway as part of the multi-use path project which would provide pedestrian/bicycle access from neighborhood/residences along Highway 56 to Dollar General, Edgerton Elementary, and other future development.

The Project requires acquisition of easements from several property owners along the corridor. Staff has spoken with the all the property owners on the south side of 56 Highway that are affected by the project and continues to negotiate easements with the property owners as the preferred method to acquire the easements. However, in case negotiations do not reach a conclusion that satisfies both parties, staff would like to proceed with the next step in the condemnation process which is the survey and descriptions of land in the area. This process does not prevent further negotiations with land owners.

Motion by Longanecker, Second by Conus to approve Ordinance No. 2026.

Motion passed, 3-0.

16. CONSIDER RECOMMENDATION TO REJECT THE BIDS FOR CONSTRUCTION OF THE 56 HIGHWAY MULTI-USE TRAIL PROJECT

Dan Merkh, Public Works Director, introduced the Recommendation to Reject the Bids for construction of the 56 Highway Multi-Use Trail Project. In 2017, Council allocated \$150,000 of the Maintenance Fee towards Parks and Recreation Projects for 2017 & 2018. The project budget is \$150,000. If City Council would want to continue with the project, approximately \$150,000 additional funding would be required depending on bid selected and easement acquisition costs. Based on the significant pricing over budget, staff recommends rejection of both the base bid and alternate #1. Alternative methods of completion were discussed including re-bidding in 2020, grant writing, and a change in scope.

Councilmember Smith stated that she believed Kansas State University has a grant funding program she heard about at KRWA and Staff could explore this option.

Councilmember Conus stated that we have rebid once before and saved a considerable amount of money for that project.

Mayor Roberts stated that depending on the time of year, bids can be very different but also the City might need to change scope. He also stated we should investigate cooperative bidding for the project.

Motion by Longanecker, Second by Smith to return to reject bids for construction of the 56 highway multi-use trail project.

Motion was approved, 3-0.

17. CONSIDER CHARTER ORDINANCE NO. 26 EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 25-2120, AMENDING SECTION 3 OF CHARTER ORDINANCE NO. 23 OF THE CITY OF EDGERTON, KANSAS TO ACCURATELY

REFLECT THE EXPIRATION DATE AND START DATE OF CITY COUNCILMEMBER TERMS AND REPEALING CHARTER ORDINANCE NO. 24

Lee Hendricks, City Attorney, introduced the Charter Ordinance which would correct the expiration date and start date of Edgerton City Council members and repeal the conflicting Charter Ordinance No. 24. The first Council meeting date in December following an election will be the date of the term end and term start. Mr. Hendricks covered the history of the previous Charter Ordinances and updates from the state legislature that have necessitated these changes.

Motion by Smith, Second by Conus to approve Charter Ordinance No. 26 Exempting the City from the Provisions of K.S.A 25-2120, Amending Section 3 of Charter Ordinance No. 23 of the City of Edgerton, Kansas to Accurately Reflect the Expiration Date and Start Date of City Councilmember Terms and Repealing Charter Ordinance No. 24.

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

18. Report by the City Administrator

Beth Linn, City Administrator, requested Council approval on two Staff positions. Mayor Roberts asked if moving forward Staff would not need to bring positions to Council, especially if just updating job descriptions. Lee Hendricks, City Attorney, agreed this would be acceptable.

Ms. Linn overviewed the Accountant position requested by the Finance Director.

Motion by Smith, Second by Longanecker to approve Accountant position.

Motion passed, 3-0.

Ms. Linn overviewed the updates to Municipal Court clerk and the combination of roles with that of the Customer Service Specialist. An additional position, Customer Service Specialist II would create advancement for a current position as well as allow for one person to field court calls. Mayor Roberts stated his approval of the updated job description and role.

Motion by Longanecker, Second by Smith to approve Customer Service Specialist II.

Motion passed, 3-0.

19. Report by the Mayor

Mayor Roberts spoke briefly on the League of Kansas Municipalities conference and that Kara Banks, Marketing & Communications Manager, will be participating on a panel at the conference.

19.5 CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN

THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR

Motion by Longanecker, Second by Smith 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 ten (10) minutes.

Motion was approved, 3-0.

Session recessed at 8:25 pm. Meeting reconvened at 8:35 pm.

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

Motion was approved, 3-0.

Motion by Longanecker, Second by Smith 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, 3-0.

Session recessed at 8:37 pm. Meeting reconvened at 8:47 pm.

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

Motion was approved, 3-0.

Mayor Roberts drew attention to the Council Meetings scheduled for the 28th of November and 26th of December.

Motion by Longanecker, Second by Smith to cancel the Council Meetings for November 28, 2019 and December 26, 2019.

Motion was approved, 3-0.

20. Future Meeting Reminders:

- October 8th: Planning Commission – 7PM
- October 10th: City Council Meeting – 7PM
- October 24th: City Council Meeting – 7PM
- November 12th: Planning Commission – 7PM
- November 14th: City Council – 7PM
- November 28th: City Council – CANCELED
- December 10th: Planning Commission – 7PM
- December 12th: City Council Meeting – 7PM
- December 26th: City Council Meeting – CANCELED

21. Adjourn

Motion by Smith, Second by Conus to adjourn.

Motion was approved 3-0. The meeting adjourned at 8:50 pm.

EVENTS

October 7th: Youth Art Class: Ceramic Pumpkins

October 12th: Gardner Edgerton Chamber School Board Candidate Forum

October 14th: Youth Cooking Class: Fall Foods

October 17th: School's Out Day Camp

October 18th: Building Blazer's Day Camp

TBD: Gardner Edgerton Chamber Candidate Meet & Greet