

**City of Edgerton, Kansas
Minutes of City Council Regular Session
September 27, 2018**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on September 27, 2018. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

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| Ron Conus | present |
| Clay Longanecker | present |
| Josh Lewis | present |
| 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 Clerk Rachel James
- City Attorney Lee Hendricks
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Public Works Director Dan Merkh
- Public Works Superintendent Trey Whitaker
- Parks & Rec. Coordinator Maddie Becker
- Parks Maintenance Bob McVey
- Utility Superintendent Mike Mabrey

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for September 13, 2018 Regular City Council Meeting
5. Consider Approval or Resolution No. 9-27-18A 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

Motion by Lewis, Second by Longanecker, to approve consent agenda.

Motion was approved, 4-0.

REGULAR AGENDA

- 6. Public Comments.** Pam Finley, 37760 W. 159th Street, Edgerton KS addressed the Council and the Public as she is running for Kansas House 43. Ms. Finley stated she is retired from teaching and has the time and the passion to work for the citizens of Edgerton and Gardner in Topeka. Ms. Finley asked for the community's support in November.
- 7. Declaration.** None.
- 8. Request for Donation from Cops 'N Bobbers Fishing Derby**

Beth Linn, City Administrator, introduced the request for \$750, as well as an additional request for \$250 for shirt sponsorship, totaling \$1000, on behalf of the Johnson County Sherriff's Department.

Mayor Roberts asked if the shirts are specific to the Derby. Ms. Linn confirmed the shirts are specifically for the Derby and that the Edgerton Parks and Recreation logo would be included on the Cops 'N Bobbers t-shirts.

Motion by Longanecker, Second by Smith to approve \$1000 donation to the Cops 'N Bobbers Fishing Derby.

Motion was approved 4-0.

BUSINESS REQUIRING ACTION

- 9. CONSIDER AN AGREEMENT WITH THE JOHNSON COUNTY SHERIFF'S DEPARTMENT FOR THE PROVISION OF LAW ENFORCEMENT SERVICES FOR FISCAL YEAR 2019 AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT**

Beth Linn, City Administrator, introduced the agreement with the Sheriff's Department. The 2019 services described are identical to services provided in recent years. The agreement states that the level of service shall generally be the same that is provided for the unincorporated area of the County by the Sheriff with the specific agreement that such services shall be provided within the Edgerton District on a full-time basis, twenty-four (24) hours a day. A fully-manned patrol car shall be stationed in the Edgerton District and an additional fully-manned patrol car or patrol cars shall be available from adjacent districts. As part of the agreement, the City must provide the Sheriff with sufficient advance notice of events requiring additional patrol with the notation that additional costs could be incurred for these events.

The City will provide (a) an attorney serving as municipal judge; (b) an attorney to prosecute all contested cases; and (c) a designated qualified court clerk to supervise the court docket and take responsibility for all court records.

Councilmember Lewis questioned where the five percent increase in cost came from. Ms. Linn answered that the cost for patrolling, cost of position, cost of vehicle, and share of operating costs have increased along with yearly inflation.

Councilmember Longanecker asked how much the price increased in the previous year. Karen Kindle, Finance Director, responded seven and a half percent.

Mayor Roberts stated that Staff met with the Sheriff because the contract quote was originally a 13 to 15 percent increase.

Councilmember Conus asked if Staff and the Mayor negotiated with the Sheriff's Department. Mayor Roberts responded that they had asked the Sheriff to double check the quoted numbers to make sure they were accurate.

Mayor Roberts also stated that he expects continued increases over the next couple of years. He reminded Council to take into account the wage of a Deputy has increased due to difficulty in filling the positions as well as increasing costs of benefits like health insurance. Mayor Roberts also highlighted the capabilities of the Sheriff's Department which includes the crime lab and detectives.

Motion by Longanecker, Second by Smith to approve agreement with Johnson County Sheriff's Department for the provision of Law Enforcement Services for fiscal year 2019 and authorize the Mayor to execute the agreement.

Motion was approved 4-0.

10. CONSIDER APPROVAL OF BALL FIELD RULES AND REGULATIONS AT MARTIN CREEK PARK

Scott Peterson, Assistant City Administrator, introduced the proposed rules and regulations at the Martin Creek Park Ball Fields.

The Ball Fields have been fully updated with the approved 2017 CIP funds from Council with the exception of over seeding, which will be completed subject to the seeding schedule.

The following proposed rules are to be included on signage that will be posted at each ball field: (1) Fields are open every day from 8am-8pm; (2) Please follow the City's Inclement Weather Policy; (3) No pets allowed on the field; (4) No smoking or outside food and beverage other than water on the field; (5) No alcohol; (6) No glass containers.

Additionally, City Staff proposes the following rules, regulations, and field use policies should be included on the website: (1) Maximum practice reservation time of 2 hours; (2) Field only available to be reserved two weekdays per week; (3) Practice items are allowed as long as they do not damage the fields (No electricity available at the fields); (4) Field One is available for open play on a first come, first serve basis; (5) Field Two is only available upon reservation made at City Hall; (6) Deposit at the beginning of the season; (7) If you have a field reserved for practice, an adult or coach from the team will come to City Hall the day of the practice to pick up a key to the field and drop it back off the next day at City Hall or in the drop box outside; (8) Field Use Policies: (a) Do not use the fields when there is standing water; (b) you assume responsibility for any damages to the field upon reservation.

Councilmember Longanecker wanted more detail on the City's Inclement Weather Policy. Mr. Peterson stated that the policy is being developed based on similar policies in other jurisdictions but at the core of the policy it would be no playing if there is lightening, etc.

Councilmember Conus asked if Field Two is only available for league play. Mr. Peterson responded that play on Field Two is by reservation only. Maddie Becker, Parks & Recreation Coordinator, added that the deposit would be collected when the team or coach is filling out their reservation form. Councilmember Conus inquired as to the process for when the field is rented for the weekend. Ms. Becker responded that it would be similar to the process of renting City Hall with picking up the keys on Friday and returning the keys via the Drop Box in front of City Hall when play is completed.

Mayor Roberts wanted to know if there would be a difference in the rules for each field. Mr. Peterson stated City Staff wanted to make sure one field was dedicated for general public use at all times, so Field One will be designated as 'open play'. Mayor Roberts asked how City Staff would be able to hold people accountable if there are no reservations for Field One. Mr. Peterson stated that the City would follow an 'Honesty Policy' and hopefully people after would report damage.

Councilmember Lewis questioned how they would guarantee people would lock Field Two back up. Mr. Peterson said that staff could check the field the next business day after the rental reservation. Councilmember Lewis asked how staff would be able to tell what team or group caused damage with back-to-back rentals. Beth Linn, City Administrator, stated that back-to-back rentals would be handled similar to how City Hall rentals are handled during the holiday season and the honor system would be employed. She stated that she hoped the team who arrives and sees damage would call and let the City know. Councilmember Lewis asked if the field was trashed, how would that fall back on a team. Ms. Linn reiterated the honor system is the system we will have for now and that hopefully teams will report damage and lock up the fields.

Mayor Roberts asked if the fields have had problems with vandalism in the past. Bob McVey, Parks & Recreation, stated that there has been a history of people "yard farming" which is people taking motorcycles or dirt bikes out onto the fields and driving around to dig deep tire tracks and ruin the field.

Mayor Roberts asked the total of the actual investment. Mr. McVey answered around \$18,000.

Mayor Roberts asked about plans for tournaments. Mr. Peterson answered that based on what Mr. McVey has researched, there will need to be impaction testing on the fields for approval before a tournament to make sure if someone falls they have a less likelihood of getting a concussion. Other than that, for a tournament to take place there would need to be concessions and to confirm that the fields are physically ready for tournaments. Councilmember Lewis suggested that the fields could start as overflow for tournaments. Mayor Roberts requested that Staff determine how to market the fields for tournament use. Mr. Peterson stated that while residents have asked for tournaments, companies have not approached the City regarding tournament use.

Motion by Lewis, Second by Longanecker to approve Ball Field Rules and Regulations at Martin Creek Park.

Motion was approved 4-0.

11. CONSIDER PURCHASE OF A TRUCK FOR PUBLIC WORKS THROUGH THE MID AMERICA REGIONAL COUNCIL'S METRO VEHICLE BID LIST

Motion by Longanecker, Second by Smith to table the item until a later Council meeting.

Motion was approved 4-0.

12. CONSIDER PURCHASE OF A TRUCK FOR UTILITIES THROUGH THE MID AMERICA REGIONAL COUNCIL'S METRO VEHICLE BID LIST

Mike Mabrey, Utilities Superintendent, presented on the specifications of a utility truck that had been brought in front of the Council during the 2017 and 2018 Budget discussions. Mr. Mabrey briefed the Council on the Mid America Regional Council Metro Cooperative Vehicle Bid list and the various options Staff considered. Staff recommends the purchase of a 2019 Ford F-350 Crew Cab, 4x4, 60" Cab to Axle. This unit will be purchased through the MARC Cooperative purchasing pool through Shawnee Mission Ford for the cost of \$31,668. The remainder of the cost will be an Aftermarket Upfit from Kranz at a total of \$25,366 which includes: Emergency and Safety Lighting; Service Body (Crane Mounted) with HD Trailer Hitch; 4000 LBS Crane; Cab Guard, Spray-in Bed Liner Cargo area. The remainder of the allocated budget would be used for the purchasing of hand tools needed for an additional truck.

Councilmember Longanecker asked if the truck options, including the used options, came with the crane. Mr. Mabrey responded that any truck option would have to have the crane added.

Mayor Roberts provided a list of questions regarding the purchase for staff to answer:

Question 1: What is the need for the vehicle? Mr. Mabrey stated that the utilities crew is now a two-man crew with only one truck. If they need to respond to a water main break or something of a larger magnitude, it allows the crew to dispatch with more flexibility. Also, if they are out on a call and they need a sewer jetter then one of the crew could go get the jetter without taking the truck and tools. Mr. Mabrey stated that the 4-wheel drive vehicle had been selected due to the need to access easement and off-road greenspace areas. Additionally, Mr. Mabrey stated that during his tenure the need for a specialized utility vehicle has become more apparent.

Question 2: What is the need for the crane? Mr. Mabrey stated it would help in various situations but specifically for things like moving and lifting the lift station pump. The lift station pump is too heavy for staff to move on their own.

Question 3: Why was a 4-door truck selected? Mr. Mabrey stated that ease of use or bringing additional staff to site, as well as additional space for hauling tools, personal

protection equipment, and gear in the cab. The substantially larger interior space would also lead to a higher resale at the time of replacement. Mr. Mabrey stated that the used truck prices were similar even though the 4-door truck had higher mileage.

Question 4: How does the purchase of the truck fit Council goals? Mr. Mabrey stated that the purchase allows staff to show up and quickly work without making multiple trips. The additional utilities truck would make sure that utilities would no longer have to borrow a vehicle from Public Works.

Councilmember Longanecker asked if the truck would be gas or diesel. Mr. Mabrey stated that due to the frequency of starts and stops it would be better to have a truck that runs on gas.

Councilmember Longanecker asked if when the crane is fully extended, and at its most vulnerable, if the crane would be able to lift everything they needed it to. Mr. Mabrey answered that the crane could pull everything out but one set of pumps that is too heavy for the crane, even if it is not fully extended.

Councilmember Smith questioned if the crane mounts on the side of the utility truck. Mr. Mabrey responded in the affirmative and described the bed of the truck as a 4x9 with the crane mounted on a curb system and outfitted with outrigger.

Mayor Roberts stated that this truck was quite a bit more than other trucks. Mr. Mabrey responded that this is a specialized truck that is outriggered for utilities including the crane, safety lights, and extra money for tools needed to complete the specialized work.

Councilmember Smith asked if this truck would be used for everything? Mr. Mabrey confirmed that citizens would see it daily in town.

Councilmember Conus commented that he would like to compliment the mayor's questions. Mayor Roberts thanked him and confirmed that he wanted a detailed explanation of proposed spending.

Councilmember Longanecker stated that there is no purpose of buying a used truck. Mayor Roberts agreed that the better deal it to buy a truck with a warranty.

Motion by Longanecker, Second by Lewis approve purchase of a truck for Utilities not to exceed \$60,000 through the Mid America Regional Council's Metro Vehicle Bid List.

Motion was approved 4-0.

13. CONSIDER RESOLUTION 09-27-18B 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

Beth Linn, City Administrator, presented on the 207th and Homestead Lane Project. The Project requires acquisition of rights-of-way and easements from several property owners

along the corridor. Requests to grant rights-of-way and easements were mailed to property owners on August 31, 2018 with a request to have signed easements or rights-of-way returned by October 1, 2018. Staff has met with or spoken to several of those property owners and continues to negotiate those easements.

Ms. Linn stated that Staff is continuing to negotiate with residents, but it is important to move forward with the descriptions of easements along the corridor. Handouts for tract 7 through tract 13 were distributed.

Lee Hendricks, City Attorney, described the process for condemnation. First, City Council would pass a Resolution and that is followed by an Ordinance. Hopefully, an agreement with residents will be reached.

Councilmember Longanecker stated that the City has been easy to deal with through this project. Mayor Roberts stated his agreement especially given the timeline of the project.

Motion by Lewis, Second by Longanecker to approve Resolution 09-27-18B 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.

Motion was approved 4-0.

14. CONSIDER AN EXTENSION REQUEST FOR THE DEADLINE TO BRING THE TEMPORARY PARKING LOT APPROVED UNDER CU 2017-02 INTO COMPLIANCE WITH THE APPROVED FINAL SITE PLAN

Katy Crow, Development Services Director, introduced the request on behalf of Northpoint Development. They are requesting the deadline for bringing their temporary parking lot into compliance be extended. The CUP allowing the temporary gravel lot expired on August 24, 2018. At its time of expiration, NorthPoint was allowed 60 days to bring the temporary lot into compliance with the approved Final Site Plan or remove it. The City informed Northpoint on September 13, 2018 that the lot was not in compliance as it was lacking curb around the perimeter. NorthPoint requested 60 days from the date they were informed, or November 13, 2018.

Councilmember Longanecker asked why the Northpoint Representative was not at the meeting. Ms. Crow responded she did not know why but they were informed of the Council meeting.

Mayor Roberts stated he knew Ms. Crow has been working diligently to get everything closed out on the project.

Councilmember Conus stated he enjoyed reading the email exchange between Ms. Crow and Northpoint Development included in the packet.

Motion by Longanecker, Second by Smith to approve an extension request of the deadline to bring the temporary parking lot approved under CU 2017-02 into compliance with the approved Final Site Plan, from September 13, 2018 to November 13, 2018.

Motion approved 4-0.

15. CONSIDER AN AGREEMENT WITH GBA FOR CONSTRUCTION ADMINISTRATION AND OBSERVATION SERVICES FOR THE 4TH STREET AND NELSON STREET PROJECT

Dan Merkh, Public Works Director, presented the item to Council stating that this is an agreement for construction inspection. Staff recommends third party inspections when BG Consultants designs the project. The City's purchasing policy allows the City to contract services/ professional services to be considered from a request from proposal (RFP) rather than standard bid process. Mr. Merkh stated that City has also worked with GBA previously and pleased with their work. GBA would be responsible for services such as performing inspections, notifying the City of any significant issues/changes to the plans, providing daily reports of construction activity, reviewing testing reports and pay estimates.

The term of the Agreement anticipates the project will be complete by December 17, 2018. The Agreement includes a not to exceed price for the term of the Agreement. Based on the scope of the project, GBA has estimated the cost at \$47,126.50. The Agreement is structured where the City is only billed for actual hours of work performed. Staff will make the request to CARS for additional funding and update City Council at a future meeting.

Ms. Linn stated that this action is to approve authorizing the mayor to sign the agreement.

Councilmember Longanecker asked if there were other bids.

Ms. Linn stated that others were interviewed as part of the team but in this instance because BG Consulting did the design, there needed to be a third-party for construction inspection. There are benefits to the third-party inspection because it allows the City to develop a relationship with another firm.

Motion by Longanecker, Second by Lewis to empower the mayor to sign the Agreement pending amendments to the Agreement as provided and approval by the City Attorney.

Motion approved 4-0.

16. Report by the City Administrator

- Project Costs for Sunflower Road Crossing for Martin Creek Park

Trey Whitaker, Public Works Superintendent, reported on the options for the Sunflower Road Crossing for Martin Creek Park. Option 1: Mounted sign that is 36 inches with push button activation that would cost \$5,000. Option 2: Similar to an intersection sign that would cost \$19,000. Both options are solar powered with battery backup which includes the ability to hardwire.

Mayor Roberts asked if a sign that large standard for a 30MPH road. Mr. Whitaker responded that this is the standard option.

Councilmember Longanecker asked about the pole quality on Option 1. Mr. Whitaker responded that the pole is the same as those for stop signs.

Mayor Roberts commented that at \$19,000 the aesthetics will match the park improvements. He feels as this is the correct way to finish out the project and signals the "officialness" of the new crossing.

Councilmember Lewis commented that he wants to make sure that people see the sign and crossing.

Mayor Roberts commented that when Shawnee Mission Park was first built it was in the middle of nowhere and now it averages 2 million visitors a year – it is very important that the City does this right.

Councilmember Smith stated this is the crossing right where the trail meets up with Martin Creek Park.

Councilmember Longanecker asked if the crossing sign would flash at all times. Ms. Linn responded that it would be pedestrian activated. Mr. Whitaker added that the length of the flashing is programmable.

Ms. Linn made Council aware that there would be additional money from the Martin Creek Park improvements coming in under budget.

Motion by Longanecker, Second by Smith the approve purchase of Crossing Signal up to \$19,000.

Motion was approved 4-0.

- KCP&L Agreement on Relocation of Light Poles on Nelson

Beth Linn, City Administrator, presented on the negotiations with Kansas City Power and Light on moving the light poles out of the ramps on the sidewalks. The original quote from KCP&L was \$140,000. The ending agreement is \$37,645.

Councilmember Lewis asked how the original bid was as high as \$140,000. Ms. Linn stated the original scope included 4th and 3rd Street so more poles were included.

Councilmember Conus asked Ms. Linn if he would be willing to negotiate his power bill for him.

Motion by Lewis, Second by Smith to approve \$37,645 for light pole relocation.

Motion was approved 4-0.

15. Report by the Mayor

16. Future Meeting/Event Reminders:

- September 29th: 10AM – Cops and Bobbers
- October 9th: 7PM – Planning Commission
- October 11th: Cancelled – City Council
- October 18th: 7PM – City Council
- October 25th: 7PM – City Council

17. EXECUTIVE SESSION

Motion by Longanecker, Second by Lewis to recess into an executive session pursuant to K.S.A. 75-4319(b)(2) for contract negotiations and land acquisition to include City Attorney and City Administrator for ten (10) minutes was considered.

Motion was approved 4-0.

Meeting recessed at 8:35 pm. Meeting reconvened at 8:45 pm.

Motion by Smith, Second by Lewis to return to regular session.

Motion was approved 4-0.

19. Adjourn

Motion by Longanecker, Second by Lewis to adjourn.

Motion was approved 4-0.

The meeting adjourned at 8:50 pm.