

City of Edgerton, Kansas
Minutes of City Council Regular Session
October 8, 2020

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on October 8, 2020. The meeting convened at 7:01 PM with Mayor Roberts presiding.

1. ROLL CALL

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| Ron Conus | present |
| Clay Longanecker | present |
| Josh Lewis | present |
| Katee Smith | present |
| Josh Beem | present via phone |

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- City Clerk Alexandria Clower
- Development Director Katy Crow
- Planning and Zoning Coordinator Chris Clinton
- Finance Director Karen Kindle
- Accountant Justin Vermillion
- Public Works Director Dan Merkh
- Public Works Superintendent Trey Whitaker
- Marketing and Communications Manager Kara Banks

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for September 24, 2020 Regular City Council Meeting
5. Approve Resolution 10-08-20A Approving the Mayoral Appointment for the City Clerk for the City of Edgerton, Kansas
6. Approve Resolution 10-08-20C Setting Forth the Authority for Members of the Governing Body and City Staff with Regard to the City's Accounts at Central Bank of the Midwest
7. Approve the Concurrence to Bid the 207th Street Grade Separation Project

Councilmember Longanecker motioned to approve the Consent Agenda, motion seconded by Councilmember Conus. The Consent Agenda was approved, 5-0.

REGULAR AGENDA

8. Public Comments

- There were no public comments made at this time.

9. **Declarations**

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

10. **Proclamation.** Mayor Roberts Declares October as National Breast Cancer Awareness Month in the City of Edgerton, Kansas.

He stated that October is recognized as National Breast Cancer Awareness Month, which is an annual campaign to increase awareness of the disease. He also stated the City of Edgerton is committed to the health and safety of all our residents and increasing public knowledge about the importance of early detection of breast cancer diagnosis and treatment. An estimated 42,000 women and 520 men will die from breast cancer this year and the American Cancer Society reports when breast cancer is detected early and in the localized stage, the 5-year relative survival rate is 99%. He said there are many organizations that continue to search for a cure through vital research, as well as work with the Kansas Department of Health and Environment and the Johnson County Department of Health and Environment to educate our community about the importance of early detection and the risks of breast cancer.

Mayor Roberts proclaimed the month of October 2020 as Breast Cancer Awareness Month and urges all women and their families to increase their knowledge about breast cancer.

11. **Presentation of Street Maintenance Program.**

Mr. Dan Merkh, Public Works Director, addressed the council. He gave background information regarding street maintenance and the push to zero, which is an initiative set by the City to apply maintenance to every roadway within the residential part of town. Since 2016, and some projects being done in 2014, every street, except for Nelson Street which is slated for work in 2022, has been touched with some type of work to prolong the life of roads in Edgerton. He stated the push to zero model worked for the onset to now, but it is time to turn the corner to put the best foot forward to prevent future failures. He said asphalt typically has a life expectancy of fifteen (15) to twenty-five (25) years. Pavement preservation allows for proactive maintenance of roads to prevent them from deteriorating to a condition where major rehabilitation or reconstruction is necessary. He stated there are many benefits to pavement preservation. Those benefits include dollars spent at the early onset saves money in the future, the use of less resources to do the work, improves overall network condition, minimizes construction time and delays, and allows for a greater predictability for budgeting and expectations of road condition in the future. This program also gives the knowledge to understand the right treatment plan, for the right section of road, at the right time.

Mr. Merkh stated that, as part of the 2019 street program, Stantec scored the roads of Edgerton based on a 100-point scale, with the industry standard of 0 being the worst and 100 the best. This score is called the Pavement Condition Index (PCI) and is determined by inspectors looking for various signs of pavement deterioration, which include alligator cracking, patching, potholes, rutting, etc. He showed two road maps to the Council that

were color coded to show the level of PCI within the City of Edgerton and Logistics Park Kansas City (LPKC) applied to a segment of roadway. He stated that a segment is defined as centerline to centerline in an intersection. He said LPKC roads are predominantly in excellent shape, while most roads within the city range from good to excellent. However, there are many roads that need major maintenance, which is why City Staff is more focused today on the asphalt side of the town.

Mr. Merkh stated the current score for the City of Edgerton is an average of 82.7, which is a great score, but if preventative maintenance isn't done regularly, that score can drop quickly. He stated the highest score for the city is a 100 with several sections of roadway reaching that score, and the lowest score being 22, which is rated in serious condition. He stated that within the preservation program, the City proposes to keep score annually using Public Works Staff and every three (3) or (5) years with Stantec to reevaluate the scores on a regular basis until we identify a better mechanism. He said that it is important to note that as well as using vehicle mounted computers and pavement management software, we will also be using human inspections to verify the information and staff will inspect and update road conditions as needed. The Pavement Management Software allows for hypothetical scores every 4 years with scenarios that allow the city to predict and look ahead for cost analysis and better road management.

Mr. Merkh gave information on three levels of treatment which include, Chip seal and Fog seal, Ultra-thin Bonded Asphalt Surface (UBAS) and Ultrathin Hot Mix Asphalt (HMA), Mill and Overlay and Rebuilding. He said that both chip and fog seal give the City a first line defense for street preservation. When evaluated for this type of maintenance, it will occur annually. Mr. Merkh stated chip seal costs roughly \$2.50 per square yard and has a lifespan of two (2) to four (4) years. Fog seal costs roughly \$2 per square yard and has a lifespan of two (2) to four (4) years. These methods of treatment typically expand the lifespan of pavement by a couple years.

He stated that UBAS and HMA increases the lifespan of the road by seven (7) to ten (10) years, costing roughly \$9 per square yard. These are used as a second method of street preservation.

Mill and Overlay and Rebuilding are the final methods used for street maintenance. Mill and Overlay costs roughly \$20-\$30 per square yard and has a lifespan of fifteen (15) to twenty (20) years. Rebuilding costs roughly \$50-\$75 per square yard and has a lifespan ranging from twenty-five (25) to thirty (30) years. These final methods of street maintenance are used as final measure for street rehabilitation. Mr. Merkh stated that the idea of this program is to go from lowest cost of maintenance to raise the score and help maintain the road rather than to allow the road to get worse and need to be replaced at a higher price point. He said it is important to keep in mind that this program currently only focuses on asphalt but will grow to include concrete, and the information we currently have is based on surface-level inspection but there are plans to include core sampling to get in-depth information about base and the conditions of the roads.

Councilmember Longanecker asked how many times you can go back and do the different levels of treatments. Mr. Merkh stated that chip and seal can be done around 2 or 3 times every 5 years up to a total of 3 times, depending on the condition of the streets. Mill and

overlay, because the top layer of the road is coming off, theoretically, you can do as many applications as you need. Councilmember Beem questioned if it did any good to fix roads where water drainage is a problem, asking why that problem isn't fixed prior to repairing the roads. Mr. Merkh stated that water standing on the roadway needs base repair and water that is draining off roadway and standing in yards would need to be a different program brought to the Council for a different kind of repair. Ms. Beth Linn, City Administrator, stated that there is a potential of marrying the two programs together, stormwater master plan and pavement management program to assess damage on both ends and repair the damage as needed. Mayor Roberts stated that there is the ability to address multiple problems with the programs we have going now and if problems cannot be addressed within those programs, then it would become a Capitol Improvement Project (CIP) subject to availability of funds needed and addressed by council.

BUSINESS REQUIRING ACTION

12. CONSIDER APPROVING THE PURCHASE OF A ¾ TON PICKUP TRUCK FOR THE PUBLIC WORKS DEPARTMENT

Mr. Merkh addressed the council. He stated that the existing vehicle and equipment program allows a life cycle of ten (10 years for trucks. This vehicle is scheduled for replacement on this life cycle, in 2020. He stated that on August 22, 2019 the council approved the budget for 2020, which included the purchase of this vehicle. On June 25, 2020 the purchase of the F250 4WD, referred to as the Fuel Cell Truck, was confirmed during the annual budget. He explained that on August 13, 2020 City Council approved the 2021 budget, which included the current program for Vehicle and Equipment: 2020-2021, of which this vehicle was included.

Mr. Merkh stated the Fuel Cell Truck is a unit that is utilized heavily transitionally, delivering all fuel for equipment out in the field, shuttling people and tools between multiple work sites. The essential functions include delivery, equipment/material coordination, snow and ice removal, and pulling a trailer. He said this truck is typically driven by a supervisor or the crew lead that needs to check on multiple sites, and by crews to mobilize quickly to deliver additional tools to work sites.

Mr. Merkh said the existing Fuel Cell Truck is a regular cab Ford F-250 (¾ ton). This truck is heavily relied upon in the day to day operations of going back and forth between crews and locations for the delivery of fuel. He stated that through the usage of this vehicle, several short comings have been realized, specifically in the payload capacity, towing capacity, and storage capacity. He stated the primary differences between the ¾ ton and 1 ton are the payload capacity increases by 25%, the towing capacity increases by 15%, and the storage situation can be resolved by an extended cab. He stated staff recommends the purchase of a 1 ton extended cab truck to mitigate these short comings, and that this upgrade is within the existing budget.

Mr. Merkh said the current Vehicle and Equipment Policy requires the preparation of specifications for the replacement of equipment with an effort for those to be as standard as possible to provide economical and efficient repairs. This Policy also requires the City to first use cooperative purchasing partnerships. He stated staff used the Mid America Council of

Public Procurement (MACPP) to access competitively solicited bids in the Mid America Regional Council (MARC) Region. Makes and models are submitted with various specifications. Each make and model (Ford, GMC, Ram) were considered in the base configurations provided, two of which were submitted for pricing from MACPP. Staff recommends the purchase of the lowest and best bid, a 2021 Ford F350 for \$44,197.00. Budget allocation for this equipment is \$45,000.00. Mr. Merkh stated this equipment will be purchased through the MACPP Cooperative Purchasing, through Shawnee Mission Ford and if approved, expenditures are scheduled to occur in this calendar year.

Councilmember Longanecker asked if the price shown includes everything needed for that piece of equipment. Mr. Merkh stated that yes, this price includes upfit for plow, badging, everything needed for this piece of equipment to be operable for the City of Edgerton.

Councilmember Longanecker motioned to approve the purchase of 2021 Ford F350 (1 ton) to be purchased in an amount not to exceed \$44,197.00, motion seconded by Councilmember Smith. Purchase was approved, 5-0

13. CONSIDER APPROVING RESOLUTION NO. 10-08-20B APPROVING THE ROAD CLOSURE OF NELSON STREET FROM EAST 4TH STREET TO EAST 3RD STREET ON OCTOBER 25, 2020

Ms. Kara Banks, Marketing and Communications Manager, addressed the council. She stated the City of Edgerton celebrates Halloween every year with a community party hosted by the Frontier Days Association. She stated that in years past, this event has been held inside community hall, but due to the ongoing threat from COVID-19, the 2020 event has been moved outdoors. The event will be held on Sunday, October 25 from 4:00PM – 6:30PM.

Ms. Banks said the committee members plan to hand out candy and serve hotdogs, chips and drinks. There will also be a socially distanced costume contest and entertainment. She stated the committee has submitted their special even permit application including several requests to support the event that include the closure of a public street and the use of certain city facilities/public spaces.

Ms. Banks stated the Edgerton Frontier Days Association has requested the closure of Nelson Street between East 3rd and East 4th Streets, beginning at 3:00PM on Sunday, October 25, 2020 until 7:00PM on Sunday, October 25, 2020. The Edgerton Frontier Days Association also requested permission to use the Downtown Greenspace and all designated streets and sidewalks in the designated street closure area. Staff recommends approving all requests pending proof of the Certificate of Insurance for Edgerton Frontier Days Association with the City of Edgerton additionally insured. If approved, City staff will inform the Johnson County Sheriff's Office and Johnson County Fire District 1 of the proposed changes.

Councilmember Lewis motioned to approve Resolution No. 10-08-20B, authorizing the closure of certain public streets during the Edgerton Halloween Party and use of City facilities and public spaces, motion seconded by Councilmember Smith. Resolution No. 10-08-20B was approved, 5-0

14. Report by The City Administrator

- November and December Council Meeting Schedule Discussion

Ms. Linn addressed the council. She stated that it is important to discuss meetings coming up, especially with council meetings falling on Thanksgiving holiday and Christmas Eve. She said that typically in years past, there have been motions to cancel these meetings if so chosen by the Council. She said that if we have enough items needing to be discussed, a Special Council Meeting can be called to address those items. Mayor Roberts said he would recommend canceling these meetings to be home with family and if needed special meetings can be scheduled.

Councilmember Smith motioned to approve cancellation of November and December meetings falling on Thanksgiving Holiday and Christmas Eve, motion seconded by Councilmember Longanecker. Motion was approved, 5-0

- 207th Street East of Waverly Road Update

Ms. Linn stated that the road south of Hostess facility is substantially complete, and the Council can expect to see final acceptance in January 2021.

- Recognition to Interim City Clerk, Chris Clinton

Ms. Linn recognized the Interim City Clerk, Chris Clinton. She thanked him for his willingness to wear multiple hats for the City during the time of filling this open position. The City of Edgerton is thankful for Chris and his willingness to take on extra responsibly. Mr. Clinton said the job has been a big responsibility and challenging at times, but it has been a pleasure to serve.

15. Report by the Mayor

- Mayor Roberts had nothing to report at this time.

16. Future Meeting Reminders:

- October 13th: Planning Commission Meeting – 7:00 PM
- October 22nd: City Council Meeting – 7:00 PM
- October 22nd: City Council Work Session Regarding Code Enforcement
- November 10th: Planning Commission Meeting – 7:00 PM
- November 12th: City Council Meeting – 7:00 PM

17. **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 PENDING LITIGATION**

Councilmember Beem 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

pending litigation for 5 minutes. Councilmember Longanecker seconded the motion. The meeting recessed into executive session at 7:48 PM, 5-0.

Councilmember Smith motioned to return to open session with no action being taken. Councilmember Lewis seconded the motion. Open session resumed at 7:53 PM, 5-0.

Councilmember Longanecker motioned to approve the appointment of Orrick and Erskin Law Firm to assist the City of Edgerton in the D&J Land Development condemnation appeal, motion seconded by Councilmember Lewis. Motion was approved, 5-0

18. 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, DEVELOPMENT SERVICES DIRECTOR 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, Development Director and the City Administrator for the purposes of contract negotiations for 5 minutes. Councilmember Lewis seconded the motion. The meeting recessed into executive session at 7:56 PM, 5-0.

Councilmember Smith motioned to return to open session with no action being taken. Councilmember Lewis seconded the motion. Open session resumed at 8:01 PM, 5-0.

19. 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 FOR THE PURPOSES OF NON-ELECTED PERSONNEL

Councilmember Lewis 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 for the purposes of non-elected personnel for 1 minute. Councilmember Smith seconded the motion. The meeting recessed into executive session at 8:03 PM, 5-0.

Councilmember Longanecker motioned to return to open session with no action being taken. Councilmember Smith seconded the motion. Open session resumed at 8:04 PM, 5-0.

20. Adjourn

Councilmember Lewis motioned to adjourn the meeting, seconded by Councilmember Smith. The motion carried and the meeting adjourned at 8:04 PM, 5-0.

EVENTS

October 10th: Lions Club Informational Meeting

October 12th: City Hall Closed for Columbus Day

October 16th: Edgerton Blood Drive in Community Hall

October 20th: Municipal Court

October 25th: Frontier Days Halloween Party