

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**October 26, 2023**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas October 26, 2023. The meeting convened at 7:01 PM with Mayor Roberts presiding.

**1. ROLL CALL**

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present
Deb Lebakken	present
Bill Malloy	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- Planning and Zoning Coordinator/Deputy City Clerk, Chris Clinton
- Assistant City Administrator, Meagan Borth
- Finance Director, Karen Kindle
- Accountant, Justin Vermillion
- Public Works Director, Dan Merkh
- Building Inspector, Jim Brown
- CIP Project Manager, Holly Robertson

**2. WELCOME.** Mayor Roberts welcomed all in attendance.

**3. PLEDGE OF ALLEGIANCE.** All present participated in the Pledge of Allegiance.

**Consent Agenda** *(Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action)*

**4.** Approve Application FP2023-05, Final Plat for Logistics Park Kansas City Sixth Plat Lot 1, Located at The Northwest Corner of W. 193<sup>rd</sup> Street, West of Waverly Road, Edgerton, Kansas.

Councilmember Longanecker requested the item be removed from the Consent Agenda as he has some questions regarding the item. The item was removed from the Consent Agenda.

Councilmember Longanecker inquired if the tract was currently used for stormwater detention. Mr. Brody Sherar, NorthPoint Development, explained when the lot was platted, it was done so as a tract and no detention pond was installed. Councilmember Longanecker asked where the stormwater would go. Mr. Sherar answered that a new detention area will be provided for the proposed development on the lot. Councilmember Longanecker said he wanted to make sure that stormwater detention was not being lost with the development.

Councilmember Longanecker moved to approve Application FP2023-05, Final Plat for Logistics Park Kansas City Sixth Plat Lot 1, located at the northwest corner of W. 193<sup>rd</sup> Street, west of Waverly Road. The motion was seconded by Councilmember Lewis. Final Plat Application FP2023-05 was approved, 5-0.

### **Regular Agenda**

5. **Declaration.** There were no declarations made.

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

### **6.5 New Employee Introductions.**

Mr. Dan Merkh, Public Works Director, approached the Council. He stated that public works is again fully staffed with the hire of Mr. Ben Miller. Mr. Miller stated he has lived in Edgerton his whole life and is very excited to be a part of the Edgerton team. Mayor Roberts asked Mr. Miller what his hobbies are. Mr. Miller replied that he enjoys hunting, fishing, and working with computers. The Council welcomed Mr. Miller to the team.

Ms. Beth Linn, City Administrator, spoke before the Council and said the City is excited to introduce Mr. Jim Brown as our new building inspector. Mr. Brown said he is excited to join Edgerton and what excites him the most is all of the development that is just starting to come. He said he has been a building inspector since 1997 and he looks to finish his career in Edgerton. His career started in Cincinnati and then he relocated to the Kansas City area. He served in Parie Village for 14 years, then Salina, Belton, Mission, and now Edgerton. Mr. Brown explained that his family history of heavy commercial and big projects for the military as he has his degree in military science. Mr. Brown said he will do residential and commercial inspections as well as building permit plan review. The Council welcomed him aboard.

### **Business Requiring Action**

#### **7. CONSIDER RESOLUTION NO. 10-26-23A AUTHORIZING THE CITY OF EDGERTON, KANSAS TO CONSENT TO A PARTIAL ASSIGNMENT OF A TIF AND A CID DEVELOPMENT AGREEMENT FOR THE EDGERTON CROSSING WOODSTONE PROJECT**

Mr. Scott Anderson, Bond Counsel, addressed the Council. He stated that the Edgerton Crossing project has both tax increment financing (TIF) and a community improvement district (CID) sales tax levy in place. The City and the Developer, Woodstone Properties, previously entered into a Disposition and Development Agreement and a CID Development Agreement to govern collection and disbursement of the TIF and CID revenues. The Developer desires to sell a portion of the project to Maverik, Inc. Maverik, or an entity to be created by Maverik, plans to develop the travel center portion of the project. As part of the sale, the Developer is assigning certain aspects of the obligations under the TIF and CID Development Agreements to Maverik. The funds of the TIF and CID, will still go to

Woodstone Properties and this assignment of obligations requires the consent of the City. Resolution No. 10-26-23A authorizes the City to consent to the partial assignment of certain obligations under the TIF and CID Development Agreements. The Development Agreement with Woodstone Properties contains a project construction schedule. The partial assignments do not alter the construction schedule or the consequences of not meeting the construction schedule.

Councilmember Longanecker asked if anything will change in terms of incentives or anything regarding the City needs to be concerned about. Mr. Anderson answered that none of the incentives change.

Councilmember Lewis inquired who would be the property owner. Mayor Roberts replied Woodstone is wanting to sell the property to Maverik. Councilmember Lewis asked who would pay the property tax. Mr. Anderson answered that the payment of the taxes will not change. Ms. Linn said the Resolution would allow for the selling of the property and Maverik will take over the obligations outlined in the development agreement.

Councilmember Lebakken moved to approve Resolution No. 10-26-23A authorizing the City of Edgerton, Kansas to consent to a partial assignment of a TIF and a CID Development Agreement for the Edgerton Crossing Woodstone Project. Councilmember Malloy seconded the motion. Resolution. No. 10-26-23A was approved, 5-0.

**8. CONSIDER ORDINANCE NO. 2148 AUTHORIZING BOND DOCUMENTS AND THE ISSUANCE OF THE CITY'S TAXABLE INDUSTRIAL REVENUE BOND (WOODSTONE PROPERTIES, LLC PROJECT) SERIES 2023, FOR THE PURPOSE OF FINANCING THE COST OF A COMMERCIAL PROJECT**

Mr. Anderson spoke before the Council. He explained that the City had previously approved Resolution No. 11-18-21C evidencing its intent to issue up to \$82,000,000 in industrial revenue bonds (IRBs) for the benefit of Woodstone Properties, LLC. Woodstone Properties is currently developing two (2) hotels, a conference center, truck stop, truck maintenance facility, truck wash, casual dining restaurants, quick-service restaurants and other office and commercial buildings at the southwest corner of Homestead Lane and 199<sup>th</sup> Street. Woodstone Properties desires to issue the first series of bonds in the maximum amount of \$4,000,000. This series of bonds is being issued to finance the costs of sitework and infrastructure necessary to support the commercial project. The project is currently subject to a TIF Development Agreement. No ad valorem property tax abatement is being granted as a result of this bond issue. These bonds are being issued solely for the purpose of allowing Woodstone Properties to utilize a sales tax project exemption certificate for the infrastructure costs.

Mr. Anderson stated Kansas State Statute 12-1749d only requires a cost-benefit report and public hearing for the issuance of IRBs when the project will be eligible for an exemption from ad valorem taxation. Accordingly, a cost-benefit report has not been completed and a public hearing is not being held. Ordinance No. 2148 authorizes the City to issue the IRBs and enter into the bond documents. The bond documents consist of the Base Lease, Lease

Agreement, Trust Indenture and Bond Purchase Agreement. The bond documents are in substantially the same form as other sales-tax only bond issues approved by the City.

Councilmember Lewis moved to approve Ordinance No. 2148 authorizing bond documents and the issuance of the City's taxable IRB (Woodstone Properties, LLC Project) Series 2023, for the purpose of financing the cost of a commercial project. The motion was seconded by Councilmember Longanecker. Ordinance No. 2148 was approved, 5-0.

**9. PUBLIC HEARING FOR THE DWYER SANITARY SEWER EXTENSION PROJECT TO BE FUNDED BY THE STATE REVOLVING LOAN FUND PROGRAM (SRF)**

Mayor Roberts opened the public hearing.

Ms. Holly Robertson, CIP Project Manager, approached the Council. She stated the City will be constructing approximately 1,800 linear feet of 18-inch sanitary sewer below existing pastureland, South Lake, Burlington Northern Sante Fe (BNSF) rail, and KPC pipeline to serve the Dwyer Farms new residential development and large watershed. She pointed out where the extension is located on a map. The City will also improve the City Pump Station to utilize an existing decommissioned lagoon as an equalization basin, construct a 30-inch gravity main at the City Pump Station, and upsize approximately 245 linear feet of existing 8-inch sanitary sewer. Additional improvements to accommodate the Dwyer Farms development are expected at the Big Bull Creek Wastewater Treatment Plant (BBCWWTP) including SCADA upgrades and replacement of aged equipment. The locations of the improvements were shown on a map.

Ms. Robertson said the proposed improvements to Edgerton's wastewater system for the Dwyer Sewer Project are estimated to be \$5,000,000 and will be funded under the low interest State Revolving Loan Fund Program through the Kansas Department of Health and Environment (KDHE). The City has also been notified that a portion of this project has been preliminarily included for funding in fiscal year 2024 through the Environmental Protection Agency (EPA) STAG – Clean Water State Revolving Fund program. The federal funding allocation is only preliminary until the final fiscal year 2024 budget is approved by the federal government. Other outside funding options may also be identified prior to final completion of the project. Once the homes are constructed, the revenue from the RHID will be used to repay the loan. The public hearing is to present the project and anticipated funding sources to the public as a requirement of the SRF Loan Application.

Mayor Roberts closed the public hearing.

Councilmember Longanecker stated the equipment at BBCWWTP does not seem like it should have to be replaced due to the age of the equipment. Ms. Robertson replied to stay compliant with regulations, some of the equipment needs to be replaced.

Councilmember Lebakken asked if Sunflower Road would need to be closed for the installation of the new sewer line. Mr. Merkh answered that has not been decided as the design has not been completed. The closure of any road will need to be considered when

construction and design are taking place. Ms. Lebakken inquired if the pipe running under Sunflower Road will be new. Ms. Robertson stated no easements would be needed as it is on City property. Mr. Merkh added the pipe will need to be upgraded under the street and a new pipe will be installed from the lift station to the basin. Ms. Lebakken stated she is concerned about the upheaval this project would have on the Public Works Facility. Mr. Merkh said there is a lot of property for equipment to be moved, but the impact is not fully known at this time.

Councilmember Longanecker inquired if there was any development attaching to the main across from the Public Works Facility. Mr. Merkh answered there have not been any plans submitted as this time and no customers that would be affected by that work.

Ms. Robertson stated the expansion for the housing development has been designed and will be constructed soon but the other sites are not designed at this time.

**10. CONSIDER RESOLUTION NO. 10-26-23B AUTHORIZING AN APPLICATION WITH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR A LOAN UNDER THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND ACT**

Ms. Robertson addressed the Council. She stated a public meeting and public hearing were conducted on October 26, 2023 to present the Dwyer Sanitary Sewer Project and anticipated funding sources which includes SRF Loan Funding. City staff have prepared the application and required attachments for the SRF Loan regarding the Dwyer Sanitary Sewer Project. Adoption of Resolution No. 10-26-23B will authorize filing of an application with KDHE for a loan under the Kansas Water Pollution Control Revolving Fund Act.

Councilmember Longanecker moved to approve Resolution No. 10-26-23B authorizing an application with KDHE for a loan under the Kansas Water Pollution Control Revolving Fund Act. Councilmember Lebakken seconded the motion. Resolution No. 10-26-23B was approved, 5-0.

**11. CONSIDER CONTRACTS AND ADDENDUM WITH BRIGHTSPEED TO PROVIDE INTERNET SERVICE TO SELECT CITY OF EDGERTON FACILITIES**

Ms. Meagan Borth, Assistant City Administrator, spoke before the Council. She stated that the currently contracted internet service provider, Lumen, expires on January 26, 2024. In preparation for this, City staff has been exploring costs with Brightspeed, who purchased Lumen's accounts. Brightspeed offers 36-month contracts, instead of the 60-month contract that was previously held, with faster internet speeds and/or a lower monthly rate compared to Lumen. City staff has had better customer service with Brightspeed than Lumen as well. She explained Lumen stated it would be an extensive build out to get dedicated internet to 414 E 4<sup>th</sup> Street, but Brightspeed would be able to service all City buildings, including Greenspace, with the current infrastructure. City staff also reached out to Kwikom for a quote but have not received one at this time. The City Attorney has reviewed the proposed contract and had a comment on the non-appropriation of funds section. The Non-recurring

charges will be paid by the end of the year, and this is well within the budget and save money in the future.

Councilmember Beem inquired what City facility is at 303 E Nelson. Ms. Borth replied that is the address of the Greenspace.

Mayor Roberts asked when the current contract expires. Ms. Borth answered the contract will expire on January 26, 2024, and it will take approximately 90 days for Brightspeed to set up service at the facilities so it is possible that the City will have to pay month to month until a new contract is in place. Mayor Roberts inquired if there was cost with infrastructure installation in previous the contract. Ms. Linn replied that City staff will have to reread the contract. Mayor Roberts stated Kwikom is installing lines currently and there will be competition for Brightspeed soon, which could lower the cost. Ms. Linn stated that is correct and City staff has attempted to reach out to Kwikom, but they have not been responsive, but City staff can reach out again if the Council would like. Mayor Roberts stated he is not ready to move forward with Brightspeed until he knows Kwikom's prices.

Councilmember Lebakken moved to table the contracts and addendum with Brightspeed to provide internet service to select City of Edgerton facilities. Councilmember Lewis seconded the motion. The contracts and addendum with Brightspeed with tabled, 5-0.

## **12. Report by the City Administrator**

- Snow and Ice Presentation

Mr. Merkh approached the Council to share the City's Snow and Ice Control plans for the coming winter. He stated the Old Farmers' Almanac and the National Weather Service is predicting a big winter. The storms from last year were all different in terms of track, precipitation, and timing. Each storm calls for different responses and treatments and the total snowfall does not tell the entire story.

Mr. Merkh explained treatment methods are determined by the forecast and he, as the Public Works Director, makes the call when to start operations. Crews work in 12 hour shifts. During that time roads will be monitored by using Weather or Not, pavement temperature sensors and visual inspections by the crew. Crews will be mobilized based on the forecast to either be proactive by putting down some pretreatment or reactive based on the conditions.

He said a Snow Event is declared when two (2) or more inches of snow has fallen. The municipal code does require all vehicles parked on City streets to be moved within 2 hours of the declaration. If a vehicle is not moved, it could be towed and the vehicle owner is responsible for any fees associated with the towing. City staff uses Notify JoCo and posts to the City website and social media pages when a Snow Event is declared. All of the towing is handled by the Johnson County Sheriff's Office.

Mr. Merkh said that four (4) 1-ton trucks, a Ford F-250, a single-axle dump truck, and a tandem axle dump truck are used to spread salt and brine to streets. An enhanced salt that melts ice faster than other deicers is used. The brine used is calcium chloride and is used for pre-treating the streets and creates a barrier between the pavement and precipitation, not allowing it to freeze or stick to the road. He said the City currently purchases brine but that might change depending on the level of surface and price.

He showed the Council a photo of the crew and stated Mr. Miller will be joining the crew as well. Four (4) members of City staff will make a crew and the crews will work all day and night every day of the week until the Snow Event has ended.

The roads in Edgerton are divided into three (3) priorities. The first priority is major thoroughfares with higher traffic counts. Second are the neighborhood roads and the last priority are dead ends, cul-de-sacs, and alleys. Mr. Merkh provided a map of each priority. He explained that the crews will attempt to beat the trucks to Logistics Park Kansas City so the snow and ice does not get packed down, but that is all based on the timing of the storm. There are some sections that the City plows out of the corporate city limits but plow drivers will not lift their plow in the middle of a roadway and will wait until they get to an intersection to move it off the road. Once streets are cleared curb-to-curb, then crews will focus on any parking lots and sidewalks adjacent to City facilities. City crews will then clear all the trails. Residents are responsible for clearing sidewalks in front of homes within 48 hours of the end of the winter weather event. The City does not clear private sidewalks, driveways or parking lots. An alert is sent when the Snow Event is done and start the clock on clearing sidewalks.

Councilmember Beem inquired where the City currently buys brine. Mr. Merkh answered that crews have to get it in Olathe and drive back to Edgerton. Councilmember Beem voiced his interest in seeing what City staff can do to get brine tanks onsite in Edgerton.

- 3<sup>rd</sup> Quarter Community Development Report

Ms. Linn addressed the Council. She said between the months of July and September, City staff issued 13 residential and eight (8) nonresidential building permits with a total valuation of \$1.2 million. There were 17 residential and 39 nonresidential inspections performed.

She explained that the City has gone live with permitting software this week. This software will have enhanced tools to use for permitting tracking and plan review tracking. The public facing portal will be available soon as City staff is making sure they are familiar with the back office and working out any kinks prior to the public portal going live.

Ms. Linn said the Envision Edgerton Comprehensive Plan is still working through the implementation phase. City staff is currently reviewing all of the information in the draft Comprehensive Plan. Over 40 residents attended the Open House for the plan which is

an amazing turn out. Towards the end of November, City staff is planning for joint meeting of the Council and Planning Commission to discuss the Comprehensive Plan.

Ms. Linn stated that the largest animal control call was for loose animals. There were ten (10) unregistered pet violations, eight (8) barking dog complaints, two (2) animal neglect investigations, and one chicken permit and inspection conducted last quarter. She stated that code enforcement was busy last quarter and tall grass and weed violations will continue to decrease due to the weather. That is why the officer driven cases are higher than normal.

- 3<sup>rd</sup> Quarter Finance Report

Ms. Karen Kindle, Finance Director, spoke before the Council. She walked through the General Fund first. She stated that the revenues are on track for this time of year. A majority of the property tax has been collected and there is one (1) more distribution later this month. There will also be 1 more distribution of the liquor tax revenue. The sales and use tax are very well and ahead of what is expected. The revenues for licenses and permits has exceeded what was budgeted. That revenue is dependent on building permits and there have been some larger permits this year. Charges for services is higher than normal but that is due to some event sponsorships. Interest revenues is higher than it has been as well. In terms of expenditures, the City is on track. The law enforcement expenditures is paid quarterly but that bill has not been received yet, and that is why it is lower than expected at this point. The proper transfers have been made that were a part of the approved budget. There was an added transfer to purchase the building inspector truck and there are a few transfers to close outs. The ending fund balance is in excess of the reserve requirement and within the budget authority.

Ms. Kindle addressed the Water Fund next. She stated the Revenue for the Water Fund is on track with charges for services. The fines and forfeitures are lower that expected because of changes in the new billing system. The new software is able to differentiate between a fine for sewer or water. The City is benefiting from the higher interest rates for the investment income. The expenditures are in line and the debt service is complete as all debt payments have been made. The ending fund balance is in excess of the reserve requirement and within the budget authority.

The final fund that was addressed is the Sewer Fund. Ms. Kindle stated that the charges for services are on track for the revenue. The revenue line for fines and forfeitures is new for this fund. The investment income is up because of interest rates just like the other funds. The expenditures are as expected for this time of the year. The bond payments have been made and there is 1 transfer pending. The sewer expansion is a project that will cross years so it is in the capital projects fund. The ending fund is in excess of the reserve requirement and within the budget authority.



### **13. Report by the Mayor**

- City Holiday Closures

Mayor Roberts stated this topic came up a little last week. He said Christmas is on a Monday this year and in previous years, the Council has voted to close City offices for Christmas Eve, which would be a Sunday. Ms. Linn stated normally holidays on a Sunday would be observed on the following Monday, but offices would already be closed for Christmas so the Council could pick either December 26<sup>th</sup> or 22<sup>nd</sup> to observe Christmas Eve if Council wishes to do so.

Councilmember Longanecker moved to close City offices on December 22, 2023 in observance of Christmas Eve. The motion was seconded by Councilmember Lewis. City offices will be closed on December 22, 2023, 5-0. Mayor Roberts requested Ms. Linn inform staff of this as a thank you for all of their hard work throughout the year.

### **14. Future Meeting Reminders**

Mayor Roberts reminded the Council of the future meetings for council and planning commission.

### **15. Adjourn**

Councilmember Lewis moved to adjourn, seconded by Councilmember Beem. All in favor. The meeting was adjourned at 7:58 PM.

Submitted by Chris Clinton, Deputy City Clerk