

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**October 28, 2021**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on October 28, 2021. The meeting convened at 7:03 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
- Marketing & Communications Manager Kara Banks via phone

**2. WELCOME**

**3. 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 Minutes from October 14, 2021 Regular City Council Meeting
5. Approve Contract with Weather Or Not®, Inc. to provide Weather Forecasting Services for 2022.
6. Approve Large Animal Permit for Darius Crist, 510 W Braun Street.
7. Approve Large Animal Permit for Michael Mabrey, 1200 W Braun Street.
8. Approve Large Animal Permit for Rick Magee, 1301 W 8<sup>th</sup> Street.
9. Approve Large Animal Permit for Glyn Powers, 1606 W 8<sup>th</sup> Street.
10. Approve Large Animal Permit for Derren Seute, 1313 W 8<sup>th</sup> Street.

Councilmember Brown moved to approve the consent agenda, seconded by Councilmember Longanecker. The Consent Agenda was approved, 3-0.

## **Regular Agenda**

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

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

## **Business Requiring Action**

### **13. CONSIDER AN AGREEMENT WITH STRATEGY, LLC, FOR INFORMATION TECHNOLOGY SERVICES**

Ms. Karen Kindle, Finance Director, addressed the Council. She stated the City does not have IT staff on-site, so they contract with a managed service provider for services. She stated this contract is currently with Strategy LLC and has been so since October 2016. She stated the city issued an RFP for IT services on August 31, 2021, with proposals due by the end of September. The contract is for one year, with two one-year options to renew, subject to an annual review, concurrent of the City Council and the annual availability of an appropriation. She stated this RFP also included services related to the maintenance and hosting of the city's website.

She stated the RFP was advertised in the Gardner News and on the website, as well as being sent directly to fifteen firms. In the end, only 3 responses were received by the deadline. She stated the monthly cost comparison is provided in the packet. The cost proposals were based on the number of users, computers, servers, and network devices.

She stated in addition to reviewing the proposals and costs submitted, staff visited the offices of the three firms and interviewed them based on the information in their proposals as well as asked their approaches for providing services to the city.

She stated based on the proposals, interviews, and review of costs, staff recommends continuing services with Strategy, LLC for both the IT services and Website maintenance. There is adequate funding available in the 2022 Operating Budget to cover the estimated monthly cost.

Councilmember Longanecker stated he thought it was odd that the Century Business Technologies would contract out their helpdesk services.

Councilmember Lewis asked what the significant shift with Teams and SharePoint is. He asked if the City currently uses these now.

Ms. Kindle stated SmartPro Technologies uses Teams for everything, but the City currently uses SharePoint and Teams almost separately. Teams is used for our everyday in-house communication and SharePoint is used to maintain the files, this company would suggest merging the two and using Teams as the main source for everything. She stated staff is concerned with managing both the implementation of new enterprise resource planning (ERP) software and the conversion to a new way of doing everyday tasks with Teams and SharePoint.

Councilmember Lewis confirmed that the file structure is SharePoint and Teams is being used just for communication.

Ms. Linn confirmed. She stated the use of Teams started during the Pandemic with staff in multiple locations. She stated, since returning, there are a few people that continue to use Teams and there are others that have gone back to normal operation and do not access Teams as a primary way of connection like they used to.

Mayor Roberts stated at the end of the day, the staff are the ones that will be using the services. He stated he wants to be supportive of what they think is best.

Ms. Linn stated the other piece is the relationship with Strategy. She stated SmartPro has never worked around utilities infrastructure, so there would be a large learning curve with them as well.

Councilmember Lewis asked what last years monthly cost with Strategy was.

Ms. Kindle stated it was \$3,500 a month, and it was paid for by the device as well. She stated this year, the city is adding a server at the treatment plant, and the price per user and computer also increased.

Mayor Roberts stated offsite IT can be vastly higher in cost than any of the options presented and knows from his previous career that change in IT is always a struggle.

There were no further questions or comments.

Councilmember Longanecker moved to approve the Agreement with Strategy, LLC for IT Services. Councilmember Lewis seconded the motion. The agreement was approved, 3-0.

#### **14. CONSIDER AN AGREEMENT WITH TYLER TECHNOLOGIES, INC., FOR ERP SOFTWARE**

Ms. Karen Kindle addressed the Council. She stated joining on Teams are John Hardin with Tyler Technologies, and Mike Mucha with Government Finance Officers Association (GFOA).

She stated staff began discussions with Council regarding the need to replace the current financial software in 2018. Council then approved funding for the ERP Software Exploration Project, which would take place in 2019. She stated staff began by issuing an RFQ for Business Process and ERP Advisory Services to find a consultant to assist the City in the search for ERP software. The City selected GFOA because of their experience assisting over 500 local governments on similar projects.

She stated an ERP steering committee was established and began working with GFOA staff in September 2019, to develop a project calendar for the business process analysis and RFP process. She stated after a visit from GFOA with staff, the RFP for ERP Software was issued in February 2020, and a pre-proposal conference was held in March 2020. She stated the RFP was placed on the City's website and GFOA sent the RFP to their contacts at various software companies. The city received three responses from Tyler Technologies, Casselle and ClearGov.

She stated the steering committee and GFOA reviewed the responses and elevated Tyler Technologies and Casselle for further evaluation. She stated software demonstrations were held in June 2020, based on the demos, the steering committee elevated Tyler Technologies to the discovery phase.

She stated in August 2020, the steering committee along with the Mayor, visited a Tyler customer site in the City of Waxahachie, TX. The committee then talked with other references and participated in additional software demos with Tyler. She stated there are many other Tyler clients in the State of Kansas, and Tyler has a large staff to provide support and the company has the resources to continue to invest in the software.

She stated in September 2020, a discovery day was held with Tyler where the committee and GFOA dug deeper into items such as project staff, Tyler's experience with projects similar to the City's project and clarifications for items arising out of the demos.

She stated based on the discovery day and additional research, the committee then elevated Tyler to the contract negotiation stage in October 2020. She stated contract negotiations have been on-going since that time.

She stated the city will utilize the Software as a Service (SaaS) version of the software vs. purchasing servers and hosting the software on site. She stated this version will result in less IT infrastructure to maintain and result in limited involvement by the City's IT provider once the software is up and running. She stated this version will also simplify employee access to the system. She stated the City is purchasing the following modules; Finance, HR/Payroll/Employee Self Service, Project Accounting, Utility Billing/Misc. Accounts Receivable/Cashiering, Fixed Assets, Work Orders, Community Development, and Court.

She stated the costs include the first year of the SaaS fees as well as the professional services related to implementing the software. In addition, there are a few hardware items included such as receipt printers, bar code scanners and digital signature pads. She stated there is a not-to-exceed cost for the first year of \$233,967. Tyler has also included a bank of 188 professional service hours to be used should any unforeseen situations arise which require them to exceed the hours they have originally estimated.

She stated the costs for Tyler are the largest portion of the estimated projects costs. Other costs include services provided by the City's IT provider, hardware items not purchased through Tyler, such as iPads, scanners, check printer, Bluebeam plan review software, and a contingency. She stated the budget for the project was \$240,000 until council directed staff at the CIP Work Session on October 14, 2021, to allocate \$35,000 to the project to cover the addition of the Court Module. She stated this brings the total budget for the project to \$275,000.

She stated the GFOA staff and City Attorney have reviewed and approved the SaaS Agreement provided.

Mayor Roberts stated the term of this contract is for 5 years and asked what happens after the contract concludes.

Mr. Hardin, with Tyler, addressed the Council. He stated for the first 5 years, the rate is guaranteed to not go up. He stated after, the standard practice is to renegotiate and set a new price. He stated he has seen that rate fluctuate from 3-5% in that time.

Mayor Roberts stated the total money involved in pretty substantial and he would like to see a 20-year agreement. He stated unfortunately, at the end of the first 5 years if staff is not satisfied with the product or does not negotiate well, it could be problematic.

Councilmember Lewis stated he does not know if there can be an agreement that is a longer term from any tech company, especially with the market and how fast technology changes. He asked what the annual dollar amount would be.

Ms. Kindle stated \$52,000 a year.

Councilmember Lewis stated he likes the idea of a cloud solution piece. He asked if there are any specific security options that have to be met by state statute.

Mr. Mucha, with GFOA, addressed the Council. He stated a 5-year agreement is standard. He stated he has seen in the market range from 3-8 years for agreements but it is very rare to exceed that due to unknown inflation costs for years out. He stated from a negotiation perspective, he understands the risk to have to renegotiate at the end of the 5 years. He stated GFOA has been successful in providing information at the end of those years for negotiation purposes for the current market pricing and a fair value.

Mr. Hardin stated a 5-year agreement is a common trend in the industry, but most recently the trend is moving to 3-year agreements. He stated in regard to security, the big selling point as to why someone would choose the cloud model is the security behind it. He stated they take care of daily backups themselves at Tyler data centers. He stated Tyler meets and exceeds every government regulation, and their biggest focus is keeping data secure especially for local governments.

Mayor Roberts stated in the City's case, implementation is everything and implementing the right way will make a difference for the future of not only the City staff but also residents. He stated his biggest concern is the 5-year contract and asked if there could be a guaranteed maximum price or not to exceed percentage.

Ms. Linn asked if there was a way to mitigate risk in that second term.

Mr. Mucha stated in the software market, prices have primarily held or gone down as the market becomes competitive. He stated having a contract that expires at the end of 5 years will allow the ability to true up to the market value. He stated the vast majority of companies are within that contract range because a shorter contract is a burden to renegotiate and a longer one can go against the overall market.

Mayor Roberts stated he is looking for a guarantee of a not-to-exceed dollar amount or percentage increase at the end of the 5 years. He does not want to see the contract expire and then to have new terms, the percentage increase to 500%.

Mr. Hardin stated he would ask.

Mayor Roberts stated it is his concern and he is just looking for a specific number. He suggested cost-of-living plus something else, as long as it is reasonable.

Councilmember Lewis stated it would help from a budgeting perspective too.

Mayor Roberts stated this is a lot to invest upfront. He suggested tabling the item for now.

Ms. Linn asked from a timing perspective, would Tyler Technologies be able to address the concerns and have a response prior to the next Council date of November 18<sup>th</sup>.

Mr. Hardin confirmed.

There were no further questions or comments.

Councilmember Longanecker made motion to table the agreement. Councilmember Brown seconded the motion. The agreement was tabled until the November 18<sup>th</sup> City Council Meeting, 3-0.

#### **15. CONSIDER ADOPTION OF THE 2022-2026 CAPITAL IMPROVEMENT PROGRAM (CIP)**

Ms. Karen Kindle addressed the Council. She stated the Governing Body reviewed projects and funding recommendations from staff at the October 14, 2021 CIP Work Session. She stated Council provided direction regarding funding new projects and providing additional funding for other projects as recommended by city staff. She stated in addition, Council requested a few projects be moved from the unfunded list to the funded status, as well as added some projects to the unfunded list.

She stated a schedule is provided within the Council packet to show projects that have been funded by the Governing Body as well as a project added to the unfunded project list.

She stated adoption of the CIP will establish the funding, budget and time frame for the projects as listed on the Funded Projects Schedule. As projects move through the stages of the project life cycle, staff will bring contract, funding/cost changes, timing changes, etc. to the Governing Body for approval.

There were no further questions or comments.

Councilmember Lewis moved to approve the adoption of the 2022-2026 CIP, seconded by Councilmember Brown. The CIP was approved, 3-0.

**16. CONSIDER PROFESSIONAL SERVICES AGREEMENT WITH RENAISSANCE INFRASTRUCTURE CONSULTING (RIC) FOR 191ST STREET/GARDNER ROAD/INTERSTATE 35 SAFETY AND OPERATIONAL ANALYSIS**

Ms. Beth Linn, City Administrator, addressed the Council. She stated over the last several years, Edgerton City Council has heard numerous safety concerns related to the traffic around Gardner Road interchange at I-35, particularly related to the proximity of 191<sup>st</sup> Street and Nike Elementary School. She stated Edgerton has previously responded that any improvements in the area would be the responsibility of various other agencies, such as City of Gardner, KDOT, Johnson County, etc.

She stated however, based on continuing safety concerns, even after interim improvements to the area, the enclosed draft Professional Services Agreement with RIC authorizes a safety and operational analysis of 191<sup>st</sup> Street/Gardner Road/Interstate 35 area.

She stated the Scope of Services is included in the Council packet.

She stated the enclosed agreement is the City's standard agreement, which includes an hourly rate schedule applicable for the term of the agreement. She stated this agreement is structured similar to the agreement for City Engineer services where the City is only billed for actual hours of work performed. She stated staff will work with RIC to best prioritize the use of their services to limit the project budget.

She stated the project will be funded from the Public Infrastructure Fund for LPKC Phase 1.

Mayor Roberts stated based on the number of complaints and concerns with safety at this area, it is worth moving forward on this study to have clear data.

There were no further questions or comments.

Councilmember Lewis moved to approve the agreement with RIC for 191<sup>st</sup> St./Gardner Rd./I-35 Safety and Operations analysis. Councilmember Longanecker seconded the motion. The Agreement was approved, 3-0.

**17. CONSIDER AGREEMENT WITH BG CONSULTANTS FOR THE DESIGN OF BIFURCATION OF 191<sup>ST</sup> STREET (EAST OF MONTROSE STREET)**

Ms. Beth Linn addressed the council. She stated due to continued concerns related to safety at the 191<sup>st</sup> St./Gardner Rd./I-35 Interchange area, the enclosed agreement with BG Consultants authorizes proceeding with design simultaneous to conducting the Traffic Study. She stated proceeding simultaneously allows for Edgerton to be prepared to bid for construction should the safety study recommend the closure of 191<sup>st</sup> Street.

She stated the enclosed agreement for the Design of the Bifurcation of 191<sup>st</sup> Street east of Montrose Street at the Edgerton corporate city limits. She stated the scope of services can be found within the packet. She added the cul-de-sac geometry will be designed to accommodate truck turnaround movements.

She stated the design phase includes the preparation of construction plans and project special provisions as listed within the packet.

She stated the agreement includes a not to exceed cost of \$29,500. These costs will be funded entirely from the Public Infrastructure Fund for LPKC Phase 1. She stated no City general fund dollars will be used for these services.

She stated if approved, staff anticipates beginning the design of the project immediately, with the anticipation of the design to be completed within approximately 90 days.

Mayor Roberts stated the risk factor to this is if the study comes in and says there are no safety problems. He added that it would be worthy of hearing from Fire District #1. He stated they have made it clear they will not support the closure.

Councilmember Longanecker stated if the study says the road is dangerous, he is sure they would agree and want the bifurcation done.

Mayor Roberts stated they would look at it differently than a Public Works director or citizens. He stated he thinks it would be good to hear the perspective from a partner standpoint.

There were no further questions or comments.

Councilmember Brown moved to approve the agreement with BG Consultants for the Design of Bifurcation of 191<sup>st</sup> Street, east of Montrose Street. Councilmember Lewis seconded the motion. The Agreement was approved, 3-0.

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

- Third (3<sup>rd</sup>) Quarter Financial Report

Ms. Karen Kindle addressed the Council. She reviewed the 3<sup>rd</sup> Quarter Financials with Council. She stated as we review the General Fund, we are hitting right on target. She stated expenditures are at or below the budget. She stated at the end of the quarter there were sufficient funds and the City is within budget authority.

She referenced the Water Fund, stating revenues are where they are expected to be, as well as expenditures. She stated both bond payments have been made. She stated the City is within policy on the fund balance and within the budget authority.

She stated, in reference to the Sewer Fund, revenues, expenditures, and debt service are all within expected margins. She stated all payments have been made for the year. She stated there is enough balance for the reserve and within the budget authority.

Ms. Linn stated the 3<sup>rd</sup> Quarter Code Enforcement report is at the dais for Councilmembers.

Mayor Roberts stated there are quite a few numbers that are down, which is a good thing.



Ms. Crow stated the City's Code Enforcement Officer has done an exceptional job at education and explaining the code to the citizens. He is also very willing to work with the residents and there are quite a few residents that are willing to work with us. She stated the City has been very successful with Code Enforcement.

## **19. Report by the Mayor**

Mayor Roberts invited local business owner Dan Fuller, who owns White Tail Run Winery, to speak.

Mr. Fuller addressed the Council. He stated he and his family have considered themselves part of Edgerton for 45 years. He stated in 2003, after retirement, he planted grapes and in 2010 the family decided to start producing wine. He thanked the City for using their facilities and for hosting the upcoming Trivia Night Fundraiser.

Ms. Linn stated the Trivia Night raises money for the Mayors Christmas Tree fund. She stated it is a great opportunity to support a local business and have a great time.

Mayor Roberts stated White Tail Run was a gracious host in 2019 too.

Mr. Fuller stated this event works well for the company too because it helps more people find out where the winery is and get the word out.

He stated the other reason he came to address Council was to discuss and show support for those that live near and are opposed to the proposed solar farm. He stated there were quite a few residents that will be impacted from this solar farm that attended the Johnson County Planning Commission meeting. At this meeting they were scheduled to address 5 topics: length of the conditional use permit, limitation on acreage used, mile buffer from city limits, and the other two topics were not able to be discussed due to the time limit. He stated it was recommended to have a 20-year permit, and while some were asking for 30 years, they voted for a 25-year permit. He stated some were asking for the use of 3,000 acres, some recommended 2,000, but the decision was tied and they will have to revisit. He stated a motion was made to approve a 2-mile buffer, which was voted down. They did approve a 1.5 mile buffer with waivers. He stated this means, if the company gets enough waivers, they can get closer to city limits. He stated the plan right now has the solar farm to the southern point of 56 Highway and County Line Road. He stated Edgerton's ability to expand could be hampered. He stated he and the surrounding neighbors are not against solar, but they are against this going in so close to their homes and businesses. He showed a map referencing the suitability of a solar farm at the location proposed, the map showed that it is at the lowest suitability where it is proposed to be.

Mayor Roberts stated that when they spoke on the phone, Mr. Fuller had mentioned the harm that could come to his grapes and his business.

Mr. Fuller stated the solar company has said they have to keep all vegetation away from the panels, and to do so, he could only assume that they will use the cheapest herbicide they can get: 2,4-D. He stated when applied in the wrong temperatures and weather, this solution can travel for miles. He stated the proposed location is 400 yards from his family's vineyard, so if

this continues, he would guess his vineyard will be gone in 3-4 years, which means to keep going at the rate they are now, they would have to outsource their products which would cause harm to the current winery license. Right now, their license is based on the fact they grow their own produce for the products.

Councilmember Lewis asked why NextEra thinks this is the better place to be.

Mr. Fuller stated this will be the largest solar complex in the United States. Most are away from populated areas with a maximum of 1,000 acres used. He stated this site would affect about 75-80 houses, and it just doesn't make any sense.

Mayor Roberts and the Councilmembers thanked Mr. Fuller for coming to speak to the Governing Body and informing them of what he has heard and knows about this solar farm project.

## **20. Future Meeting Reminders:**

- November 9<sup>th</sup>: Planning Commission Meeting – 7:00PM
- November 18<sup>th</sup>: City Council Work Session (Stormwater Master Plan) – 6:00 PM
- November 18<sup>th</sup>: City Council Meeting – 7:00PM
- December 9<sup>th</sup>: City Council Meeting – 7:00PM
- December 14<sup>th</sup>: Planning Commission Meeting – 7:00PM

Councilmember Longanecker gave an update regarding Senior Lunch. He stated NorthPoint Development will be sponsoring the next lunch in November for the seniors.

Mayor Roberts stated the Chili Cook Off in October had about 30 people in attendance. He stated it was great to see everyone back together.

## **21. Adjourn**

Councilmember Lewis moved to adjourn, seconded by Councilmember Longanecker. All in favor. The meeting was adjourned at 8:17 PM.

Submitted by Alexandria Clower, City Clerk

## **EVENTS**

October 30<sup>th</sup>: Mildale Farm Fall Festival  
October 31<sup>st</sup>: SpookEton Halloween Fest  
November 1<sup>st</sup>: Candle Making  
November 5<sup>th</sup>: Trivia Night at White Tail Run Winery to  
Benefit the Mayors Christmas Tree Fund  
November 9<sup>th</sup>: Tales for Tots  
November 17<sup>th</sup>: Senior Lunch & BINGO  
December 3<sup>rd</sup>: Mayor's Christmas Tree Lighting Ceremony  
December 14<sup>th</sup>: Tales for Tots  
December 15<sup>th</sup>: Senior Lunch & BINGO