

City of Edgerton, Kansas
Minutes of City Council Regular Session
November 9, 2023

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas November 9, 2023. The meeting convened at 7:00PM 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
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Assistant City Administrator, Meagan Borth
- Finance Director, Karen Kindle
- Accountant, Justin Vermillion
- Public Works Director, Dan Merkh
- Public Works Superintendent, Trey Whitaker
- CIP Project Manager, Holly Robertson
- Marketing & Communications Manager, Kara Banks

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 Minutes from October 19, 2023 Special City Council Meeting
5. Approve Minutes from October 26, 2023 Regular City Council Meeting
6. Approve Year-End Longevity Bonus for Employees
7. Approve Ordinance No. 2149 Providing for the Range of Salaries and Compensation of Various City Officers and Employees
8. Approve Agreement With Digital Erth Consulting LLC For Sludge Removal Services
9. Approve Large Animal Permit for Darius Crist, 510 W Braun Street

Mayor Roberts requested item 7 be removed for further discussion.

Councilmember Longanecker moved to approve the remaining items on the Consent Agenda. Councilmember Lewis seconded the motion. The consent agenda was approved, 5-0.

Ms. Linn stated staff requested to remove this item to change the payment related to court appointed attorney. She stated in visiting with Ms. Clower who is currently serving as court clerk while there is a vacancy, it was noted that there is a struggle to find court appointed attorneys for cases, in particular because of the distance. She stated staff is suggesting the payment be raised from \$75 to \$150 per hour for in and out of court preparation time. Staff feels this is adequate to surrounding areas and could help the chances to retain attorneys as the City's municipal court is required to provide.

Councilmember Longanecker moved to approve item 7 on the Consent Agenda. Councilmember Beem seconded the motion. The consent agenda was approved, 5-0.

Regular Agenda

10. Declaration. There were no declarations made.

11. Public Comments.

Charlie Troutner addressed the Council. He recapped the 10th anniversary celebration of the museum in October. He stated there are still t-shirts for sale at The Village Shop KC and the proceeds will go to the operation of the museum.

He stated he would also like to present the two council members who have served in the military with a gift for their service. He thanked Councilmember Lebakken and Councilmember Lewis for their commitment to serve.

Mayor Roberts thanked Mr. Troutner for all his service and time he puts in to run the museum.

Business Requiring Action

12. CONSIDER 2024 FUNDING RECOMMENDATIONS FOR THE HUMAN SERVICE FUND

Ms. Linn stated during budget, a representative from Johnson County United Community Services, Human Service Fund, came to provide their recommendations for 2024 Budget Funding. She stated tonight they are here to present on 2023 information.

Ms. Kristi Bosman addressed the Council. She stated the Human Service Fund is a non-profit, planning partner with the county and United Way that uses data driven research and analysis to help eliminate human service needs within the county by using targeted resource allocation. She stated 14 other cities and the county contribute to the fund to provide vital services around the community. She stated there are three main categories: well-being, personal safety and work supports. Contributions from each city and the county are made related to their populations. In 2022, just over 221,000 units of service supported roughly 61,000 individuals in the county. She thanked the City Council for their continued support to the organization and stated Edgerton did approve an increased allocation for 2024. She stated this may seem like a small amount, but it makes a huge difference in the fund for the community.

Councilmember Longanecker asked if this was the fund that provides support to only Edgerton residents.

She confirmed that this fund is a pool and provides services to residents within Johnson County, not specifically Edgerton residents. It was stated Johnson County Utility Assistance is the funding agency who provides support specifically for Edgerton residents with the Edgerton fund balance being contributed to and utilized.

With no further questions or comments, Mayor Roberts requested motion to approve the funding agreement with the United Community Services for the Human Service Fund in the amount of \$3,000.00

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 5-0.

13. CONSIDER ORDINANCE NO. 2150 AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2023A, OF THE CITY OF EDGERTON, KANSAS

Ms. Karen Kindle addressed the Council. She stated in September, the City Council approved a resolution to authorize the city to offer bonds for sale to fund construction of The Greenspace. She stated in accordance with Kansas statutes, a competitive sale will be held in November by the City's Financial advisor, Columbia Capital. She stated this ordinance authorizes the issuance of the bonds, and notes that the terms of the bonds will be outlined in the bond resolution, which will be considered on the agenda after this ordinance.

She introduced Mr. Khalen Dwyer to give an update on the competitive sale held today.

Mr. Dwyer stated it was a very successful bid with 5 total bids received. He stated since 2012, the city has publicly issued 12 bids and only received 1 bidder on those. He stated this year, the City purchased bond insurance, which he believes helped in receiving some good bids back. He stated the winning bid had an interest rate of 4.5%, while the highest bid was listed at almost 5%. He stated not only did bond insurance pay for itself in this aspect but it is a profitable endeavor with a great result.

Mayor Roberts stated this turned out better than expected.

Mr. Dwyer stated 4.5% is a win, Edgerton priced better at maturity analysis than some surrounding areas that were also bidding out.

Councilmember Longanecker asked if insurance on previous bids would have made a difference.

Mr. Dwyer stated bond insurance is a serious upfront cost, but with few bids received in the past, it was decided to purchase the insurance. He stated it worked out well in the City's favor to take that step.

Mayor Roberts stated the city has received extremely low interest previously.

Mr. Dwyer stated that's correct, even with receiving only on bid it was a good one last year. He stated Edgerton is a strong competitor.

With no further questions or comments Mayor Roberts requested motion to approve Ordinance No. 2150.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Malloy. The motion was approved, 5-0.

14. CONSIDER RESOLUTION NO. 11-09-23A PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2023A, OF THE CITY OF EDGERTON, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 2150

Ms. Kindle stated this resolution contains all the information regarding the bond including the amount of the bonds, interest rate, maturity date, final issuance step, etc. She stated bonds would close on November 28th, if approved.

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 11-09-23A.

Councilmember Lewis moved to approve, seconded by Councilmember Beem. The motion was approved, 5-0.

15. CONSIDER ADOPTION OF THE 2024-2028 CIP

Ms. Kindle stated the City Council has reviewed the projects and funding recommendations during the CIP Work Session. Council provided direction to fund one new project as recommended by staff. She stated the attachments included show the projects that have been funded in the past and now includes the new project as requested.

She stated adoption of the CIP will establish funding, budget and time frame for the projects listed on the funded projects schedule. As projects move through the stages of the project life cycle, staff will bring contracts, funding/cost changes, time changes, etc. for approval.

With no questions or comments, Mayor Roberts requested motion to approve the 2024-2028 CIP as listed.

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 5-0.

16. CONSIDER CONTRACT FOR SAFETY OVERSIGHT WITH RAILPROS FOR THE 2ND STREET RECONSTRUCTION PROJECT

Ms. Holly Robertson addressed the Council. She stated in June the City Council approved the design contract for the 2nd Street Reconstruction Project. Renaissance Infrastructure Consulting as the contractor then contacted RailPros for safety oversight and flagging services to perform the topographic survey of the BNSF Track along the project area. She stated defining the property lines and a survey for the project is crucial for an accurate design of 2nd Street.

She stated in July, RIC obtained a railroad permit to access BNSF property and the information for safety oversight was forwarded on to City Staff to be billed directly to the City. She stated staff then contacted RailPros for a quote to provide roadway worker in charge safety oversight services for the project. RIC anticipates utilizing the RWIC for less than 3 working days without overtime for an estimated maximum not to exceed \$3,645. She stated the costs can be found within the council packet.

With no questions or comments, Mayor Roberts requested motion to approve the agreement pending completion of all review needed.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 5-0.

17. CONSIDER BUDGET ADJUSTMENT FOR EDGERTON LAKE AND DAM EXPLORATION PROJECT

Ms. Robertson stated City Council approved the Edgerton Lake and Dam Exploration Project as part of the 2022-2026 CIP. The funding was identified to come from the Park Impact fee with a project budget of \$75,000. She stated this budget was developed based on an understanding that most engineering firms would be able to provide similar level of service, however following interviews for selection and design, staff recognized a desire for a more specialized service for this unique project.

She stated Affinis is recommended as the best, most qualified firm from the RFQ as they provide services that are more specialized than the original project scope. She stated they also have existing knowledge of this market/specialty. Affinis submitted a draft scope and fee of \$105,425, which exceeds the project budget of \$75,000 as approved in the CIP by \$30,425. She stated staff is requesting council consider increasing the project budget to include the full scope, as well as a contingency amount of just over \$9 Thousand. She stated the proposed project budget would be \$115,000.

She stated staff has identified additional funding in the special park and recreation fund that could be transferred to the Edgerton Lake and Dam Exploration Project. This fund comes from the liquor by the drink tax that is required by state statute to be spent on parks. She stated the fund currently has just over \$54,000 available, which would be sufficient to cover the additional \$40,000 of funds needed.

Councilmember Beem asked if this will be work done on the main dam.

Mr. Merkh stated the project will consist of the low bridge crossing, lake plan, dam and the surrounding park.

Councilmember Lewis asked what this contractor will be doing different.

Ms. Robertson stated they have a specialized engineer that has worked on dam and water projects.

Ms. Linn stated when this project was originally brought forward, staff looked at companies that did park projects. However, this project will consist of surveying of the bottom of the lake, inspections of lake, dam, spillway, etc. She stated not many cities have a similar entity that the City could use as a basis for this project scope. She stated the other piece is that at some point a survey was done to show where the railroad ends and city begins, that survey piece could be worth knowing how to better utilize this area in the future. She stated Affinis has a lot of experience particularly with lakes and dams.

Mayor Roberts stated he is comfortable with increasing the scope while knowing this will likely uncover some additional projects to add to future CIPs.

Councilmember Lebakken asked how often this will need to be done, if it is needed again.

Ms. Robertson stated this exploration project would be planning into how we utilize the park in the future.

Ms. Linn stated this is really the first step to a master plan piece and will help identify some CIP Projects.

Ms. Shaunacee Wilkinson from the audience asked how the money goes back into the park fund.

Ms. Linn stated this fund is driven by dollars spent at the local establishment with the additional tax put on liquor by the drink. She stated this fund is really used to spend on one-time items because you don't want to attach the fund to things that will continuously change. She stated with this fund, the only way for it to grow is for folks to visit the establishment and drink more, so it does take time for the fund to grow.

Mayor Roberts stated the fund has been growing for many years and it was built up for an occasion such as this.

With no further questions or comments, Mayor Roberts requested motion to approve the budget adjustment of an additional \$40,000 from the Special Park & Recreation Fund for the Edgerton Lake & Dam Exploration Project for a total budget of \$115,000.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Lebeakken. The motion was approved, 5-0.

18. CONSIDER AGREEMENT WITH AFFINIS CORPORATION FOR EDGERTON LAKE AND DAM EXPLORATION PROJECT

Ms. Robertson stated this next item is to approve the agreement with Affinis Corporation for the Edgerton Lake and Dam Exploration Project.

She stated this project includes park planning, hydraulic engineering, and landscape architecture services related to the planning and development of Edgerton Lake & Dam. The project will incorporate a thorough exploration of all amenities of Edgerton Lake aligning with the latest citizen survey and existing Master Plans, Studies, inspection reports, etc. She stated the design team will engage the public, provide design recommendations, cost estimates, suggested maintenance operations, and other items identified during the exploration. She stated staff anticipates beginning the project immediately with final report expected by mid-2024.

Councilmember Longanecker asked if they not only do study but the work too.

A representative from Affinis stated they are the engineer and surveying team, but will recommend construction companies and if needed, oversee construction when it comes time.

Councilmember Longanecker asked if they know the right people to do this type of work.

She stated yes, they do several lakes in the area. The dam engineer on staff is excellent and works on a lot of levee systems. He is very excited about this project.

With no further questions or comments, Mayor Roberts requested motion to approve the agreement with Affinis for in the amount of \$105,425 pending completion of all review needed.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Malloy. The motion was approved, 5-0.

19. CONSIDER CONTRACT FOR BUILDERS RISK/PROPERTY INSURANCE WITH CONTINENTAL CASUALTY COMPANY THROUGH REILLY INSURANCE COMPANY FOR THE GREENSPACE PROJECT

Mr. Merkh stated construction for The Greenspace Project began in August 2023. In accordance with the contracts executed, the City as the owner is required to provide property/builders risk insurance. He stated this insurance coverage includes the materials brought to the site for construction and installation as well as the structure itself during construction. He stated the city's insurance representative has reviewed multiple insurance quotes and presented their final quote from Continental Casualty Company. He stated the coverage is summarized in the council

packet and will begin once the contract is executed. It will then terminate in April 2025. He stated the project budget includes sufficient funds to cover this coverage.

Councilmember Lebakken asked if this insurance would cover an act of God that takes out part of the block.

Mr. Merkh stated this coverage is really for the materials on site and if vandalism, theft, etc. were to occur. It's a builder's risk insurance since there is no building yet to insure.

With no further questions or comments, Mayor Roberts requested motion to approve the contract with Continental Casualty Company through Reilly Insurance for The Greenspace Project for 18 months for a cost of \$8,591 pending completion of all needed review.

Councilmember Longanecker moved to approve, seconded by Councilmember Lewis. The motion was approved, 5-0.

Mayor Roberts stated Councilmember Longanecker had an item he would like to discuss.

Councilmember Longanecker stated there's been problems with the newspaper, reporting and behind the scenes issues. He would like to direct staff to investigate other options for legal publications.

Mayor Roberts stated there are statutes that cover what qualifies as a paper of record, but he would like to direct staff to investigate options to see what those limitations are.

All Councilmembers agreed with this approach and stated it never hurts to see what other options are out there and if costs are in alignment.

20. Report by the City Administrator

- Fleet Purchase Update

Mr. Merkh gave an update regarding the purchase of a new truck for the building inspector. He stated the City was able to come in under budget for this purchase and upfit of the vehicle. He stated this time, the new way for purchasing worked out well.

- Utilities Department Quarterly Update

He then gave an update regarding utilities and handed out the quarterly update prepared.

21. Report by the Mayor

Mayor Roberts reviewed the City's procedures for post-election. He stated the City Clerk must still receive the official results. He stated typically, the first meeting in December is the swearing in of Councilmembers elected.

He addressed Councilmember Beem, stating that he appreciates his time and service to the community.

22. Future Meeting Reminders

Mayor Roberts reminded the Council of the future meetings for Council and Planning Commission.

23. Adjourn

Councilmember Lebakken moved to adjourn, seconded by Councilmember Lewis. All in favor. The meeting was adjourned at 8:18PM.

Submitted by Alexandria Clower, City Clerk