

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
November 12, 2020**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on November 12, 2020. The meeting convened at 7:00 PM with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Katee Smith	present
Josh Beem	absent

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
- Finance Director Karen Kindle
- Accountant Justin Vermillion
- Public Works Director Dan Merkh
- Public Works Superintendent Trey Whitaker
- Marketing and Communications Manager Kara Banks

1. WELCOME

2. 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)*

3. Approve Minutes for October 22, 2020 Regular City Council Meeting
4. Approve Minutes for October 30, 2020 Special Council Meeting
5. Approval of the City of Edgerton Parks Master Plan
6. Consider Approval of 2021 Funding Recommendations for the Human Service Fund
7. Consider Approval of Agreement Renewing an Existing Facility Use and Maintenance Agreement for the Bank of Knowledge and Authorizing Its Use by the Board of Directors of the Johnson County Library as a Library Facility
8. Consider Final Plat for Johnson County Fire District #1

9. Approve Large Animal Permit for Toby Carpenter, 715 W 8th St.
10. Approve Large Animal Permit for Galez Trust (Sergio Galez, Trustee), 1300 W Braun St.
11. Consider Approval of Year-End Longevity Bonus for Employees
12. Approval Ordinance No. 2049 Providing for the Range of Salaries and Compensation of Various City Officers and Employees
13. Consider Cloud Agreement with Microsoft
14. Consider the Selection of Renaissance Infrastructure Consulting to Provide Construction Inspection Services for the 1st & Meriwood Stormwater Improvements Project

Councilmember Longanecker asked that with Christmas Eve being on a Thursday, if the staff was allowed a 3- or 4-day weekend. Ms. Beth Linn, City Administrator, stated that per the City of Edgerton Handbook, Christmas Day was the Holiday granted to employees. Mr. Longanecker stated he would like to see Christmas Eve granted as a paid holiday for the city employees.

Councilmember Longanecker motioned to approve the approval of Christmas Eve as a paid holiday off for the city employees. Motion seconded by Councilmember Smith. Motion approved, 4-0

Councilmember Longanecker motioned to approve the Consent Agenda, motion seconded by Councilmember Smith. The Consent Agenda was approved, 4-0.

Regular Agenda

15. Public Comments.

There were no public comments made at this time.

16. Declaration.

There were no declarations made by any of the Councilmembers.

17. Presentation. 2020-2021 Snow and Ice Control.

Mr. Merkh, Public Works Director, approached the council. He stated the initial operations for snow and ice control begin with a forecast update from Weather or Not. He stated part of the services received from Weather or Not is a 2 hour call out before precipitation falls. The city also uses visual inspections by in house staff. He stated the crews work 12-hour shifts, allowing 24/7 response from the start of the storm until the storm is cleared from various treatment methods, determined by the forecast.

Mr. Merkh stated there are multiple types of responses dependent on the forecast, proactive and reactive. Proactive is pretreatment based on the forecast and staff activation in advance of snowfall. Reactive treatment is staff activation based on the conditions.

Mr. Merkh stated that in the case of two or more inches of snow falling, the city declares a "snow event". He stated that the city enforces Chapter 13, Article 4, Section 406, of the City of Edgerton Municipal Code, that requires all vehicles parked on City streets to be moved within two hours of a snow event being declared. If there are vehicles that are not moved within the time allowed for the snow event, the vehicles are towed at the responsibility of the resident. He stated that residents are notified through direct alerts with NotifyJoCo.org, posts made to the City of Edgerton website—edgertonks.org, and the City of Edgerton social media pages.

Mr. Merkh stated that snow and ice are managed with the cities Fleet Vehicles, which included three 1-Ton Trucks, one F-250 and one single-axle dump truck. The city is expecting to add to the Fleet, a new Tandem axle dump truck and new 1-Ton truck. He stated that crews use two chemical treatments to manage snow and ice, salt and brine. The enhanced salt used to treat in snow conditions has deicer mixed in, which melts ice faster than other deicers. Brine (calcium chloride) is a liquid pre-treatment option. It slows down the freezing by creating a barrier between the pavement and icy precipitation. He stated the city stores the salt treatment in-house and currently buys the brine treatment from the City of Olathe amounting to 2 or 3 truckloads throughout the snow season.

Mr. Merkh stated the plowing procedures for the roadways within the city are priority based, dividing these priorities into three groups. Priority 1 routes are those that have major roadways with higher traffic counts. He stated that almost all roads in LPKC are listed as priority one routes and some of the main roads within the city are Nelson, Sunflower and 207th Streets. He stated that priority 2 and 3 routes are those that have less traffic, usually consisting of neighborhood streets. He stated that the city-cleared sidewalks and trails are cleared once priority routes have been cleared curb-to-curb. The city does not clear private driveways, parking lots and sidewalks. Those surfaces are the resident's responsibility to clear within 48 hours of a snow event ending. He stated that clearing the windrow, a section to the left of the resident's driveway, can help prevent snow pile-up at the end of the driveway by allowing plow drivers the ability to deposit snow in the empty space.

Mr. Merkh stated that the overall anticipated weather this year looks to be a light year.

Councilmember Longanecker asked if the city maintains any alleys within the city. Mr. Merkh stated that the number of alleys maintained is very small, he said maybe 4, but will need to look at the code to verify. Mayor Roberts stated that he only

knows of the alleys adjacent to public property being the ones maintained by the city, which Mr. Merkh confirmed.

Mayor Roberts asked how many members or subscribers the city had on file for the NotifyJoco system. Ms. Kara Banks, Marketing and Communication Manager, stated the number was around 800 and the info to sign up is included in all new resident packets.

Business Requiring Action

18. CONSIDER FACILITY USE AND MAINTENANCE AGREEMENT WITH EDGERTON HISTORIC SOCIETY FOR EDGERTON COMMUNITY MUSEUM

Ms. Beth Linn, City Administrator, addressed the council. She stated in 2013, the Edgerton Historic Society opened the Edgerton Community Museum at 406 East Nelson, adjacent to City Hall. In December 2013, and annually since, Edgerton City Council approved a Facility Use and Maintenance Agreement with the Historic Society for the use of the museum building.

Ms. Linn stated the agreement continues the arrangement for 2021. The agreement states that the Edgerton Historic Society would agree to pay the city a monthly Usage and Maintenance Fee. She stated that in years past, City Council has agreed to set this fee at \$1.00. For 2021, City Council may determine an appropriate amount and insert it into the agreement.

Ms. Linn stated the agreement was previously reviewed and approved by the City Attorney. Additionally, the updated agreement will be provided to the Edgerton Historic Society. She stated this draft agreement is valid for one year beginning January 1, 2021 through December 31, 2021. Either party may elect not to review the agreement with two months prior notice.

Charlie Troutner, Edgerton Historic Society committee member, stated the EHS committee members have been very happy with agreement and support the city has given for projects financed at the Museum. Councilmember Smith asked who paid for the annual amount owed for rent. Mayor stated the council passes the agreement and allocates the annual amount owed by the museum, but it is typically paid for by donation.

Councilmember Longanecker motioned to approve, motion seconded by Councilmember Conus. The Facility Use and Maintenance Agreement with Edgerton Historic Society was approved, 4-0.

19. CONSIDER APPROVAL ORDINANCE NO. 2050 AUTHORIZING BOND DOCUMENTS AND THE ISSUANCE OF THE CITY'S TAXABLE INDUSTRIAL REVENUE BONDS (MY STORE III, INC PROJECT) FOR THE PURPOSE OF FINANCING A COMMERCIAL FACILITY

Mr. Scott Anderson, Bond Council, addressed the council. He stated that My Store III, Inc. is acquiring, constructing, and equipping a truck stop, truck maintenance facility, truck wash and in-store and stand-alone restaurant space, located on approximately 12 acres of land east of Homestead Lane and north of Interstate 35, in Edgerton, Kansas. He stated My Store III, Inc. requested that the City finance the project with industrial revenue bonds to enable My Store III, Inc. to obtain a sales tax project exemption certification for the project. The City adopted Resolution No. 03-26-20B on March 26, 2020 evidencing its intent to issue bonds for the project.

Mr. Anderson stated the ordinance authorizes the City to issue up to \$10,000,000.00 of industrial revenue bonds (IRBs) for the project, commonly referred to as a "buy your own bonds bond issue." He stated My Store III will be both the lessee and the owner of the bonds on the project. He stated when the bonds are issued, My Store will lease the project site to the City as is required by state law in order to issue IRBs. The City will then sublease the project back to My Store. He stated My Store will be obligated to purchase the project at the conclusion of the Bond issue in a year.

Mr. Anderson stated the bonds will be limited obligations of the City, this means that the City has to make payments on the bonds to My Store as the owner of the bonds only to the extent the City receives payments from My Store pursuant to the lease. He stated if lease payments from My Store are insufficient to cover scheduled debt service on the bonds, the City is not obligated to make up any shortfall from any other funds of the city. He stated the bonds are not a general obligation of the city and do not count against the city's debt limit.

Mr. Anderson stated this ordinance allows the City to enter into the following documents; Trust Indenture, which contains the terms governing the Bonds and contains the form of Bonds; Base Lease Agreement, whereby the City leases the project site from My Store; Lease Agreement, whereby the City will lease the project to My Store for the term of the tax abatement; and Bond Purchase Agreement, whereby My Store agrees to acquire the Bonds.

Mr. Anderson stated the project is subject to a TIF and will not receive property tax abatement. He stated the bonds are being issued solely for the purpose of allowing My Store to utilize a sales tax project exemption certificate for the project.

Councilmember Lewis motioned to approve Ordinance No. 2050; motion seconded by Councilmember Longanecker. Ordinance was approved, 4-0.

20. APPROVE RESOLUTION 11-12-20A CONSENTING TO THE ASSIGNMENT OF A BASE LEASE, LEASE AGREEMENT AND OTHER BOND DOCUMENTS IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC VI, LLC PROJECT), SERIES 2017, AND AUTHORIZING A COLLATERAL ASSIGNMENT, ESTOPPEL AND SUBORDINATION AGREEMENT

(See Item 21 Below for Details)

21. APPROVE RESOLUTION 11-12-20B CONSENTING TO THE ASSIGNMENT OF A BASE LEASE, LEASE AGREEMENT AND OTHER BOND DOCUMENTS IN CONNECTION WITH THE CITY'S INDUSTRIAL REVENUE BONDS (ELHC VIII, LLC PROJECT), SERIES 2016, AND AUTHORIZING A COLLATERAL ASSIGNMENT, ESTOPPEL AND SUBORDINATION AGREEMENT

Mr. Scott Anderson, Bond Council, addressed the council. He stated the city has issued industrial revenue bonds for the ELHC VI and VIII projects. He stated every time the city issues bonds, the ELHC entity leases the project to the City and the City then subleases the project back to the ELHC entity. This allows the City the necessary legal interest in the project which is required by Kansas statutes to issue bonds.

Mr. Anderson stated resolutions 11-12-2020A and 11-12-2020B approve the assignments of ELHC VI and ELHC VIII projects. He stated ELHC VI, LLC is assigning its interest in the property to IPVI Montrose LLC, a Delaware limited liability company and ELHC VIII, LLC is assigning its interest in the property to IPVIII 185 Street LLC, a Delaware limited liability company. He stated both assignees are joint venture entities between Northpoint Development and Ares, which is a global real estate investment fund. He stated NorthPoint will continue to manage the partnership entities.

Councilmember Longanecker motioned to approve Resolution 11-12-2020A, motion seconded by Councilmember Lewis. Resolution was approved, 4-0.

Councilmember Longanecker motioned to approve Resolution 11-12-2020B, motion seconded by Councilmember Lewis. Resolution was approved, 4-0.

22. CONSIDER A CONTRACT WITH ElevateEdgerton! FOR ECONOMIC DEVELOPMENT SERVICES FOR 2021

James Oltman, President for ElevateEdgerton!, addressed the council. He stated that EE! was formed in early 2017 as a public-private entity dedicated to driving development to Edgerton. He stated in 2020 council approved the budget allocation for 2021 as part of the annual budget process. This allocation includes \$55,000.00 membership, \$10,000.00 special grant for Residential Development Housing Fund and \$10,000 for in-kind contribution of time from the Marketing/Communication Manager.

Mr. Oltman updated council on 2020 ElevateEdgerton!:

Mr. Oltman stated that COVID-19 and precautions related to the virus have had some effect on EE! with less travel and in-person events. He stated EE! has been able to adapt as well as possible, leveraging relationships with community partners and vendors. He stated that he has not seen a drop-off in activity and project leads, and although it has been a little more challenging for site visits, he stated there is still strong interest in Logistics Park Kansas City.

Mr. Oltman stated that EE! with the help of Marketing and Communications Manager Kara Banks worked to submit an ElevateEdgerton! Magazine to the Economic Development Council for recognition in April 2020. He stated EE! was awarded the silver medal in the newsletter and magazine category, with over 5,000 members world-wide, 500 submissions to the category, from 4 countries.

Mr. Oltman stated looking forward to 2021 and the funds requested, the only thing that changes from the previous year in 2020, is the anticipated priority. EE! wants to focus time and effort in what needs to be a priority for the coming year. Workforce is moved higher on the list for businesses that might be looking to move to LPKC and Edgerton, building programs and services we have available to positively effect the community and surrounding partners. He stated My Store III, once completed will set stage for more commercial development in that corridor. He stated that EE! is continuing to maintain and update inventory of properties well positioned for residential development, meet with potential housing developers, and has already started the process to contract a housing study for the City of Edgerton. He stated it is anticipated a report will be back by the end of the year to present to council after the first of the year on the housing study. He stated that EE! will continue its efforts on adding new strategic partnerships and representing Edgerton within the region.

Councilmember Longanecker motioned to approve the 2021 contract with ElevateEdgerton!; motion seconded by Councilmember Conus. The contract was approved, 4-0.

23. CONSIDER ADOPTION OF THE 2021-2025 CIP

Ms. Karen Kindle, Finance Director, addressed the council. She stated that council reviewed projects and funding recommendations from staff at the October 8, 2020 CIP Work Session. She stated that council provided direction to add additional funding to projects as recommended by staff, in addition, council requested a few projects be added to the unfunded projects list.

Ms. Kindle provided a schedule showing the projects that have been funded by the Governing Body in the past and now includes the updated amount for the projects to which additional funding was added based on consensus of the Governing Body at the work session. She also provided a schedule showing the projects added to the unfunded projects list.

Ms. Kindle stated that adoption of the CIP will establish the funding, budget and time frame for the projects listed on the Funded Projects Schedule. She stated as projects move through the stages of the project life cycle, staff will bring contracts, funding and cost changes, timing changes, etc., to council for approval.

Councilmember Lewis motioned to approve the Adoption of 2021-2025 CIP motion seconded by Councilmember Longanecker. The CIP Adoption was approved, 4-0.

24. CONSIDER APPROVAL OF ORDINANCE NO. 2051 AMENDING CHAPTER VIII, ARTICLE 9, OF THE CITY CODE OF THE CITY OF EDGERTON, KANSAS AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

Ms. Katy Crow, Development Service Director, addressed the council. She stated with assistance of the City Attorney, staff drafted an ordinance that includes changes requested by council during a work session held on October 22, 2020. She stated a new Fee Resolution will be brought to council next month with the updated fees to include fines requested. She stated that city staff has amended the procedure for public notice posting as allowed without a change to the Municipal Code.

Councilmember Lewis motioned to approve Ordinance No. 2051, motion seconded by Councilmember Smith. The Ordinance was approved, 4-0.

25. CONSIDER APPROVAL OF ORDINANCE NO. 2052 AMENDING CHAPTER XIV, ARTICLE 2 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO INCLUDE CODE SECTION 14-207 REGARDING THE PROHIBITION OF SPILLING LOADS ON HIGHWAYS AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

Ms. Beth Linn, City Administrator, addressed the council. She stated over time the City has struggled with spilling of various types of materials on the city streets including gravel, rock, dirt, debris, etc. She stated the spilling of these various types of loads can be a significant safety concern for motorists and can cause damage to the road surface and adjacent stormwater system. She stated previously the city has been advised against considering a specific "tarp ordinance" and after further research and discussions with Sheriff's Office and City Attorney, staff is recommending to City Council a "tarp ordinance" based on an existing ordinance from the City of Olathe.

Ms. Linn stated the ordinance would require any vehicle driven or moved on any street, highway, road or alley within the City to prevent any of its load from dropping, sifting, leaking, or otherwise escaping from the vehicle. It also prevents any vehicle driven or moved in the City from dropping mud, dirt, or debris onto the roadway from the tires of the vehicle. She stated the dropping of salt/sand for snow/ice control, or water, or other substances being placed for the cleaning or maintaining of the roadway is exempt.

Ms. Linn stated the ordinance requires any person operating a vehicle on any street, highway, road, alley or parking lot in the City whose load has potential to escape the vehicle, due to the nature of the load such as dirt, gravel, sand, etc., to have a securely fastened cover to prevent the load from becoming detached or in any manner hazardous to other users of the roadway.

Ms. Linn stated the ordinance provides the Governing Body the ability to require a bond, in the amount of \$500.00, from any person, firm or corporation engaged in the act of moving dirt and other substances upon the public roadways.

Mayor Roberts asked, will this only effect corporate city boundaries, as soon as vehicle crosses city limits, it can be enforced. Master Deputy Brad Johnson, Edgerton's Community Officer, stated that yes, mayor was correct. He stated that the Sheriff's Department enforces, if there are reports, the dept would write citations accordingly.

Councilmember Longanecker asked if this ordinance would include pickups, etc., throughout city limits. Dept. Johnson stated it would include all vehicles with loads that materials are not secured properly.

Councilmember Smith asked if homeowners carrying small amounts must have a tarp to comply with the law. Lee Hendricks, City Attorney, stated that the load would have to be covered and secured, and it would be up to the officer to write citation if it does not comply with the ordinance and the prevention of leaking, spilling, moving, etc.. on the roadways.

Councilmember Conus asked how this would apply to farmers and their equipment. Mayor Roberts stated same law would apply to them and they must maintain their equipment accordingly.

Councilmember Longanecker motioned to approve Ordinance No. 2052, motion seconded by Councilmember Smith. The Ordinance was approved, 4-0.

26. CONSIDER APPROVAL OF ORDINANCE NO. 2053 AMENDING CHAPTER XIV, ARTICLE 2 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO INCLUDE CODE SECTION 14-206 REGARDING LIMITATIONS ON VEHICLE HEIGHT, WEIGHT, LENGTH AND WIDTH ON HIGHWAYS

Ms. Beth Linn, City Administrator, addressed the council. She stated in 2014, Edgerton City Council passed Ordinance No. 978, adopting by reference the Kansas Administrative Regulations referencing the Federal Motor Carrier Safety Act (FMCSA). The primary mission of FMCSA is to reduce crashes, injuries and fatalities involving large trucks and buses. She stated that adopting the Kansas Administrative Regulations, rather than the FMCSA directly, prevents Edgerton from needing to stay up to date of any changes in the federal regulations. In addition, it would keep the City in line with regulations adopted by the State of Kansas for state highway routes.

Ms. Linn stated as part of service the Edgerton community, Edgerton's Community Officer, Deputy Johnson, has completed his certification and training to perform commercial vehicle inspections for compliance with the city regulations. Ms. Linn stated in review of the City's existing regulations, Deputy Johnson identified the need for the City to adopt a local ordinance referencing Kansas law for vehicle height, weight, length and width, and in particular, the City's fine schedule for these types of violations.

Ms. Linn stated adoption of this ordinance will allow Johnson County Sheriff's Office to write Edgerton citations for these types of violations within the city limits with fines that are remitted to the City of Edgerton municipal court.

Councilmember Lewis motioned to approve Ordinance No. 2053, motion seconded by Councilmember Longanecker. The Ordinance was approved, 4-0.

27. CONSIDER BLACKDOT LEASE PURCHASE TERM SHEET ON BEHALF OF AT&T COMMUNICATIONS FOR THE WIRELESS ANTENNAS MOUNTED ON THE EDGERTON MANOR WATER TOWER LOCATED AT 408 1ST STREET, EDGERTON, KANSAS

Ms. Katy Crow, Development Service Director, addressed the council. She stated in July 2000, the City of Edgerton entered into an agreement with AT&T for the installation of cell phone antennas on the Edgerton water tower located at 408 1st.

Street. She stated the initial lease term was for one year, with automatic renewals for five additional five-year terms with all the same conditions. Should AT&T choose to not renew the lease, they must notify the City in writing of their intention not to renew the agreement at least ninety days before the expiration of the existing term. She stated August 2020, marked the beginning of the first year of the final five-year term.

Ms. Crow stated the monthly lease amount began at a rental payment of \$1,000.00 plus \$75.00 for each antenna installed. Per the agreement, the monthly amount is increased annually by 3%. She stated the number of antennas allowed to be installed was capped at 12. In May 2019, the maximum capacity was reached, today the rental amount received monthly from this agreement is \$2,878.71.

Ms. Crow stated in November 2020, the City Attorney received a Lease Purchase Term Sheet from BlackDot on behalf of AT&T. The terms of this proposal are a lump sum payment of \$415,820.37, with a lease term of 99 years. She stated the calculations for this agreement with a lump sum amount equates to \$350.02 per month. She stated the funds from the AT&T agreement are deposited into the water fund.

Councilmember Conus motioned to reject the AT&T Lease Agreement, motion seconded by Councilmember Smith. Motion to reject the Lease Agreement was passed, 4-0.

28. Report By the City Administrator

The City Administrator had no report to give at this time.

29. Report By the Mayor

Mayor Roberts stated the County Commission met to discuss COVID-19. He stated MidAmerica Regional Council gave data stating the ICU beds available in the Kansas City Region are at 15% and 20% in the Johnson county due to the increase in COVID-19 cases.

Mayor Roberts stated he would like councils input as far as procedure for future meetings. He stated that the number of positive cases is greater now than what it has been so far to date in this area. He stated his recommendation is to return to virtual meetings, at least for December and reevaluate after. He stated with CDC rules and recommendations from a risk standpoint, the city will need to return to segregated workplace and change operations to a hybrid model environment.

Councilmembers agreed to return to virtual meetings until readdressed to continue in-person. Councilmember Conus asked what the need for staff would be and how

they would continue to operate as needed. City Administrator, Beth Linn, stated with this time of year, the greatest concern for the city is the maintenance of streets with snow and ice. She stated with CARES Funding, previously authorized by Council with the anticipation of returning to virtual and hybrid work model, the City has purchased equipment needed for councilmembers to return to virtual meetings. The City has also purchased the needed supplies for staff to work remotely and the cleaning supplies needed to maintain a healthy workplace.

30. Future Meeting Reminders:

- December 8th: Planning Commission Meeting – 7:00 PM
- December 10th: City Council Meeting – 7:00 PM
- January 12th: Planning Commission Meeting – 7:00 PM
- January 14th: City Council Meeting – 7:00 PM
- January 28th: City Council Meeting – 7:00 PM

31. Adjourn

Councilmember Smith motioned to adjourn; motion seconded by Councilmember Lewis. The motion carried and the meeting adjourned at 8:35 PM, 4-0.