

City of Edgerton, Kansas
Minutes of City Council Regular Session
November 14, 2019

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on November 14, 2019. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Katee Smith	present
Jody Brown	absent

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- Planning and Zoning Coordinator Chris Clinton
- Finance Director Karen Kindle
- Development Services Director Katy Crow
- Public Works Superintendent Trey Whitaker
- Public Works Director Dan Merkh
- Animal Control and Code Enforcement Officer Charlie Lydon
- Parks and Recreation Coordinator Maddie Becker
- Marketing and Communications Manager Kara Banks

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for October 24, 2019 Regular City Council Meeting
5. Accept 207th Grade Separation Easements
6. Accept Highway 56 Trail Easements
7. Approve Final Change Order, Final Acceptance of Homestead Lane/207th Street Project and Authorize Final Payment to Miles Excavating
8. Approve 2020 Funding Recommendations for the Human Service Fund
9. Approve Animal Permit for Darius Crist at 510 W. Braun Street
10. Approve Animal Permit for Homer M & Billie K Damet at 202 W. 8th Street
11. Approve Animal Permit for Galaz Trust at 1300 W. Braun Street
12. Approve Animal Permit for Michael Mabrey at 1200 W. Braun Street
13. Approve Animal Permit for Richard Magee at 1301 W. 8th Street
14. Approve Animal Permit for Jarold D. Owens at 410 W. Braun Street
15. Approve Animal Permit for Glyn Powers at 1606 W. 8th Street
16. Approve Animal Permit for Marvin Vail at 1405 W. 8th Street

17. Approve Year-End Longevity Bonus for Employees
18. Approve Ordinance No. 2029 Providing for the Range of Salaries and Compensation of Various City Officers and Employees
19. Approve 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

Councilmember Smith motioned to approve the consent agenda, Councilmember Lewis seconded. The consent agenda was approved, 4-0.

REGULAR AGENDA

20. Public Comments.

Mr. Darius Crist, 510 West Braun Street, approached the City Council (Council) to comment on the 207th Street Grade Separation project. He stated he regretted that an agreement could not be reached during the negotiations regarding the easements requested by the City for this project. Mr. Crist would like to see this project move forward. He outlined his proposal for the easement negotiation. He explained he is willing to sign the easement requested for the road. However, he requested the sidewalk stop at the intersection and not enter his property. In the future when the sidewalk will be built to West 8th Street, he will sign the easement to allow the sidewalk to go across his yard. Mr. Crist stated the drainage easement does not require catch basin of any sort and the water can be drained to curb. For compensation, Mr. Crist stated he would want to be reimbursed for the cost of a tree that is at least 30 years old. He estimates the cost of \$3,000 for tree and \$2,000 for land. He would also like permission to install a 30-foot-wide driveway. Councilmember Longanecker inquired what the current width is at. Mr. Crist answered it is a 24-foot-wide driveway. He handed out letter outlining his starting points for further negotiations.

While Mr. Crist was addressing the Council, Councilmember Brown entered the meeting.

21. **Declaration.** There were no declarations made by the Councilmembers.

BUSINESS REQUIRING ACTION

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

Ms. Beth Linn, City Administrator, introduced this item as an Agreement similar to the other Agreements in the Consent Agenda. This particular Agreement is not in the Consent Agenda as it does have a fee associated with it. She explained the Edgerton Community Museum is located next door to City Hall at 406 West Nelson Street and is operated by the Edgerton Historical Society. There is a Monthly Usage and Maintenance Fee. In the past, Council has set the fee at \$1 for the year. The Council needs to determine an appropriate amount to be inserted into the Agreement. The Agreement has been reviewed and approved by Mr. Lee Hendricks, City Attorney. The Agreement would be valid from January 1, 2020 to December 31, 2020, if approved.

Councilmember Longanecker motioned to approve the Agreement and set the fee for \$1 for the year of 2020, Councilmember Conus seconded. The Agreement with Edgerton Historic Society was approved with a fee of \$1 for the year of 2020, 5-0.

Councilmember Brown graciously paid the fee for the Edgerton Historic Society.

23. CONSIDER AGREEMENT WITH BG CONSULTANTS FOR THE DESIGN OF HOMESTEAD LANE INTERSECTION IMPROVEMENTS

Ms. Linn reminded the Council of the August 22, 2019 approval of Tax Increment Financing (TIF) Redevelopment District generally located at the northeast and northwest corners of Interstate 35 and Homestead Lane. The district plan includes commercial retail facilities such as truck stops, truck maintenance facilities, restaurants, and hotels. The Kansas Department of Transportation (KDOT) and the City conducted a traffic study in the TIF Redevelopment District. KDOT controls access along Homestead Lane from the Interstate to 199th Street. Based on the current projections, KDOT will allow a full access intersection with dedicated turn lanes but no traffic signal at this time. Future traffic could warrant the need for a traffic signal.

Ms. Linn explained the City of Edgerton plans to design and build the full access intersection. This would provide full access from both north and southbound traffic into the parcels on either side of Homestead Lane. The Agreement with BG Consultants will provide the design and the bidding services for the intersection. The design services include a survey and the engineering design of the transportation infrastructure. The bidding services would include preparing the plans for bid, reviewing the submitted bids, and providing a recommendation for awarding the bid. The total fee for the services is \$120,000 plus reimbursable expenses.

Ms. Linn clarified the design and construction of the intersection are eligible expenses for reimbursement from the TIF Redevelopment District. City Staff will work with the City's Bond Counsel to complete the steps necessary to include this project in the TIF Project Plan. That means no general tax revenue will be used for this project. City Staff anticipates beginning the design of the project immediately and plans to release the project for bid in the first quarter of 2020, if approved.

Councilmember Lewis motioned to approve the Agreement with BG Consultants for the Design of Homestead Lane Intersection Improvements, Councilmember Brown seconded. The Agreement with BG Consultants was approved, 5-0.

24. CONSIDER A CONTRACT FOR SERVICES AND SCOPE OF WORK WITH ETC INSTITUTE FOR A CITIZEN SURVEY

Ms. Linn informed the Council in 2012, 2015, and in 2018 the Council contracted with ETC Institute (ETC) to perform a citizen survey. The results of these surveys aid the Governing Body in prioritize funding and resources during the preparation of the annual budget. The results also assist City Staff to form the Capital Improvement Plan (CIP). ETC will allow Council to benchmark and compare the results against previous surveys as well as regional

and national survey results. Ms. Linn stated the contract is for \$7,500, which is a \$150 increase from 2018.

Ms. Linn explained there are roughly 650 households in the City and ETC will guarantee at least 200 survey responses. They will also conduct benchmarking analysis of the data received from Edgerton residents to other comparable communities in their database. She said all of the marketing will be done by City Staff. ETC will allow recipients to complete the survey online and will accept only 1 response per household. Ms. Linn provided a preliminary schedule to the Council. She also provided each councilmember with a list of topics for the councilmembers to decide on to have included in the surveys. The final survey is to be set at the December Council meeting and mailed early in 2020.

Mayor Roberts told the councilmember not to worry about the wording of the question as ETC has many ways they can address the topic.

Ms. Linn requested the councilmember's notes be returned to City Staff tonight or before Thanksgiving at the latest.

Councilmember Smith requested clarification on how many surveys can be submitted. Ms. Linn replied each household that receives a survey can submit one either electronically or through the mail. Councilmember Smith asked what happens if one member of the household submits one online and another member mails the responses. Ms. Linn answered the mailed copy is the one that will be used in the data analytics. Mayor Roberts stated this is an extremely useful and important tool to use. He likes knowing what the people of Edgerton wish to see happen with the community.

Councilmember Longanecker motioned to approve the Contract for Services and Scope of Work with ETC for the 2020 Citizen Survey, councilmember Smith seconded. The Contract with ETC was approved, 5-0.

25. CONSIDER RESOLUTION NO. 11-14-19A AUTHORIZING AND PROVIDING FOR THE ACQUISITION, DESIGN, CONSTRUCTION, AND EQUIPPING OF A NEW COMMUNITY BUILDING AND RELATED IMPROVEMENTS IN THE CITY OF EDGERTON, KANSAS; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

Ms. Karen Kindle, Finance Director, informed the Council that on October 24, 2019 they approved the budget for the CIP. The budget included a project time frame and a budget for the Greenspace project. The funding source is listed as general obligation bonds. She stated the first step in being able to issue those bonds is to adopt a project resolution. The resolution authorizes the project and needs to contain the project description, total cost, and how it will be funded. City Staff is bringing this resolution forward now so that the City may be reimbursed from the bond proceeds for expenditures made before the bonds are issued. The City is allowed to issue bonds for this project under the recently passed Charter Ordinance Number 25.

Councilmember Smith motioned to approve Resolution Number 11-14-19A authorizing and providing for the acquisition, design, construction, and equipping of a new community

building and related improvements in the City of Edgerton, Kansas; and providing for the payment of the costs thereof, Councilmember Lewis seconded. Resolution Number 11-14-19A was approved, 5-0.

26. Report by the City Administrator

- **Marketing and Communications Quarterly Update**

Ms. Kara Banks, Marketing & Communications Director, provided the Council with a handout that showed the statistics for the City's social media accounts and websites. Ms. Banks informed the Council the website has seen 2,700 visitors since October 1, 2019. The page with the highest click count is the Planning Commission Agendas and Minutes then the City Council Agendas. Most of the users in the last month are from the Chicago area, with Kansas City area being a close second. Ms. Banks stated the City's Twitter page has 42 followers and the City's Facebook page has 394 likes and 407 followers. The Facebook page reaches 7,055 people. She explained this is the first quarterly update that has been done and she hopes it continues to grow. Councilmember Lewis asked if it is possible to get data on how people are directed toward the Facebook page. Ms. Banks stated it does depend on the event and on how many people share or comment on it. The more a post is shared, liked, or commented on, then more people will see it. She stated the more engagement the better as that is what Facebook uses to promote posts.

- **Snow Season Kick-Off**

Mr. Dan Merkh, Public Works Director, spoke before the Council. He explained he and Mr. Trey Whitaker, Public Works Superintendent, use a subscription-based weather forecasting system to monitor conditions and use that in part to determine how to treat the streets and prepare for the storm. He said they have a 5-man crew with 2 open positions who treat and plow. Councilmember Smith inquired if the openings are seasonal positions. Mr. Merkh replied they are full time positions.

Mr. Merkh explained all the equipment used during a snow storm. He said the trucks and All-Terrain Vehicle (ATV) is geared to work in Logistics Park Kansas City (LPKC) but can be utilized anywhere in town. The main use for the ATV is to clear parking lots. Mr. Merkh said the trucks will rotate between LPKC and residential areas. Public Works will be obtaining new equipment to assist in the removal of snow. Currently the City has 2 salt spreaders with a hopper and 1 tailgate spreader and 6 plows. The ATV can be equipped with a small spreader as well.

When preparing for a storm, Mr. Merkh and Mr. Whitaker rely on "Weather or Not" that will give specific down to the minute predictions. Mr. Merkh informed the Council there are also pavement temperature sensors throughout the county that are utilized by City Staff. Public Works crews will drive around town to inspect the roads' temperatures and check for icing as well. Mr. Merkh said it depending on how the storm moves directs how the City will respond.

Mr. Merkh explained a snow event is when 2 inches of measurable snow has fallen. Mr. Merkh will notify the City Clerk and send a NotifyJoCo and have it posted to the City's social media pages. Mr. Charlie Lydon, Animal Control and Codes Enforcement Officer, will then go through the City and notify property owners to relocate their vehicles off the streets so plowing can safely take place. He stated a snow event will not be declared from 9 PM to 7 AM for the safety of Mr. Lydon, who has to go door to door at times, and in courtesy of residents. Mayor Roberts stated prewarning residents is good if it is at all possible. Mr. Merkh agreed and said yard signs were placed on City property last year to prewarn of a possible snow event. He stated vehicles must be moved within 2 hours of a two-inch snowfall and a snow event being declared. City Staff will be meeting with Johnson County Sheriff to come to a mutual understand of how towing vehicles will take place if vehicle towing is necessary.

Mr. Merkh explained the City will use an enhanced salt and brine for pretreatment. The salt is designed not to bounce off the roadway and lower the freezing point of the pavement. He stated City Staff is going to do some testing of a brine to see if it works for the City. It is extremely cost effective to pretreat and prevent the bond of ice to the pavement from forming. He did say when the temperature drops to 15 degrees below, the effectiveness of salt and brine drops as well.

Mr. Merkh detailed the plowing priorities of roadways. He showed a map to the Council that showed the streets color coded to their priority. All of the streets in LPKC and main thoroughfares in the City are the highest priority. The medium and low priority streets are the dead end residential and cul-de-sac residential streets. The crews will focus on high priority streets before moving onto medium and low priority streets. He stated if there is a good amount of snow, then 1 lane is plowed to allow for emergency access. Once that is clear on all streets, then crews will work on making two lanes clear. Lastly, after the snow has stopped and there are no other priorities, then curb to curb snow plowing will take place. The crews like to start at curb to curb clearing if possible. Mr. Merkh said once the roads are clear and can be safely traveled, then City owned properties such as sidewalks in front of City buildings and parking lots will be cleared. Councilmember Longanecker asked why Sunflower Road north of 56 Highway is being plowed. Mr. Merkh answered there is a power transfer station for Evergy that their crews need access to.

Mr. Merkh said sidewalks must be cleared within 48 hours once the snow has stopped falling and the City does not clear private drives or sidewalks. He clarified that accessibility ramps will be cleared by the City so nobody will have to walk into the street. Mayor Roberts said people may sign up in City Hall to volunteer to help clear sidewalks for those who are unable to clear them. He agreed that weather events are not just snow storms and each storm is different and must be treated differently. Councilmember Conus asked once the snow event has been declared what is the goal to clear a 3-inch snowfall. Mr. Merkh replied once the snow has completed, Public Works wants to be done within a day or day and a half. That means all intersections are cleared and curb to curb plowing has taken place and sidewalks in front of the City buildings are clear. Ms. Linn stated compounding storms make it a lot worse and harder to achieve that goal. Mayor Roberts applauded the crews and stated Edgerton seems to be ahead of

neighboring cities when it comes to clearing the streets. Mr. Merkh stated the ratio of man hours to lane miles is the same for Edgerton as it is for the larger, near-by cities.

- **Field Rental Walk-Off**

Ms. Maddie Becker, Parks and Recreation Coordinator, and Mr. Whitaker came before the Council to provide a rental season and maintenance recap for the baseball fields in Martin Creek Park. Mr. Whitaker stated in 2018 the fields went under reconstruction. The City spent \$21,000 to get the fields playable and maintainable. There is annual maintenance that is done on the fields to make sure they do not deteriorate during the offseason.

Ms. Becker said Field 1 is closest to Sunflower Road and is a reservation-only field that stays locked when not in use. A coach submits a deposit, \$50, for the key and gets the deposit back upon returning the key. If the team needs the lights on, they have to pay \$20 per hour of usage. Field 2 is a first come, first serve field. There is no fee to use this field.

Ms. Becker stated for the 2020 season, the key and light usage fee would stay the same for Field 1. She is recommending a field rental charge of \$5 per hour if the team is comprised of 60% Edgerton residents/children or \$10 per hour for non-Edgerton residents/children. Ms. Becker also recommended dividing the field season into a Spring and Fall season with reservation times decreasing slightly from 2 hours to one and a half hours.

She explained there will be a reservation process for all teams to follow. The Spring season will be from March 1 to June 30 and the reservation requests will be submitted by email starting the first business day of January. Each team will select 3 times for practices with Edgerton teams getting preference. Teams would be notified of their times on the first business day in February. The Fall season would be from July 1 to October 31. Reservation requests will start on the first business day in May and notifications will be sent the first business day of June.

Councilmember Conus inquired as to why an hourly fee will be charged. Ms. Becker replied it is to cover the costs associated with the amount of work to maintain the field and the popularity of the Field does create some maintenance needs. Councilmember Lewis asked if the rental fee would be for both fields or only Field 1. Ms. Becker answered it is just for Field 1. Councilmember Conus requested clarification as to why the fee needs to be charged. Ms. Linn answered it is common practice in other cities to charge for the use of their fields and the fees would help recapture some of the initial \$21,000 spent to get the fields playable. Mayor Roberts pointed out the fee is also to keep up with the costs of seeding and other weekly maintenance the field requires.

Councilmember Lewis disagrees with the fee as the fields are there for the children, no matter who plays or where they live. He said there should not be any additional costs as it is already expensive for the children to play and there are many players outside of Edgerton who want to play. Mayor Roberts asked if any games are scheduled to be played or are the reservations for practice times. He stated he does not personally use

the fields and stated if there are other teams in other cities, then those cities should be providing fields for their teams. Councilmember Lewis said he understands why we would charge a fee to nonresidential teams, but teams located in Edgerton should not have a fee. He believes the residential requirement is extremely difficult to meet as there is not enough interest to have that many kids from Edgerton on a single team.

Mayor Roberts raised the question of prepping the fields for tournament play versus having only practice fields. Ms. Linn replied City Staff can start making strides toward that goal, but she is unsure what the next steps would be to host a tournament. Councilmember Lewis recommended City Staff ask the organizers of the tournaments to see what the requirements are for the tournaments as they are always looking for fields to play on. Ms. Linn stated City Staff can research what is needed to make the fields tournament ready. Mayor Roberts warned hosting tournaments would lower the availability of the fields for practice times.

Councilmembers Conus and Lewis requested the cost to maintain the fields during the season as that could determine if there should be a charge or not. They would like to see preliminary information to make a decision before fields are opened and reservation deadlines arrive.

Councilmember Conus asked if the fields are the same size. Mr. Whitaker replied they are but Field 1 is in better shape overall as there were drainage issues on Field 2. He stated City Staff has been working on the drainage issues and it should have been resolved. Mr. Whitaker said once both fields are on the same standard then the updates can be done. Councilmember Lewis inquired as to what those updates are. Mr. Whitaker replied there is crab grass that needs to be removed so a higher quality of grass can be planted. The better grass would require less maintenance.

- **Greenspace Project**

Ms. Linn provided an update to the Greenspace Project. She stated public involvement opportunities were held where residents could say what they would like to see in the new Community building. Requests for Qualifications for the design and building to be sent soon. The results from the public involvement will be used with the bids to see what can be built with the available budget. Council agreed this should take place. Mayor Roberts said the building can be added to in the future as this is designed to be a gathering area with a little more room for activities.

- **Frontier Days 2020**

Ms. Linn handed out a Staff Memo regarding Frontier Days 2020. She explained the City has been a long-time sponsor for Frontier Days. The President of Edgerton Frontier Days Association (the Association) asked how the event could operate if the City would oversee it. The City and Frontier Days Association committee met and discussed this option. In the end, the Association voted to keep the event as is. Ms. Linn stated the City will continue to sponsor the event and the City will provide support for the event. She comprised a list of types of support the City would provide. She explained the list is consistent with the types of support other community groups would have offered to

them to run an event of similar size and use of City owned buildings. She said the City would promote the event through the website and social media, as well as print up to 1,500 flyers to be inserted into utility bills and pay for an ad in the newspaper and on the newspaper website. The City would prepare the City Council agenda items for parking, road closure, and other measures. Ms. Linn stated the memo has a list that highlights other duties City Staff would do for the event. Councilmember Longanecker inquired if it was the same support as last year. Ms. Linn replied it is less support as the scope of work done by City Staff has increased. Mayor Roberts acknowledged City Staff did put in many hours of hard work for the Frontier Days event last year. He said the list provided is what every organization holding an event of that size could expect in terms of support by the City. Councilmember Lewis asked as to why the Frontier Days Association approached the City. Mayor Roberts replied it is brought up every few years. Councilmember Lewis inquired why doesn't the City operate the event. Mayor Roberts answered the Association would have to allow the City to do so and the event is supposed to be volunteer ran. He said the City has not had the proper resources to run the event in the past, but perhaps has the staff now. He recommended to leave the Association in charge for now and the City could do an event in another time of year. Councilmember Lewis stated he would like to see the City operate Frontier Days. Councilmember Conus commented the City is pulling back its support of the event. Mayor Roberts clarified the support is down from last year, but the City will still sponsor the event and the memo states in what capacity the City will sponsor the event in. He said more volunteers will be needed to run the event. Council agreed that the letter should be sent to the Association.

27. Report by the Mayor

Mayor Roberts requested the councilmembers save January 11, 2020 from 9 AM to 1 PM for Governing Body Training. He informed the Council that some work sessions will follow.

28. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVLEDGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR THE PURPOSE OF CONTRACT NEGOTIATIONS

Councilmember Smith motioned to recess into executive session pursuant to K.S.A. 75-4319 (b)(2) for the purpose of discussing contract negotiations to include City Attorney, Public Works Director and City Administrator for one hour. Seconded by Councilmember Lewis. Motion was approved, 5-0.

The session recessed at 8:40 pm. The meeting reconvened at 9:40 pm.

Councilmember Smith motioned to return to open session, seconded by Councilmember Lewis. Motion was approved, 5-0.

Councilmember Smith motioned to recess into executive session pursuant to K.S.A. 75-4319 (b)(2) for the purpose of discussing contract negotiations to include City Attorney, Public Works Director and City Administrator for 30 minutes. The motion was seconded by Councilmember Lewis. Motion was approved, 5-0.

The session recessed at 9:40 pm. The meeting reconvened at 10:10 pm.

Councilmember Lewis motioned to return to open session, seconded by Councilmember Brown. Motion was approved, 5-0.

Councilmember Longanecker motioned to accept and approve the Amended and Restated Development Agreement with My Store III, Inc. (On the Go Travel Plaza) pending final approval of the City Attorney. Seconded by Councilmember Lewis. The Amended and Restated Development Agreement was approved, 5-0.

29. Future Meeting Reminders:

- November 28th: City Council – CANCELED
- December 10th: Planning Commission – 7PM
- December 12th: City Council Meeting – 7PM
- December 26th: City Council Meeting – CANCELED

30. Adjourn

Councilmember Smith motioned to adjourn the meeting, seconded by Councilmember Brown. The motion was approved, 5-0. The meeting adjourned at 10:16 PM.

EVENTS

November 20th: Youth Cooking Class – Breakfast Foods

November 28th: Thanksgiving – City Offices Closed

November 29th: City Offices Closed

December 2nd: Youth Art Class – Gift Making

December 6th: Mayor’s Christmas Tree Lighting Ceremony

December 9th: Youth Cooking Class – Holiday Baking

December 11th: Holiday Home Decorating Contest – Registration Due

December 24th: Christmas Eve – City Offices Closed

December 25th: Christmas – City Offices Closed