

City of Edgerton, Kansas
Minutes of City Council Regular Session
November 9th, 2017

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on November 9th, 2017. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

Darius Crist	present
Jody Brown	present
Ron Conus	present
Clay Longanecker	present
Cindy Crooks	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- Assistant City Administrator Scott Peterson
- City Attorney Lee Hendricks
- Public Works Superintendent Trey Whitaker
- Finance Director Karen Kindle
- Parks Bob McVey

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Agenda Approval was considered.
5. Minutes from October 26, 2017 City Council Meeting were considered.
6. Acceptance of Easements from Larry and Donna Pearce for Dollar General was considered.
7. Approval of Year-End Longevity Bonus for Employees was considered.
8. Approval of Funding Recommendations for 2018 Human Service Fund was considered.

Motion by Crooks, seconded by Crist, to approve the consent agenda.

Motion was approved 5-0.

9. PUBLIC COMMENTS

Jason Allen, 306 E. 2nd St. Edgerton was present to discuss a water meter that was installed into an old meter pit on his property. He stated that there is no service to his house from this meter. Mr Allen stated that he was told that 1) Leave the meter as is and pay \$25.00 per month or 2) it can be totally removed. Mr. Allen chose number two, to have the meter totally removed. He was told

that if the meter was removed and he decided later that he wanted that meter there would be a charge. There was discussion about the inactive and terminated meters.

Cliff Cole, 19911 Peppertree Lane, was present to discuss the runoff water that crosses his property. Mr. Cole stated the flood plain runs through his property and in August he was flooded with approximately eight feet of water. Mr. Cole stated that he has talked with David Hamby, City Engineer, about a water detention pond. Mr. Cole also stated that three of his neighbors were affected by the flood waters.

10. DECLARATION

None

BUSINESS REQUIRING ACTION

LITTLE JOE'S ASPHALT FINAL PAYMENT

11. FINAL ACCEPTANCE OF THE 2017 STREET PROGRAM (OVERLAY) AUTHORIZE FINAL PAYMENT TO LITTLE JOE'S ASPHALT WAS CONSIDERED.

The 2017 Annual Street Maintenance Program was developed to provide City Council flexibility in awarding the project based on the bids received. On May 25th, 2017, Council granted to bid the 2017 Street Maintenance Program (Overlay). The public bid opening for the 2017 street program was held on Monday July 17, 2017 and six bids were received. On July 27th, City Council approved the overlay program including bid alternate #1 with Little Joe's Asphalt, Inc.

Motion by Longanecker, seconded by Crooks, to approve the final payment to Little Joe's Asphalt for the 2017 street program (overlay).

Motion was approved, 5-0.

CARS PROJECT-FINAL PAYMENT TO MILES EXCAVATING

12. FINAL ACCEPTANCE OF EAST NELSON STREET QUIET ZONE (CARS) PROJECT AND AUTHORIZE FINAL PAYMENT TO MILES EXCAVATING INC.

Public Works Superintendent Trey Whitaker was present to discuss the final payment to Miles Excavating Incorporated. On May 11th, 2016, City Council approved Resolution No. 05-12-16C supporting the East Nelson Street Quiet Zone Project as part of the County Assistance Road System (CARS) program for 2017-2021 for construction in 2017. On August 17, 2017 the City of Edgerton held a public bid opening. A total of five bids were received, opened and read aloud to the public. Miles Excavation, Incorporated of Basehor, Kansas submitted the low bid and based upon review of the bids and prior experience with Miles, staff recommendation was Miles Excavation, Inc. Notice to proceed was issued on September 21st, 2017 with substantial completion on October 13th, 2017 and final completion of the work was October 27th, 2017.

Motion by Brown, seconded by Longanecker, to authorize final payment to Miles Excavation Inc.

Motion was approved, 5-0.

8TH STREET SIDEWALK FINAL PAYMENT TO PHILLIPS CONSTRUCTION**13. FINAL ACCEPTANCE OF THE WEST 8TH STREET SIDEWALK IMPROVEMENTS AND AUTHORIZE FINAL PAYMENT TO PHILLIPS CONSTRUCTION KS, LLC WAS CONSIDERED.**

Public Works Superintendent Trey Whitaker presented information on the final acceptance of the West 8th Street Sidewalk Improvements. In January, 2016, staff issued a Request for Qualifications (RFQ) from design engineers to design new sidewalk improvements on West 8th Street, from Heather Knoll Drive to Nelson Street. The design contract was awarded to Larkin Lamp Rynearson. On April 20, 2017, the public bid opening was held with nine bids. The City Council awarded the project to Phillips construction KC, LLC on April 27, 2017. The final completion of the work was October 20th, 2017. Mayor Roberts stated that toward the end of the project there was a lot of citizen input.

Motion by Crooks, seconded by Crist, to accept and authorize the final payment to Phillips construction.

Motion was approved, 5-0.

SOLID WASTE COLLECTION –GARDNER DISPOSAL**14. RENEWAL OF RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL SERVICES FOR ONE CALENDAR YEAR TO GARDNER DISPOSAL AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT WAS CONSIDERED.**

On January 1, 2015, the City of Edgerton contracted with Gardner Disposal to provide residential solid waste collection and disposal services. The contract ends on December 31, 2017. Inconsideration of the renewal of this contract there are no proposed changes to the renewal agreement from the current contract. If City Council chooses to approve the renewal agreement, services would continue uninterrupted for businesses and residents as it has with the current agreement. The proposed renewal would be in effect for one calendar year ending December 31, 2018.

Motion by Brown, seconded by Longanecker, to approve the contract with Gardner Disposal.

Motion was approved, 5-0.

ORDINANCE NO. 1067**15. ORDINANCE NO. 1067 AMENDING CHAPTER III, ARTICLES 2,3,4, AND 7 OF THE EDGERTON MUNICIPAL CODE TO CORRECTLY REFLECT THE STATE REQUIREMENT OF A BIENNIAL OCCUPATIONAL TAX FOR THE SALE OF LIQUOR BY RETAIL ESTABLISHMENTS, DRINKING ESTABLISHMENTS, AND PRIVATE CLUBS WAS CONSIDERED.**

In an effort to match the State of Kansas requirements for liquor licensing, Staff is proposing an amendment to Chapter III of the City of Edgerton Code. The amendment would require a Biennial Occupational Tax of \$500.00 on any person holding a license issued by the state director of alcoholic beverage for any retail establishments, drinking establishments and private clubs. If the Biennial Occupational Tax of \$500.00 on any person holding a license issued by the state director of

alcoholic beverage for any retail sale, on-premise consumption, or other sale of liquor or alcoholic beverages in the City of Edgerton will be added to the Annual Fee Resolution anticipated to be considered at the December 14, 2017 City Council meeting.

Motion by Crooks, seconded by Crist, to approve Ordinance No. 1067 with the changes by the City Attorney.

Motion was approved, 5-0.

CHARTER ORDINANCE NO. 24

16. CHARTER ORDINANCE NO. 24 AMENDING SECTION 3 OF CHARTER ORDINANCE NO. 23 OF THE CITY OF EDGERTON, KANSAS TO ACCURATELY REFLECT THE EXPIRATION OF CITY COUNCILMEMBER TERMS WAS CONSIDERED.

Charter Ordinance 24, amends section three of Charter Ordinance No. 23, of the City of Edgerton, Kansas, to accurately reflect the expiration of City Councilmember terms.

Motion by Crooks, seconded by Longanecker, to approve Charter Ordinance 24 to provide end dates for City Council members.

Motion was approved, 6-0, including the Mayor.

AGREEMENT WITH JO.CO. WATER DISTRICT #7

17. DATA SHARING AGREEMENT WITH JOHNSON COUNTY WATER DISTRICT #7 FOR THE PURPOSES OF GATHERING WATER USAGE OF WATER DISTRICT CUSTOMERS IN EDGERTON TO CALCULATE SEWER FEES WAS CONSIDERED.

Scott Peterson, Assistant City Administrator, was present to explain a Data Sharing Agreement with Johnson County Water District #7 for the purposes of gathering water usage of water district customers in Edgerton to calculate sewer fees. This proposed Data Sharing Agreement will allow city staff to obtain the water usage of those customers in real time by monitoring the water meters directly. The purpose of obtaining this water usage is to calculate sewer fees.

Motion by Longanecker, seconded by Crooks, to approve the Data Sharing Agreement with Johnson County Water District #7.

Motion was approved, 5-0.

18. REPORT BY THE CITY ADMINISTRATOR

1) Notice of the Cancellation of the November 23rd City Council meeting.

Motion by Crooks, seconded by Crist, to cancel the November 23rd City Council Meeting.

Motion was approved, 5-0

2) There are only four items out of the forty items that were damaged in the flood left to be paid. Thanks to Kevin O'Brien the insurance broker for the City of Edgerton for being very helpful.

Motion by Conus, seconded by Longanecker, to ratify the flood purchases since the last meeting. There were thirteen items to ratify at this time.

Motion was approved, 5-0.

3) Quarterly report for 3rd quarter that ended the last day of September was presented. The general fund, water fund, and sewer fund were discussed in detail.

Also discussed was the Belt Press at the Edgerton Wastewater Sewer Treatment Plant that was not covered by insurance from the recent flood. Three options were offered for the disposal of the belt press: Scrap it, Check if the manufacturer will take it back, explore the option to auction or sealed bids. After some discussion the city council chose option three, to explore the auction or sealed bid.

A handout from the final Downtown Edgerton Public Open House was distributed.

19. REPORT BY THE MAYOR

Thank you to all that voted!

All Council members have received an invitation to the Council of Mayors Christmas Party, please RSVP to Beth Linn, City Administrator.

20. FUTURE MEETING/ EVENT REMINDERS:

- November 13th 8:00 am UPS ribbon cutting, tours
- November 14th 7:00 pm Planning Commission
- November 15th Noon – Senior Lunch
- November 23rd and 24th City Offices Closed for Thanksgiving
- November 24th City Council Meeting Canceled

EXECUTIVE SESSION

21. RECESS INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319 (b) (6) FOR PRELIMINARY DISCUSSION RELATED TO ACQUISITION OF REAL PROPERTY TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR WAS CONSIDERED.

Motion by Crooks, seconded by Longanecker, to recess into executive session for ten minutes.

Motion was approved, 5-0.

Meeting recessed at 8:17 pm.

Motion by Crooks, seconded by Longanecker, to reconvene into regular meeting with no action taken.

Motion was approved, 5-0.

Meeting reconvened at 8:27 pm.

22. ADJOURN MOTION: 1st Crooks 2nd Conus Vote 5-0

The meeting adjourned at 8:28 pm.

Janeice L. Rawles
City Clerk

Approved by the Governing Body on
