

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
JUNE 11, 2026
7:00 P.M.**

Call to Order

1. Roll Call

_____ Roberts _____ Longanecker _____ Lewis _____ Conus _____ Lebakken _____ Malloy

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 May 28, 2026, Regular City Council Meeting

Motion: _____ Second: _____ Vote: _____

Regular Agenda

5. Declaration. At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.

6. Public Comments. Members of the public are welcome to present their items of concern to the City Council. The Council will not discuss or debate these items, nor will the Council make decisions on items presented during this time. Speakers should address their comments to City Council only not members of the audience or staff.

Persons wishing to address the City Council must sign up before the meeting begins. Speakers must provide their name and address for the record and are limited to three (3) minutes. The maximum time limit for all speakers will be a total of thirty (30) minutes.

Written comments must be submitted by close of business on the day prior to the meeting at CityClerk@edgertonks.org. Written comments shall include name and address for the record.

7. Public Officials Liability Training

8. Presentation. 2026 ETC Citizen Survey Results

Business Requiring Action

9. CONSIDER THE 2025 AUDIT OF FINANCIAL STATEMENTS AS PRESENTED BY VARNEY & ASSOCIATES

Motion: _____ Second: _____ Vote: _____

10. CONSIDER RESOLUTION NO. 06-11-26A OF THE CITY OF EDGERTON, KANSAS, IMPOSING A MORATORIUM ON THE SUBMISSION OF REZONING APPLICATIONS, VARIANCES, PLATS, SITE PLANS, AND OTHER SUBMISSIONS UNDER THE EDGERTON UNIFIED DEVELOPMENT CODE FOR DATA CENTERS

Motion: _____ Second: _____ Vote: _____

11. Report by the City Administrator

12. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO THE ATTORNEY/CLIENT EXCPTION TO INCLUDE CITY ATTORNEY AND ACTING CITY ADMINISTRATOR FOR THE PURPOSES OF CONSULTATION WITH AN ATTORNEY WHICH WOULD BE DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP (K.S.A. 75- 4319(B)(2))

Motion: _____ Second: _____ Vote: _____

13. Report by the Mayor

- Consider Kansas Open Records Act (KORA) Request

14. Future Meeting Reminders:

June 11: City Council Meeting
June 25: City Council Meeting
July 9: City Council Meeting
July 14: Planning Commission Meeting
July 23: City Council Meeting

15. Adjourn

EVENTS

June 12: Blood Drive
June 14: Red, White, & Blue Family Bingo
June 15: Culinary Kids – Donuts & Bacon
June 18: Hoops and Deputies
June 22: Culinary Kids – Burgers & French
June 24: Diecast Racing

City of Edgerton, Kansas
Minutes of City Council Regular Session
May 28, 2026

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on May 28, 2026. The meeting convened at 7:00 PM with Mayor Roberts presiding.

1. ROLL CALL

Donald Roberts	Present
Clay Longanecker	Present
Josh Lewis	Present
Deb Lebakken	Present
Bill Malloy	Present
Ron Conus	Present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Todd Luckman
- Assistant to the City Administrator, Trey Whitaker
- Assistant to the City Administrator, Kara Banks
- City Clerk, Dusti Callahan
- Public Works Director, Dan Merkh
- Development Services Director, Zach Moore
- Parks and Recreation Director, Levi Meyer
- Finance Director, Karen Kindle
- Senior Accountant, Justin Vermillion
- Public Works Foreman, Chase Forester
- Construction Project Manager, Todd Veeman

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 April 23, 2026, Regular City Council Meeting
5. Approve Resolution No. 05-28-2026A Approving the Mayoral Appointment for Certain Public Officials for the City of Edgerton, Kansas

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6. Approve Addendum No. 2 to the Post-Issuance Tax Compliance Services Proposal from Gilmore & Bell for the Series 2019A Home Rule Revenue Bonds
7. Approve Final Acceptance Of The Construction Of Sanitary Sewer Main Improvements At On The Go Travel Center, Located At 32511 W. 200th Street.
8. Approve Resolution No. 05-28-26B Authorizing the Closure of A Public Street During Edgerton's Summer Kickoff Block Party

Councilmember Lewis motioned to approve, seconded by Councilmember Longanecker, items four through eight on the Consent Agenda. The motion carried 5-0 by the following vote:

Yes: Lebakken, Longanecker, Lewis, Conus, Malloy

No:

Regular Agenda

9. **Declaration.** Council members had nothing to declare.

10. Public Comments.

William La Falce – 516 W 4th St, Edgerton, KS, addressed the Council regarding the proposed data center project. Mr. La Falce stated his opposition to the project and expressed his view that elected officials should represent the interests and values of residents. He encouraged the Council to consider the long-term legacy of its decisions and advocated for preserving green space and community character.

Mr. La Falce suggested alternative economic development opportunities, including industries related to sustainable agriculture, green building materials, environmental restoration, aquaponics, and renewable energy solutions. He stated that he believes these types of projects would provide greater benefits to the community than the proposed data center and urged the Council to carefully consider future development decisions.

Mary Rogers – 605 W Morgan St, Edgerton, KS, addressed the Council regarding the proposed data center project. Ms. Rogers stated her opposition to the project and expressed concerns regarding water usage, potential impacts on water quality, and the availability of emergency services resources. She also questioned the operational safety and oversight of the proposed facility and requested information regarding regulatory compliance and accountability.

Ms. Rogers further expressed concerns regarding the project's development history, long-term viability, and the practices of entities associated with the project. She urged the Council to carefully consider the potential impacts of the proposed development on the community and its resources.

Kailey Dressler – 217 W Colleen Dr, Gardner, KS, addressed the Council regarding the proposed data center project. Ms. Dressler referenced previous correspondence submitted to

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the City Council and Planning Commission concerning zoning matters and applicable legal precedents.

Ms. Dressler expressed concerns regarding the project's compliance with provisions of the City's municipal code related to stormwater pollution prevention and industrial waste. She discussed potential risks associated with cooling system leaks, wastewater disposal, and the handling of treated water and other cooling fluids. Ms. Dressler also questioned whether certain state and federal environmental permits and approvals had been obtained and raised concerns regarding compliance with applicable environmental regulations.

Ms. Dressler urged the Council to consider these issues and their potential implications for the proposed development.

Alina Dressler – 217 W Colleen Dr, Gardner, KS, addressed the Council regarding the proposed data center project. Miss Dressler expressed opposition to the project and shared concerns about potential impacts on health, water and air quality, and quality of life. She also expressed concerns regarding lighting and noise associated with the facility and stated that she was concerned about the effect the project could have on families, friendships, and the community.

Dr. Kimberly Twente – 705 W Meriwood Ln, Edgerton, KS, addressed the Council regarding the proposed data center project and stated her opposition to the development. Dr. Twente stated she was speaking from the perspective of a neurology provider, expressing concerns regarding potential public health impacts associated with air, noise, and light pollution and their effects on residents' physical and mental well-being.

Dr. Twente also expressed concerns regarding environmental justice and stated that she believes such developments disproportionately affect smaller and less affluent communities. She questioned the timing and transparency of the project's consideration by the City and referenced previous City Council discussions regarding the proposal. In addition, Dr. Twente expressed concerns about potential impacts on local wildlife and ecosystems and urged the Council to consider these issues in evaluating the proposed development.

Michael Clutts - 18512 W 194th St, Spring Hill, KS, addressed the Council regarding the proposed data center project. He expressed appreciation for the Council's consideration of a data center moratorium and stated an interest in the future of the community and the county.

Mr. Clutts raised concerns regarding the classification of the proposed data center under the City's zoning regulations and discussed a pending Kansas Open Records Act request related to documents associated with the project. He stated that a dispute regarding the requested records remained unresolved and indicated that he would pursue options with the Kansas Attorney General. Mr. Clutts also expressed concerns regarding potential procedural implications for future actions related to the project and thanked the Mayor and Council for their service.

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Carrie Schmidt – 30125 w 187th St, Gardner, KS, addressed the Council regarding the proposed data center project. Ms. Schmidt stated that, although she is not an Edgerton resident, she resides within approximately one mile of the proposed site and believes she will be directly affected by decisions regarding the project.

Ms. Schmidt expressed support for a data center moratorium and encouraged the Council to consider a minimum 18-month moratorium to allow time for review and updates to the City's zoning regulations. She stated that current ordinances do not specifically address data centers and expressed concerns regarding the interpretation of existing zoning classifications, project operations, and potential impacts on local resources.

Ms. Schmidt requested that the City consider amending its zoning code to establish a formal definition for data centers and to specify that data centers are neither permitted uses nor special uses in any zoning district until the Code is amended. She urged the Council to include these considerations during its discussion of a proposed moratorium and emphasized the importance of protecting community resources and future development.

Robyn Harris – 34117 w 263rd St, Paola, KS, addressed the Council regarding the proposed data center project. Ms. Harris expressed appreciation for the service of elected and appointed officials and discussed her interest in preserving the rural character and environmental quality of the area surrounding Hillsdale Lake.

Ms. Harris expressed opposition to the proposed data center and encouraged the Council to consider information and experiences shared by residents in other communities where similar facilities have been developed. She emphasized the importance of protecting the environment and future generations. She also stated her support for a moratorium to allow additional time for study and consideration of the issue. Ms. Harris also discussed her view that local communities have been left to address matters related to data center development and thanked the Council for its time and service.

Zoey Dressler – 217 W Colleen Dr, Gardner, KS, addressed the Council regarding the proposed data center project. Miss Dressler expressed opposition to the project and shared concerns regarding potential air, light, and noise pollution and their effects on residents and wildlife. She also expressed concerns about quality of life and the possibility that families and friendships could be affected by development near their home.

11. Outside Agency Budget Request.

- Johnson County Aging Human Services – Utility Assistance Program
 - Collin Jones presented to the council. Mr. Jones gave an overview of the Utility Assistance and Emergency Assistance Program for low-income residents. The program offers financial help to qualifying households for past due utility bills through a partnership with cities, utility companies, faith-based organizations and

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family support services. Municipalities fund their work and for shared commitment public service, critical safety net for life crisis and provide help to those on a fixed income and help with utility connections. They reviewed the qualifications for residents to apply and requested \$2,500. They requested \$4,000 last year but there is a credit from the unused funds.

This fund helped serve 14 households in Edgerton in total \$5,908.33.

Mayor requested a consensus from council so that number could be included in the draft budget. Council agreed to include \$2,500 for the Utility Assistance Program.

- United Community Services – Human Service Fund
 - Erika Garcia Reyes presented to the Council. United Community Services is requesting \$5,000. In existence since 1990, this fund is made up of general tax dollars awarded to non-profits on an annual basis. Edgerton has contributed since 2012. This fund helps provide aid to those that are at or near the 200% poverty line. This accounts for about 10% of the county's population, or 1 in 10 residents. This fund is a pool of general tax dollars from 14 jurisdictions and Johnson County Government including Edgerton. In 2026, the City contributed \$5,000 and USC again asked for \$5,000 in FY 2027. Council gave consensus for \$5,000.
- GEHS Project Grad
 - Jennie Adrian presented the Project Grad request to Council. She explained the program offers a safe, fun, and substance-free celebration for seniors on graduation night. Ms. Adrian is happy to serve the GEHS project grad committee again.

Project Grad is community driven and funding is not provided through the district. In 2027, the graduating class is estimated at about 434 students. Twenty-seven are Edgerton students, which is about 6% and is similar to last year. She thanked the Council for the contribution last year and said that they could not have done 2026 grad without Edgerton's help. The City contributed 8% to the total amount raised. Ms. Adrian stated 266 students chose to come to Project Grad, which is the largest in years. Seniors wrote thank you's to the donors, some of which were read out loud to Council. Council gave consensus for \$5,000.
- Edgerton Frontier Days – no members present. Ms. Linn stated they were invited but there was no response.
- ElevateEdgerton!
 - James Oltman, President of ElevateEdgerton!, presented to the Council. He reviewed some of the major highlights from the past year, including the construction and sale of more new homes in Dwyer Farms with more planned. He

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highlighted the businesses in Edgerton that have opened recently, including Maverik at Edgerton Crossing and IHOP.

For 2026, Mr. Oltman requested the same amount as 2025, which is \$67,500 cash contribution and \$10,000 in-kind for assistance with marketing and communications. He highlighted the Board of Directors and the new chair coming in for 2026. He stated when companies see successful businesses in the community, they are more likely to be interested in coming.

Council gave consensus for \$67,500.

- Edgerton Community Food Pantry
 - Tina Mathos presents to council for the Edgerton Community Food Pantry. Ms. Mathos was pleased to announce that the pantry has become its own entity outside of the church and has become a 501C3 non-profit organization. They will be able to apply for more grants and get more opportunities for donations by making this change. The pantry serves the whole of the USD 231 school district and regularly provides help to about 50 to 55 families per month. They are anticipating an increase to 65-70 families per month. The Edgerton Community Food Pantry conducted their first fundraiser in November of last year. She added that the City has a new fall festival and they would like to do a 5K or fun run as another fundraising activity. As a first request as a new entity, the Pantry is asking for \$7800.

Councilmember Longnecker asked about numbers for operation on a monthly basis. Ms. Mathos answered operations are about \$2000 per month. Mayor stated that the food pantry started here in town about 25 years. This program continues to grow and unfortunately, the need continues to grow.

Mayor requested consensus for \$7,800 from Council. Councilmember Longanecker suggested \$10,000. Councilmember Lewis stated it would get them off on the right foot. Councilmember Conus told Ms. Mathos thank you for what you do. Council gave consensus for \$10,000.

- Indigo Thrift Foundation
 - Holly Deaton-Hayes, owner of the Village Shop in downtown, stated she has created a thrift store in the back part of her shop. Ms. Deaton-Hayes stated that she has provided service for 3 families by refurbishing their closets and kitchens.

She stated Indigo Thrift is a mission-driven non-profit thrift store dedicated to empowering survivors of domestic violence as they rebuild their lives with dignity.

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Grant funds will be used to support the ongoing operations and growth of Indigo Thrift Foundation, specifically with staffing volunteers and more organizational items to make it feel like a real store and not a hodge podge of shelving.

Councilmember Lebakken reminded Ms. Deaton-Hayes about the toys she donated to her shop at Christmas. Councilmember Lebakken stated that she does Christmas shopping throughout the year for the blue toy donation bins but there were none last year around the area, so she reached out to Holly instead and was able to have those gifts available to people in need within the community.

Mayor Roberts asked about the money and the anticipated need. Ms. Deaton-Hayes stated the needs of the foundation will be more volunteers and donations. She also stated that the Folk Market that she started on Fridays are starting to receive regular donations as well. She is still working out the numbers and still does not know all of what is needed. Councilmember Lewis suggested doing some organizational work and tracking of items to make it easier to put numbers to it and be able to bring numbers to next years request.

Council gave consensus to include \$5,000 for Indigo Thrift Foundation in the draft budget.

Business Requiring Action

12. CONSIDER THE 2025 AUDIT OF FINANCIAL STATEMENTS AS PRESENTED BY VARNEY & ASSOCIATES

Mayor stated the presenters were not available for this council date and requested the item be tabled until the next regular meeting on June 11th, 2026. Councilmember Lewis motioned to table the item, seconded by Councilmember Conus. The motioned carried 5-0 by the following vote:

Yes: Lewis, Conus, Lebakken, Malloy, Longanecker
No:

13. CONSIDER AWARD OF CONSTRUCTION TO NEWCO CONCRETE LLC FOR THE 2026 STREET PRESERVATION PROGRAM - CONCRETE PROJECT.

Todd Veeman, Construction Inspector, presented to City Council.

Mr. Veeman stated the 2026 Street Preservation Program will include three categories of work: this Pavement Marking Project, a Concrete Project and a Chip Seal Project. City Council will consider contracts for the Pavement Marking Project and Concrete Project today, while the Chip Seal Project will be brought to City Council at a later date.

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On May 4, 2026, the City of Edgerton held a public bid opening. A total of nine (9) bids were received, opened and read aloud to the public. This project consisted of a base bid and alternate bid. The Base bid is focused on curb & gutter replacement in Bridgewater Estates Subdivision, which is south of Nelson Street between West 5th Street and West 7th Street. This will replace 1350 linear feet of curb and gutter. The Alternate Bid #1 is at Manor Park located at 1st Street and Martin Street. This will be replacing part of the pad under the shelter and sidewalk.

The base bids ranged from a low of \$54,600.00 to a high of \$133,000.00. The alternate bid ranged from a low of \$2,870.00 to a high of \$12,300.00.

The base bid will be funded from the 2026 Street Preservation Program. Bid Alternate #1 will be funded from General Fund – Parks Maintenance.

He stated staff reviewed all bids and recommends awarding the base bid (\$54,600) and alternate bid (\$5,535), totaling \$60,135.00 to NewCo Concrete LLC. All bid tabulation information has been included in the packet. The project manual has previously been approved by City Attorney.

Councilmember Longanecker asked if the numbers included everything like chip and seal. Mr. Veeman stated the numbers do not include the chip and seal, as this project is one of three.

Councilmember Conus moved to approve, seconded by Councilmember Longanecker to approve Item 13. The motion carried 5-0 by the following vote:

Yes: Lebakken, Longanecker, Lewis, Conus, Malloy

No:

14. CONSIDER AWARD FOR CONSTRUCTION TO TRAFFIC MANAGEMENT, LLC FOR THE 2026 STREET PRESERVATION PROGRAM – PAVEMENT MARKING PROJECT.

Mr. Veeman remained at the podium. He stated on May 4, 2026, the City of Edgerton held a public bid opening. A total of two (2) bids were received, opened and read aloud to the public. This project is primarily focused on pavement marking in the Downtown area of Edgerton, and as well as along the roadway from Nelson/5th Street to the entrance to Martin Creek Park.

The total bids ranged from a low of \$18,363.00 to a high of \$30,000.00.

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Staff reviewed all bids and recommend awarding the contract for the base bid (\$18,363.00) to Traffic Management, LLC. All bid tabulation information has been included in the enclosed documents. The project manual has previously been approved by City Attorney.

Councilmember Malloy moved to approve, seconded by Councilmember Lebakken to approve Item 14. The motion carried 5-0 by the following vote:

Yes: Lebakken, Longanecker, Lewis, Conus, Malloy
No:

15. CONSIDER AN AGREEMENT WITH BG CONSULTANTS, INC. FOR DESIGN CRITERIA AND ACCESS MANAGEMENT PLAN

Dan Merkh, Director of Public Works, presented to City Council.

This project will prepare Design Criteria as well as an Access Management Plan. As development continues, having set standards will aid the City and the development community to know clearly the expectations for City-owned infrastructure.

Mr. Merkh stated the City has its own wastewater and water technical specifications and quotes outside sources, such as APWA, for other standards. The rest of the technical specifications will be brought before City Council later. This project would create Edgerton-specific design standards that incorporate lessons learned from past development, as well as provide a more accessible set of information to developers. Design Criteria provide a clear path to how improvements are designed. They also stipulate the contents of a typical set of improvement plans. The technical specifications typically answer "what" is installed while Design Criteria typically answers the "how".

Mr. Merkh explained that an Access Management Plan is a collection of information that lines out access from developments that happen on public roadways. They will provide the basis to know adjacency of entrances, intersections, and how that changes with different types of roadways. As with Technical Specifications and Design Criteria, these resources will aid in standardization of development and clearly line out expectations to the developers.

Funding for the project is from the General Fund as identified in the approved CIP from Council dated October 23, 2025.

City Staff recommends utilizing our on-call agreement with BG Consultants for Design Criteria and Access Management Plan, as we did for Technical Specifications and Standard Details Update. Selection of BG Consultants will expedite the start date for the project. In addition, as the City Engineer, BG Consultants, Inc. has been involved in many other aspects of the design and development of projects within Edgerton and are familiar with our existing standards and specifications.

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City Staff and BG Consultants will utilize the same agreement for services as previously agreed upon for other City projects as the City Engineer. The Agreement Work Order will be billed based on actual hours worked on the projects and not exceed \$30,000. The technical specifications to be included in this scope of work are in the attached Work Order.

The Agreement is the City's standard agreement approved by City Attorney. Councilmember Longanecker moved to approve, seconded by Councilmember Lewis to approve Item 15. The motion carried 5-0 by the following vote:

Yes: Lebakken, Longanecker, Lewis, Conus, Malloy
No:

16. CONSIDER CHANGE ORDER #5 TO KANSAS HEAVY CONSTRUCTION, LLC FOR THE EAST 2ND STREET/EDGEWOOD AND EAST 3RD STREET RECONSTRUCTION PROJECT IN THE AMOUNT \$38,500

Mr. Merkh remained at the podium to present this item.

During construction of this project, staff & project engineer identified the need to install fencing around the box culvert located on 2nd Street. The fencing was not included in the original construction plans; however, after field review, it was determined that fencing is necessary to provide a safer condition around the culvert and limit public access to the area. Whenever there is a drop off greater than 30" a handrail or fence is required, depending on conditions. The storm culvert has between 8' and 9' of drop off. This is especially relevant due to the proximity of pedestrian amenities with sidewalk running transverse to the culvert. The proposed change order adds the labor, materials, and installation necessary to construct fencing around the box culvert. This work is required to address the conditions identified in the field and ensure the completed project provides an appropriate level of safety and protection. Change Order #5, including details by line, and the list of change orders was included in the packet

The total for Change Order #5 (\$38,500) will be funded from the project contingency and is therefore within the project budget.

City staff recommends approval of Change Order #5 to Kansas Heavy Construction, LLC for the East 2nd Street/Edgewood and East 3rd Street Reconstruction Project.

Councilmember Longanecker moved to approve, seconded by Councilmember Lebakken to approve Item 15. The motion carried 5-0 by the following vote:

Yes: Lebakken, Longanecker, Lewis, Conus, Malloy
No:

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17. Report by the City Administrator

- Q1 2026 Financials Report
Karen Kindle, Finance Director, summarized the financial report for the first quarter and stated that the City was on track for the fiscal year and within budget authority.
- Ms. Linn stated that they are excited to roll out the celebration for American 250 July 3rd festival. Ms. Linn stated there were some festive lights installed downtown for some patriotic flare. The City will have a pancake breakfast with details on the City website. She added that coming soon will be a fun way to celebrate the veterans in the community and in your family.

18. Report by the Mayor

- City Council discussion of Request for Moratorium on Future Applications for Data Center Development on June 11, 2026
Mayor stated Councilwoman Deb Lebakken requested a moratorium be added to the agenda. All Council members agreed to place the item on the next meeting's agenda.

Mayor then reminded the Council of the future meetings.

- June 9: Planning Commission Meeting
- June 11: City Council Meeting
- June 25: City Council Meeting
- July 9: City Council Meeting
- July 14: Planning Commission Meeting

19. Adjourn

Councilmember Lewis moved to approve, seconded by Councilmember Lebakken to adjourn. The motion carried 5-0 by the following vote:

Yes: Lebakken, Longanecker, Lewis, Conus, Malloy

No:

The meeting was adjourned at 9:17 pm.

Submitted by Alex Firth, Assistant City Clerk.

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City Council Action Item

Council Meeting Date: June 11, 2026

Department: Administration

Agenda Item: Consider the 2025 Audit of Financial Statements as Presented by Varney & Associates

Background/Description of Item:

On October 24, 2024, staff recommended, and Council approved, a contract with Varney & Associates, CPAs, LLC, for the audit of the 2024, 2025 and 2026 financial statements. The 2025 Audit of Financial Statements is now complete. A single audit was not required for 2025, since the City did not receive federal funds in excess of the single audit threshold.

The objective of the audit is the expression of an opinion as to whether the City's financial statements are fairly presented, in all material respects, in conformity with the Kansas prescribed basis of accounting. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. The auditors perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws and governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity.

The audit procedures include tests of documentary evidence supporting the transactions recorded in the accounts and may include direct confirmation of certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. The audit also includes obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures.

A representative from Varney & Associates will present their findings to the City Council on June 11, 2026. The Audited Financial Statements will be presented to City Council that evening.

Related Ordinance(s) or Statue(s): K.S.A. 44-1030

Funding Source: N/A



Budget Allocated: N/A

x Karen E. Kindle

Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Accept the 2025 Audited Financial Statements as presented by Varney & Associates, CPAs, LLC.

Enclosed: Copies of the Audit Report will be available the evening of the meeting.

Prepared by: Justin Vermillion, Sr. Accountant

City Council Action Item

Council Meeting Date: June 11, 2026

Department: Administration

Agenda Item: Consider Resolution No. 06-11-26A Of The City Of Edgerton, Kansas, Imposing A Moratorium On The Submission Of Rezoning Applications, Variances, Plats, Site Plans, And Other Submissions Under The Edgerton Unified Development Code For Data Centers

Background/Description of Item:

At May 28, 2026, Edgerton City Council provided consensus to bring forward a Resolution for City Council to consider a moratorium on the submission of rezoning applications, variances, plats, site plans and other submissions under the Edgerton Unified Development Code for data centers.

The enclosed resolution as prepared by City Attorney would approve a six-month moratorium.

If approved, City staff will use the time to study the issue and make recommendations to the Planning Commission and City Council regarding revisions to the Unified Development Code (UDC) and other standards related to data centers, and ensure consistency and fairness by preventing nonconforming uses that could undermine a comprehensive zoning plan. Any recommended changes to the UDC would follow the Zoning Amendment Procedures outlined in the UDC that includes public hearing at Planning Commission with final consideration by City Council.

This Resolution will not halt or restrict any filed applications submitted prior to this Resolution for Data Center uses within the B-P and L-P districts, with only administrative approvals pending or needed for plats or site plans and which otherwise comply with the UDC restrictions for such districts, after approval by the appropriate authority within the City. In particular, the City has an active application previously filed by DAMAC Digital for the property located at 31800 West 196th Street for use as a data center. Otherwise, if approved, this Resolution is to take effect immediately upon its passage.

Related Ordinance(s) or Statue(s):

Funding Source: N/A

Budget Allocated: N/A

x Karen E. Kindle

Finance Director Approval: Karen Kindle, Finance Director

Recommendation:

Enclosed: Draft Resolution No. 06-11-26A

Prepared by: Beth Linn, City Administrator

RESOLUTION NO 06-11-26A

A RESOLUTION OF THE CITY OF EDGERTON, KANSAS, IMPOSING A MORATORIUM ON THE SUBMISSION OF REZONING APPLICATIONS, VARIANCES, PLATS, SITE PLANS, AND OTHER SUBMISSIONS UNDER THE EDGERTON UNIFIED DEVELOPMENT CODE FOR DATA CENTERS

WHEREAS, the City of Edgerton is vested with the power of home rule under Article 12 Section 5 of the Kansas Constitution, maintains police powers within its limits and otherwise has authority over zoning and land use controls under state law which allow it to control the use of property within the City; and

WHEREAS, on or about April 3, 2025, the City determined that Data Centers were an allowed use in certain zones of the City, in B-P (Business Park) and L-P (Logistics Park) districts, which would allow Data Center usage without a change in zoning or issuance of a conditional use permit, each of which would allow formal review of the use; and

WHEREAS, current zoning and development standards may not adequately address the unique characteristics, demands, and potential effects of data centers, which are a rapidly growing and evolving land use across the United States; and

BE IT RESOLVED BY THE CITY COUNCIL, CITY OF EDGERTON, JOHNSON COUNTY, KANSAS:

The City Council, after due consideration of the facts presented by City officers, being informed of matters of public importance regarding the unique issues related to Data Center uses hereby imposes a Six (6) month moratorium on all applications, requests, amendments, variances or other actions under the Unified Development Code wherein a landowner may request the use of property for a Data Center where the same has been determined to be within a proper district under the UDC. Data Center uses remain prohibited in districts outside of L-P and B-P zones, and no applications for any change in zoning shall be accepted for these uses during the time this moratorium is in effect.

Further, the City Council finds that the contemplated use of property for Data Centers can be defined such that this moratorium would not limit other beneficial property uses. Data Centers are buildings or facilities whose primary use is data processing or data storage. Data Centers are generally large-scale developments of more than Ten acres in size wherein the property could use substantial electrical and water utilities to power and cool banks of computer processors for various computing uses through the internet or for businesses directly. Data Centers can also require installation of independent generation that is regulated by other laws.

Further, that the time limit of Six (6) months would allow City staff the necessary time to study the issue and make recommendations to the Planning Commission and City Council regarding revisions to the Unified Development Code and other standards related to data centers, and ensure consistency and fairness by preventing nonconforming uses that could undermine a comprehensive zoning plan.

And Further, that it is the intent of this Resolution that it should not halt or restrict any filed applications submitted prior to this Resolution for Data Center uses within the B-P and L-P districts, with only administrative approvals pending or needed for plats or site plans and which otherwise comply with the UDC restrictions for such districts, after approval by the appropriate authority within the City. Otherwise, this Resolution is to take effect immediately upon its passage.

PASSED By the City Council on this 11th day of June, 2026.

APPROVED BY the Mayor on this 11th day of June, 2026.

Donald Roberts, Mayor

ATTEST:

Dusti Callahan, City Clerk

APPROVED AS TO FORM:

Todd Luckman, City Attorney