

**EDGERTON CITY COUNCIL
MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
JANUARY 8, 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 December 11, 2025, 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.

Business Requiring Action

7. CONSIDER ORDINANCE NO. 2188 CREATING A COMMON CONSUMPTION AREA FOR SPECIAL EVENTS IN DOWNTOWN EDGERTON.

Motion: _____ Second: _____ Vote: _____

8. CONSIDER ORDINANCE NO. 2189 AMENDING CHAPTER III OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON.

Motion: _____ Second: _____ Vote: _____

9. CONSIDER ORDINANCE NO. 2190 AMENDING THE CITY OF EDGERTON MUNICIPAL CODE, CHAPTER 12, ARTICLE 3.

Motion: _____ Second: _____ Vote: _____

10. Report by the City Administrator

11. Report by the Mayor

12. Future Meeting Reminders:

- January 13: Planning Commission Meeting
- January 22: City Council Meeting
- February 10: Planning Commission Meeting
- February 12: City Council Meeting
- February 26: City Council Meeting
- March 10: Planning Commission Meeting
- March 12: City Council Meeting
- March 26: City Council Meeting

13. Adjourn

EVENTS

- January 6: Culinary Kids – Mac & Cheese
- January 9: Mocktail Class
- January 24: Cultural Passport
- January 27: Toddler Gym Jam
- February 24: Toddler Gym Jam
- March 24: Toddler Gym Jam

City of Edgerton, Kansas
Minutes of City Council Regular Session
December 11, 2025

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas December 11, 2025. The meeting convened at 7:02 PM with City Council 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
Assistant to the City Administrator, Kara Banks
City Attorney, Todd Luckman
City Clerk, Dusti Callahan
Public Works Director, Dan Merkh
Finance Director, Karen Kindle
Development Services Director, Zach Moore
Public Works Foreman, Chase Forrester
Parks and Recreation Director, Levi Meyer

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 November 13, 2025, Regular City Council Meeting
5. Approve Application Consider Application FP2025-0001, Final Plat for Replat of Lot 26A and Tract E of Dwyer Farms Phase 1, Located At 20889 Starside Street.
6. Approve Appointment of Adam Draskovich to the City of Edgerton Planning Commission for a term ending in September 2028
7. Approve Resolution No. 12-11-25A Declaring the Boundaries of the City of Edgerton, Johnson County, Kansas
8. Approve Resolution No. 12-11-25B Consenting To The Execution Of Certain Documents Relating to The City's Industrial Revenue Bonds (ELHC VI, LLC Project), Series 2017, And Industrial Bonds ELHC VIII, LLC Project), Series 2016

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9. Approve A Grant Agreement Between the Treasurer of The State Of Kansas and The City of Edgerton to Accept Funding Through the Build Kansas Matching Grant Of \$45,000 For the Edgerton Safety Action Plan.
10. Approve Renewal of a Cereal Malt Beverage License for Jay Kay Inc., DBA D's Mini Mart for 2026.
11. Approve Renewal of a Cereal Malt Beverage License for LVPKS LLC, DBA TA Express Edgerton for 2026.
12. Approve Cooperative Contract with Weather or Not®, Inc. to provide Weather Forecasting Services for 2026.
13. Approve Large Animal Permit for Michael Mabrey at 1200 West Braun Street
14. Approve Large Animal Permit for Glyn Powers at 1606 West 8th Street
15. Approve Termination and Release of Permanent Drainage Easement At 31800 W. 196th Street, Edgerton, Kansas.

Councilmember Longanecker moved to approve, seconded by Councilmember Lebakken to approve Items 4 - 15. The motion carried 5-0 by the following vote:

Yes: Longanecker, Lewis, Conus, Lebakken, Malloy

Regular Agenda

16. **Declaration.** Council members had nothing to declare.
17. **Public Comments.** There were no public comments made.
18. **Official Results of 2025 General Election**

City Clerk Dusti Callahan read the election results aloud as follows.

- Edgerton Mayor:
Donald Roberts 139 Total Votes
Write-In 20 Total Votes
- Edgerton Council At-Large:
Joshua Lewis 131 Total Votes
Bill Malloy 116 Total Votes
Write-In 13 Total Votes

19. Installation of Councilmembers.

City Clerk, Dusti Callahan, administered the Oath of Office to the newly elected Governing Body of Donald Roberts, Mayor; Joshua Lewis, Councilmember; and Bill Malloy, Councilmember.

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20. Election of President of City Council.

Mayor Roberts stated he did not know how many years Councilmember Clay Longanecker has been President of City Council, but he has done a great job and recommends he remains as so.

Councilmember Conus moved to approve Clay Longanecker as President of City Council, seconded by Councilmember Lebakken. The motion carried 5-0 by the following vote:

Yes: Longanecker, Lewis, Conus, Lebakken, Malloy

Mayor would like to take a moment to say thank you and enjoy some goodies. He suggested taking a 10-minute recess to congratulate our Governing Body and enjoy refreshments. Afterwards, we will jump back into item 21.

21. Presentation.

Presentation by Johnson County regarding Johnson County Consolidated Fire District No. 1 (JCCFD1) Advisory Board.

Mayor brought the meeting back to order at 7:25

Peg Trent, Chief Counsel for Johnson County. She appreciates being able to come to give an overview. She apologizes for not making it sooner than now. She has provided an FAQ to give an overview. This is a big change to consolidate two fire districts together. She stated the County believes the BOCC (Board of County Commissioners) is the governing body for the newly consolidated fire district and retains ultimate management, control, and decision-making authority. The Advisory Board serves as a conduit for stakeholder input and expertise. It is a seven-member advisory body created by the BOCC to provide guidance and recommendations on JCCFD1's budget, resource allocation of fire protection services, operations and management, and review of operating policies. The four BOCC-appointed members serve three-year terms. City appointees serve as long as their position within the city/employment. All county appointed members must be residents of JCCFD1. She acknowledged that Edgerton has voiced concerns about how resident voices are being heard.

Mayor Roberts stated the concern is that the members that actually control the fire district are not part of the taxing jurisdiction. Not one BOCC member, who are the ones who can remove members at will, lives within the taxing jurisdiction.

Ms. Trent states she is not familiar with the residence of the commissioners, but she understands the Mayor's concern that none of the commissions live within the consolidated fire district boundaries. What you are telling me is that not a single commissioner lives in the

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Mayor stated that while he believes the commissioners care and do a good job, this is not about particular people. A different commissioner in the future may not care.

Ms. Trent says the consolidated district will follow the bylaws. Come January 1, the Advisory Board will meet to set meeting schedules and time location. Minimum requirement is quarterly meetings. She stated she has been doing work to reorganize the boards. What we recommend is that The Advisory Board has authority for approval. The BOCC has standard policies, personnel policies. All standards of operational policies go to the Advisory Board for approval before the BOCC. BOCC is a huge operation. They do a lot of oversight with a lot of delegations. MOU's (Memorandum of Understanding) are needed for legal services. Johnson County Counsel Office pays for outsourcing conflict.

Mayor asked if there is a Public Works MOU for the county. The Sheriff's Office is controlled by the BOCC, so why need an MOU?

Ms. Trent responded the reason for the MOU is because this is a separate taxing entity.

Councilmember Lebakken stated the BOCC has more representatives than we do. They have 4 and the cities have 3.

Ms. Trent states she views this as a partnership and collaboration. She added being at the table is important to partner for safety and this consolidation is not about controlling and power.

Councilmember Lebakken hopes everyone agrees with her.

Ms. Trent says that is where we have trust, and trust is earned and built.

JCFD #1 Fire Chief Trig Morley came to the podium to speak. Fire District 1 today is the fire service provider for City of Edgerton. He stated the fire district needs to change. There has been a lot of change since Fire District 1 was created 50 years ago. With all of the growth and development, the new consolidated district will improve service and keep up with the pace of development. He stated we are no longer a small rural department. We are breaking records every year due to the contribution of developments coming in. You deserve professional oversight and services. This is an opportunity for all communities to try it through county resources. There is no harm or risk to Edgerton just to try this. You get the same men, women, and service. By cleaning up government structure, processes will make us stronger, as shown with multiple consolidations.

She stated the BOCC appointed members to the consolidate board, but they were still waiting for the nominees from the City of Gardner, Spring Hill, and Edgerton. Those will then be referred over to the BOCC for approval. The consolidated fire district advisory board will proceed regardless, so it is important to get those referrals to the County.

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Commissioner Shirley Allenbrand from the BOCC requested to speak. She offered to submit a nominee's name for someone that the Council wants to include on the board. She volunteered Chief Morely to give the City a mill reduction report. She also commended Mark Budolski, who served on the fire board for the last 35 years.

Mayor Roberts thanks Commissioner Allenbrand. He also praised Mark Burdolski. Mark was given a round of applause.

He stated we asked Ms. Trent to come and speak. The Council will be getting a finalized fire report. We could try for a year and not like it and change. The county would help if we wanted to de-annex from the Fire District. He confirmed with Ms. Trent that the County would allow the City to de-annex. She agreed.

He recommended the City appoint a member for the consolidated board tonight during the Mayor's report. He stated that the City needs to be part of this from the beginning. He added if the City later decides not to be a part of it, we can change things at a future date.

Business Requiring Action

22. CONSIDER CHANGE ORDER #3 TO KANSAS HEAVY CONSTRUCTION, LLC FOR THE EAST 2ND STREET/EDGEWOOD AND EAST 3RD STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$47,191.36.

Public Works Director, Dan Merkh, stated that during construction, staff found that some of the pipe sizes and locations were different from those in plans, resulting in a price increase to purchase materials such as 12" pipe vs the bid item of the 8" pipe. Also, there was a relocation of the water main at 820 East 2nd Street and had to be rerouted due to storm drainage and concrete conflicts. This change order includes the work needed to convert to the new pipe size and to improve the waterline system. The total for Change Order #3 is \$47,191.36. This will be funded from the project contingency and therefore is within the project budget.

Councilmember Lebakken asked why the pipes connect between Edgewood and Meriwood.

Mr. Merkh said there was an existing service line going towards the Co-Op. The design was different from what was surveyed and in a different location. They had to reroute to connect the Co-Op to water system.

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

Yes: Longanecker, Lewis, Conus, Lebakken, Malloy

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23. CONSIDER CHANGE ORDER #1 TO SUNFLOWER PAVING, INC. FOR THE 2025 STREET PRESERVATION PROGRAM CURB WORK IN THE AMOUNT \$10,554.24.

Public Works Director, Dan Merkh, stated that due to the bid pricing being lower than expected and available budget, additional curb work was completed during construction on West 7th Street and West 5th Street, resulting in curb construction increase from 1180 LF to 1438 LF. The original contract was for \$87,440.03. The price for this change order is \$10,554.24. With the new change order, the new contract will be \$97,994.26. The increase is within project budget.

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

Yes: Longanecker, Lewis, Conus, Lebakken, Malloy

24. CONSIDER AGREEMENT FOR MANHOLE INSPECTIONS WITH TREKK DESIGN GROUP LLC.

Public Works Director, Dan Merkh, stated in November, City staff requested a proposal for inspections of existing sanitary sewer manholes from TREKK Design Group LLC. TREKK has significant existing knowledge of our system and have developed a proprietary camera for manhole inspections called the TREKK360. This tool allows for safer inspections, and time savings from having to rely on man-entry to the structures. The agreement is a lump sum cost of \$5,000.00 covered by operating budget from Utility Department.

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

Yes: Longanecker, Lewis, Conus, Lebakken, Malloy

25. CONSIDER AN AGREEMENT WITH THE JOHNSON COUNTY SHERIFF'S OFFICE FOR THE PROVISION OF LAW ENFORCEMENT SERVICES FOR FISCAL YEAR 2026

City Administrator, Beth Linn, addressed the annual contract with Johnson County Sheriff's Office for 2025 Law Enforcement services. This agreement is the same as services provided in 2025, providing law enforcement duties customarily rendered by the Sheriff under the statutes of this State and the ordinances of the City. The Cost for the Total Agreement was provided by the Sheriff's Office during the preparation of the 2026 Annual Budget. There is sufficient funding available, the total agreement cost of \$623,747 including budgeted overtime of \$5,000 makes up the total of \$628,747.

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

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Yes: Longanecker, Lewis, Conus, Lebakken, Malloy

26. CONSIDER AGREEMENT WITH JOHNSON COUNTY SHERIFF'S OFFICE FOR LAW ENFORCEMENT SERVICES AT THE GREENSPACE IN EDGERTON, KANSAS

Parks & Recreation Director, Levi Meyer, stated the renewal for 2026 is the same as the previously agreed upon contract for The Greenspace in 2025. The funding source will be from The Greenspace Facility Rental Fees.

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

Yes: Longanecker, Lewis, Conus, Lebakken, Malloy

27. CONSIDER ADOPTION OF THE WATER AND SEWER TECHNICAL SPECIFICATIONS AND STANDARD DETAIL

Public Works Director, Dan Merkh, stated last meeting Council was provided with the specifications. He invites David Hamby, City Engineer with BG Consultants to the podium. He stated these plans are approved by KDHE. They are ready to recommend adoption from council.

City Engineer David Hamby stated the first part of the technical specifications are for water and sewer. This is sanitary sewer pipes, manholes, and trenching and backfill. The second part of that is water lines, water service lines, and how to test those. This covers baseline for what a contractor needs to install. It makes it simpler for the City to know what is expected and the contractor, and engineer to know what to do.

Councilmember Longanecker, asks if these specifications are similar to Olathe's.

Mr. Hamby says it is similar, but material changes and tweaks. Every year or 2 we will review that to tweak as changes come along.

Councilmember Lewis stated we should have a standard like other municipalities.

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

Yes: Longanecker, Lewis, Conus, Lebakken, Malloy

28. Report by the City Administrator

- HOME Grants 2025 Year-End Report

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Assistant to the City Administrator, Kara Banks, stated the total allocation of \$25,000 was made available for the Helping Owners Make Exterior (H.O.M.E) Improvements Grant for 2025. Not all of the budget was allocated in 2025. The average grant awarded was \$1,696. Applications for 2026 will open to the public on January 1. Residents must submit a completed application before work begins to be awarded funding. The application consists of a full bid or quote for work to be done and/or a detailed cost breakdown of the project, "before" photos and a W-9. She showed pictures of some of the completed projects to Council.

City Administrator, Beth Linn, reminded everyone that the remaining funds can roll over to future years.

- Senior Property Tax Rebate 2025 Year-End Report

Ms. Banks stated the total allocated funds were \$65,000. A total of \$50,394.81 was refunded to residents aged 65+ during the 2025 application period. 75 homeowners applied for the rebate. In 2026, there is \$65,000 allocated. Applications for the 2026 Senior Property Tax Rebate will be available starting January 19, 2026. Owner-occupants aged 65+ will qualify for up to \$792.11 in 2026. Property taxes will need to be paid in full before any rebates are issued.

Ms. Banks reminded everyone of the Holiday Home Contest. Voting is now available on the City website. There are six submissions. The top three will win a gift card and a yard sign that highlights their holiday spirit. Please go online and vote!

- WALK ON ITEM: Resolution 12-11-25C

Ms. Banks brought Resolution 12-11-25C for approval. This resolution assigns the contract with Gardner Disposal Services, Inc. to Eco Waste Solutions, Inc. Gardner Disposal is being sold. Councilmember Conus asked if there would be price increases with this change.

Tim Henry, owner of Gardner Disposal Services, stated he can't speak for another company, but the City's current contract expires December 31, 2027. His position is the only one going away.

Mayor Roberts has spoken to the new owner. The owner wants the employees to stay and maintain their reputable service. They want to push into the Kansas City market.

Councilmember Conus wanted to say great job on all overturned cans in the wind this week. Mr. Henry stated it was a challenge.

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

Yes: Longanecker, Lewis, Conus, Lebakken, Malloy

Ms. Linn gave her thanks to Tim and his staff. They have done a fantastic job.

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29. Report by the Mayor

Mayor stated the ribbon cutting is set for tomorrow at 10am for Maverik. He has been in once since the soft opening. It is a nice, clean store. He has already heard reviews on burritos and pizza. Councilmember Lebakken agreed, saying the pizza is good. She added remember to support local business.

Mayor brought up the holiday schedule. This year Christmas is on a Thursday, so he recommended giving staff the 24th and 26th off.

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

Yes: Longanecker, Lewis, Conus, Lebakken, Malloy

Mayor Roberts then returned to the Consolidated Fire District Advisory Board. He requested that he become the City's delegate.

City Attorney Luckman interjected saying that he is concerned about the idea of "trying out" the consolidated fire district. He stated that everything promised here may or may not be covered by state statute. He made a recommendation for some language to include with the motion that states the City does not agree with the consolidation.

Councilmember Lebakken asked about a specific timeline for the nominee. Mr. Luckman stated we can change out our nominee at will.

Council member Longanecker read the motion to appoint Mayor Donald Roberts for the Advisory Board for Consolidated Fire District No. 1, including the following language: This appointment is made with the understanding, and in reliance upon that the County will allow the City to detach from the Consolidated District and create it's own Fire Department free of Fire District taxation, and further, that the City, by this appointment, does not waive any dispute it has over the legality or propriety of the creation or continued governance of the Consolidated District by the County. Councilmember Lewis seconded the motion.

The motion carried 5-0 by the following vote:

Yes: Longanecker, Lewis, Conus, Lebakken, Malloy

Mayor reminded the Council of the future meetings for the Council and Planning Commission, as well as the events scheduled at The Greenspace.

- December 12: Kids Night Out
- December 23: Toddler Gym Jam

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- December 25: City Council Meeting - CANCELLED
- January 6: Culinary Kids – Mac & Cheese
- January 8: City Council Meeting
- January 9: Mocktail Class
- January 13: Planning Commission Meeting
- January 22: City Council Meeting
- January 24: Cultural Passport
- January 27: Toddler Gym Jam
- February 10: Planning Commission Meeting
- February 12: City Council Meeting
- February 26: City Council Meeting

30. Adjourn

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

Yes: Longanecker, Lewis, Conus, Lebakken, Malloy

The meeting was adjourned at 8:56 pm.
Submitted by Dusti Callahan, City Clerk.

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City Council Action Item

Council Meeting Date: January 8, 2026

Department: Administration

Agenda Item: Consider Ordinance No. 2188 Creating a Common Consumption Area for Special Events in Downtown Edgerton

Background/Description of Item:

In 2017, the State of Kansas approved Sub. For HB 2277, which allows a city or county to establish one or more common consumption areas by ordinance or resolution. These common consumption areas allow for the possession and consumption of alcoholic liquor in an outdoor space that is clearly marked with either a physical barrier or another apparent line of demarcation.

To apply for a common consumption area permit, the city must pass an ordinance or resolution "creating" the common consumption area and designating its boundaries. The map included with the draft ordinance shows the area that would be included in the City of Edgerton's Common Consumption Area (CCA). The map covers the area that is normally used for larger city events, including Frontier Days and Meat Inferno.

Once the CCA is approved by the Governing Body, the City would apply to the State's Alcohol and Beverage Control division for the permit. The permit is \$100 and is valid for one year. It can be renewed annually.

The Kansas statute requires the licensee that has received permission to participate in a common consumption area to prominently display a copy of its liquor license and written approval of the CCA permit holder, and to serve any alcoholic liquor or CMB in a container that displays the licensee's trade name or logo.

Related Ordinance(s) or Statue(s): K.S.A. 41-2659, Subsection (b) K.S.A. 41-719

Funding Source: General Fund – Economic Development Department

Budget Allocated: \$100



x Karin E. Kindle

Finance Director Approval: Karen Kindle, Finance Director

Recommendation: Approve Ordinance No. 2188 Creating a Common Consumption Area for Special Events in Downtown Edgerton

Enclosed: Draft Ordinance No. 2188

Prepared by: Kara Banks, Assistant to the City Administrator

ORDINANCE NO. 2188

AN ORDINANCE ESTABLISHING A DOWNTOWN COMMON CONSUMPTION AREA WITH THE CORPORATE LIMITS OF THE CITY OF EDGERTON, KANSAS, AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE WITHIN ITS BOUNDARIES, DURING SPECIAL EVENTS.

WHEREAS, the City desires to create a new Article 5 in Chapter III of the City of Edgerton's Municipal Code and new sections 3-501 through 3-507

WHEREAS, K.S.A. 41-2659 allows cities to establish a common consumption area and to authorize the possession and consumption of alcoholic liquor within such common consumption area; and

WHEREAS, the City of Edgerton, Kansas desires to establish a common consumption area in the designated downtown area, to allow the possession and consumption of alcoholic liquor or cereal malt beverage within such common consumption area, subject to certain rules and regulations; and

WHEREAS, in order to establish a common consumption area, the Governing Body is required to adopt an Ordinance pursuant to the provisions of K.S.A 41-2659 and K.S.A 41-719(b) and amendments thereto, which include annually obtaining a permit from the State of Kansas, Director of the Division of Alcoholic Beverage Control (ABC), with payment of the required application fee.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGERTON, KANSAS:

SECTION 1. Article 5 in Chapter 3, and sections 3-501 through 3-507 of the Edgerton Municipal Code are hereby created as follows:

ARTICLE 5. COMMON CONSUMPTION AREA.

3-501: COMMON CONSUMPTION AREA ESTABLISHED. In accordance with K.S.A. 41-2659 and K.S.A. 41-719(b), and amendments thereto, the Governing Body of the City of Edgerton hereby establishes the Edgerton Downtown Common Consumption Area (CCA) to allow the possession and consumption of alcoholic liquor or cereal malt beverage within the common consumption area, subject to certain rules and regulations, within the following area: A track of land within the city limits of Edgerton, Johnson County, Kansas, shown generally on Exhibit A, attached hereto and incorporated herein by reference.

3-502: SPECIAL EVENT REQUIRED; STREETS, HOURS. During a special event or civic event which requires a special event permit from the City, the boundaries of the event shall be clearly marked using a physical barrier or other apparent line of demarcation. Any public street or roadway that lies within the CCA designated for the special event or civic event shall be blocked from motorized traffic during the hours in which the alcoholic liquor or cereal malt beverage is consumed. The possession and consumption of alcoholic liquor or cereal malt beverage within the CCA during a special event or civic event will only be allowed between the hours of 12:00 PM and 11:59 PM Sunday through Saturday.

3-503: PERMIT; DIRECTORS OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL. The Governing Body hereby authorizes the possession and consumption of alcoholic liquor or cereal malt beverages within the CCA provided that a common consumption area permit has been issued to the City by the State of Kansas, Director of the Division of Alcoholic Beverage Control in accordance with K.S.A. 41-2659 and amendments thereto.

3-504: AUTHORIZED ALCOHOLIC LIQUOR CONTAINERS. All alcoholic liquor and cereal malt beverages may not be served in a glass container or any container that otherwise represents a potential danger to the public as determined by law enforcement officials. All alcoholic liquor containers must display the licensee's trade name or logo or other identifying mark that is unique to the licensee.

3-505: PURCHASES OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGES. The possession or consumption of alcoholic liquor or cereal malt beverages outside the boundaries of the CCA shall not be permitted inside the boundaries of the special event or civic event and CCA. No open container of alcoholic liquor or cereal malt beverage shall be removed from the boundaries of the CCA during a special event or civic event.

3-506: INAPPROPRIATE CONDUCT; PROHIBITED. Inappropriate conduct shall not be permitted within the boundaries of the CCA and any person engaging in inappropriate conduct shall be subject to removal from the event. Inappropriate conduct may include, but is not limited to, fighting, use of profanity or indecent language, harassment, destruction of property, lewd or lascivious acts, or committing any violation of state or federal law or City ordinance.

3-507: LICENSES. All licensees approved by the Director to participate in the CCA shall at all times comply with any and all federal and state laws and City ordinances regulating the purchase, sale and consumption of alcoholic liquor.

SECTION 2. The Governing Body hereby authorizes the City Administrator or designee to take all necessary actions, including but not limited to the execution of all the documents or instruments required to obtain a CCA Permit for the City of Edgerton.

SECTION 3. The Ordinance shall become effective upon passage and publication of the ordinance summary in the official City newspaper.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and APPROVED by the Mayor on this 8th Day of January, 2026.

DONALD ROBERTS, Mayor

ATTEST:

DUSTI CALLAHAN, City Clerk

APPROVED AS TO FORM:

TODD LUCKMAN for
Stumbo Hanson, LLP, City Attorneys

EXHIBIT A



City Council Action Item

Council Meeting Date: January 9, 2026

Department: Administration

Agenda Item: Consider Ordinance No. 2189 Amending Chapter III of the Municipal Code of the City of Edgerton

Background/Description of Item:

In September 2025, the State of Kansas revamped the Cereal Malt Beverage licensing process for retailers. As a result, Staff reviewed Chapter III of the Municipal Code of the City of Edgerton to ensure our code adhered to state regulations and processes. While several sections of the City's Code had been updated in 2011 and 2020, much of the chapter had not been updated since the late 1980s.

General updates to wording were updated to remove reference to the Chief of Police and city police department and changed to the City Administrator or designee and law enforcement. Sections that were duplications of state law were also removed. Other updates include bringing the City's ordinances in line with state law (i.e., removing location restrictions for libraries, nursing homes, and hospitals)

Article 1. Cereal Malt Beverages was edited to include the new process for retailers to obtain their CMB licenses through the state. The former process required businesses to start at the City and then the City would send it to the Kansas Department of Revenue Division of Alcohol and Beverage Control (ABC), which would then return the application to the City, which would then stamp and issue the license. The new process requires retailers to start by applying to ABC and then come to the City for the stamp after approval. The code has been updated to reflect that change.

Article 1 was also updated to remove alcohol from being served in Community Hall and to allow for alcohol to be served inside The Greenspace, provided the renter secures a permit and has security.

Article 5. Special Events was removed and replaced with a new Common Consumption Area, which will be considered by Council this evening.

Related Ordinance(s) or Statue(s): K.S.A. 41-2701 et seq.

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Ordinance No. 2189 Amending Chapter III of the Municipal Code of the City of Edgerton.

Enclosed: DRAFT Ordinance No. 2189

Prepared by: Kara Banks, Assistant to the City Administrator
Dusti Callahan, City Clerk

ORDINANCE NO. 2189

AN ORDINANCE AMENDING CHAPTER 3 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

SECTION 1. Chapter III of the Municipal Code shall be amended to read as follows:

ARTICLE 1. CEREAL MALT BEVERAGES

3-101 DEFINITIONS. As used in this article, the words and phrases herein defined shall have the following meanings unless the context otherwise requires:

- (a) Cereal malt beverage means cereal malt beverage as that term is defined in K.S.A. § 41-2701, and amendments thereto;
- (b) License means a license issued by the City of Edgerton under the licensing authority accorded to cities by the Kansas cereal malt beverage act, and in accordance with this ordinance, which authorizes retailers so licensed to sell or offer for sale any cereal malt beverage or beer containing not more than 6% alcohol by volume for use or consumption within the corporate limits of the city and not for resale in any form;
- (c) General retailer means any person who is licensed under the Kansas cereal malt beverage act and in accordance with this ordinance and who sells or offers for sale any cereal malt beverage or beer containing not more than 6% alcohol by volume for use or consumption and not for resale in any form;
- (d) Limited retailer means any person who is licensed under the Kansas cereal malt beverage act and in accordance with this ordinance and who sells or offers for sale, in the original and unopened containers, and not for consumption on the premises, any cereal malt beverage or beer containing not more than 6% alcohol by volume;
- (e) Person means any individual, firm, partnership, corporation or association;
- (f) Licensed premises means those areas described in an application for a cereal malt beverage retailer license issued pursuant to K.S.A. 41-2702, and amendments thereto, that are under the control of the applicant and that are intended as the area in which cereal malt beverage or beer containing not more than 6% alcohol by volume is to be served pursuant to the applicant's license;

- (g) Minor shall include persons less than twenty-one (21) years of age;
- (h) Sale at retail and retail sale shall mean any place at which cereal malt beverages are sold;
- (i) Wholesaler or distributor shall mean individual, firms, co-partnerships, corporations and associations which sell or offer for sale any beverage referred to in this article, to persons, co-partnerships, corporations and associations authorized by this article to sell cereal malt beverages at retail;
- (j) Licensee is a person defined in subsection (e) who has a license as herein required;
- (k) Motor vehicle shall include all motor-powered means of transportation and conveyance ordinarily used or capable of being used for the transportation of persons, such as automobiles, trucks, pickups, jeeps, racing cars, racing jalopies, motorcycles, motor scooters, farm tractors, garden tractors, truck tractors;
- (l) Highway and public places shall include streets, alleys and public ways of the city, state and federal highways within the corporate limits of the city, off-street parking facilities of private businesses, churches, schools, playgrounds, private parking areas, and parks.

3-102. LICENSE REQUIRED OF RETAILERS; HOURS AND DAYS OF SALE.

- (a) It shall be unlawful for any person to sell any cereal malt beverage or beer containing not more than 6% alcohol by volume at retail without a license for each place of business where cereal malt beverages or beer containing not more than 6% alcohol by volume are to be sold at retail;
- (b) It shall be unlawful for any person, having a license to sell cereal malt beverage or beer containing not more than 6% alcohol by volume at retail only in the original and unopened containers and not for consumption on the premises, to sell cereal malt beverage or beer containing not more than 6% alcohol by volume in any other manner;
- (c) Retailers' licenses shall be issued annually and shall be valid for a specified calendar year;
- (d) The sale at retail of cereal malt beverage in the original package is allowed within the city on any Sunday between the hours of 12:00 noon and 8:00 p.m. and on any other day between the hours of 6:00 a.m. and 12:00 midnight. Such sales are prohibited on Easter Sunday, Thanksgiving Day and Christmas Day.

3-103. APPLICATION

Any person desiring a license shall make an application to the State of Kansas. The application shall be verified by the Attorney General of the State of Kansas. The approved application and state provided stickers, accompanied by the required license fee for each place of business for which the person desires the license, must be returned to the governing body of the city for approval.

3-104. LICENSE APPLICATION PROCEDURES

- (a) All applications for a first time or renewed license for the sale of cereal malt beverage or of beer containing not more than 6% alcohol by volume shall be submitted, after State of Kansas approval, to the city clerk ten (10) days in advance of the governing body meeting at which the license will be considered;

3-105. LICENSE GRANTED; DENIED

- (a) The minutes of the City Council meeting shall show the action taken on the application;
- (b) If the license is granted, the city clerk shall issue the license which shall show the name of the licensee and the calendar year for which issued;
- (c) No license shall be transferred to another licensee;
- (d) If the license shall be denied, the license fee shall be immediately returned to the person who has made application.

3-106. LICENSE TO BE POSTED

Each license shall be posted in a conspicuous place in the place of business for which the license is issued.

3-107. RESTRICTION UPON LOCATION.

- (a) No license shall be issued for the sale at retail of any cereal malt beverage or beer containing not more than 6% alcohol by volume on premises which are located in areas not zoned for such purpose;
- (b) It shall be unlawful to sell or dispense at retail any cereal malt beverage or beer containing not more than 6% alcohol by volume at any place within the city limits that is within a two hundred (200) foot radius of any church or school;

- (c) The provisions at (a) and (b) shall not apply to any establishment holding a club or drinking establishment license issued by the State of Kansas;
- (d) The distance limitation of subsection (b) above shall not apply to any establishment holding a cereal malt beverage license issued by the city when the licensee has petitioned for and received a waiver of the distance limitation. The governing body shall grant such a waiver only following public notice and hearing.

3-108. LICENSE FEE.

The rules and regulations regarding license fees shall be as follows:

- (a) General Retailer -- for each place of business selling cereal malt beverages or beer containing not more than 6% alcohol by volume at retail for consumption of the premises, a fee, per calendar year, as determined by the annual City of Edgerton Fee Resolution.
- (b) Limited Retailer -- for each place of business selling only at retail cereal malt beverages or beer containing not more than 6% alcohol by volume in original and unopened containers and not for consumption on the premises, a fee, per calendar year, as determined by the annual City of Edgerton Fee Resolution.

The full amount of the license fee shall be required regardless of when the application is made, and the licensee shall only be authorized to operate under the license for the remainder of the calendar year in which the license is issued.

3-109. SUSPENSION OF LICENSE

The City Administrator or designee, upon five (5) days' written notice, shall have the authority to suspend such license for a period not to exceed thirty (30) days, for any violation of the provisions of this chapter or other laws pertaining to cereal malt beverages or to beer containing not more than 6% alcohol by volume, which violation does not in his or her judgment justify a recommendation of revocation. The licensee may appeal such order of suspension to the governing body within seven (7) days from the date of such order.

3-110. LICENSE SUSPENSION/REVOCATION BY GOVERNING BODY

The governing body of the city, upon five (5) days' written notice, to a person holding a license may permanently revoke or cause to be suspended for a period of not

more than thirty (30) days such license for any of the following reasons:

- (a) If a licensee has fraudulently obtained the license by giving false information in the application therefor;
- (b) If the licensee has violated any of the provisions of this ordinance or has become ineligible to obtain a license under the provisions of this ordinance;
- (c) Drunkenness of the licensee or permitting any intoxicated person to remain in or upon the licensee's place of business;
- (d) The sale of cereal malt beverages or beer containing not more than 6% alcohol by volume to a person under twenty-one (21) years of age;
- (e) For permitting any gambling in or upon any premises licensed;
- (f) For permitting any person to mix drinks with materials purchased in any premises licensed or brought into the premises for this purpose;
- (g) For the employment of any person under the age established by the State of Kansas for employment involving dispensing cereal malt beverages or beer containing not more than 6% alcohol by volume;
- (h) For the employment of a persons the licensee knows has been, within the preceding two years, adjudged guilty of a felony or of a violation of any laws relating to intoxicating liquor in this state, another state or the United States;
- (i) For the sale or possession of, or for permitting the use or consumption of alcoholic liquor within or upon any premise licensed, except beer containing not more than 6% alcohol by volume;
- (j) The nonpayment of any license fees;
- (k) If the licensee has become ineligible to obtain a license;
- (l) The provisions of subsections (f) and (i) shall not apply if such place of business is also currently licensed as a club or drinking establishment by the State of Kansas.

3-111. SAME; APPEAL

Pursuant to K.S.A. 41-2708(d), the licensee, within twenty (20) days after the order of the governing body revoking any license, may appeal to the district court of Johnson County and the district court shall proceed to hear such appeal as though such court had original jurisdiction in the matter. Any appeal taken shall not suspend the order of revocation of the license of any licensee, nor shall any new license be issued to such

person or any person acting for or on his or her behalf, for a period of six months thereafter.

3-112. CHANGE OF LOCATION

If a licensee desires to change the location of his or her place of business, he or she shall make an application to the governing body showing the same information relating to the proposed location as in the case of an original application. Such application shall be accompanied by a fee as set in the annual City of Edgerton Fee Resolution. If the application is in proper form and the location is not in a prohibited zone and all other requirements relating to such place of business are met, a new license shall be issued for the new location for the balance of the calendar year for which a current license is held by the licensee.

3-113. WHOLESALERS AND/OR DISTRIBUTORS

It shall be unlawful for any wholesaler and/or distributor, his, her or its agents or employees, to sell and/or deliver cereal malt beverages or beer containing not more than 6% alcohol by volume within the city, to persons authorized to sell the same within this city unless such wholesaler and/or distributor has first secured a license authorizing such sales from the State of Kansas.

3-114. BUSINESS REGULATIONS

It shall be the duty of every licensee to observe the following regulations:

- (a) The place of business licensed, and operating shall at all times have a front and rear exit unlocked when open for business;
- (b) The premises and all equipment used in connection with such business shall be kept clean and in a sanitary condition and shall at all times be open to the inspection of the police and health officers of the city, county and state;
- (c) Except as provided by subsection (d), no cereal malt beverage or beer containing not more than 6% by volume may be sold or dispensed; (1) Between the hours of 12:00 midnight and 6:00 a.m.; (2) in the original package before 12:00 noon or after 8:00 p.m. on Sunday; (3) on Easter Sunday, Thanksgiving Day and Christmas Day; or (4) for consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell cereal malt beverage or beer not more than

- 6% by volume for consumption on the premises, which derive not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises;
- (d) Cereal malt beverages or beer containing not more than 6% alcohol by volume may be sold at any time alcoholic liquor is allowed by law to be served on premises which are licensed pursuant to K.S.A. 41-2601, et seq. and amendments thereto, and licensed as a club or drinking establishment by the State of Kansas;
 - (e) The place of business shall be open to the public and to law enforcement officers at all times during business hours, except that premises licensed as a club under a license issued by the State of Kansas shall be open to law enforcement and not to the public;
 - (f) It shall be unlawful for any licensee or agent or employee of the licensee to become intoxicated in the place of business for which such license has been issued;
 - (g) No licensee or agent or employee of the licensee shall permit any intoxicated person to remain in the place of business for which such license has been issued;
 - (h) No licensee or agent or employee of the licensee shall sell or permit the sale of cereal malt beverage or of beer containing not more than 6% alcohol by volume to any person under twenty-one (21) years of age;
 - (i) No licensee or agent or employee of the licensee shall permit any gambling in the place of business for which such license has been issued;
 - (j) No licensee or agent or employee of the licensee shall permit any person to mix alcoholic drinks with materials purchased in said place of business or brought in for such purpose;
 - (k) No licensee or agent or employee of the licensee shall employ any person under 18 years of age to dispense cereal malt beverages or beer containing not more than 6% alcohol by volume;
 - (l) No licensee shall knowingly employ any person who, within the preceding two years, has been adjudged guilty of a felony or of any violation of the intoxicating liquor laws of this state, another state or the United States;
 - (m) A licensee's employee who is not less than eighteen (18) years of age may dispense or sell cereal malt beverage or beer not more than 6% by volume, if;

- (1) The licensee's place of business is licensed only to sell at retail cereal malt beverage or beer containing not more than 6% by volume in the original package and not for consumption on the premises; or
 - (2) The licensee's place of business is a licensed food service establishment, as defined by K.S.A. § 36-501, and amendments thereto, and not less than 50% of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business;
- (n) No cereal malt beverage license shall permit or allow any person to be on or about the licensed premises after the hour of 1:00 a.m. or at any time during which the sale of cereal malt beverage is prohibited for the purpose of consuming cereal malt beverage;
- (o) No licensee shall allow any person to have any alcoholic liquor in his or her possession which in any place of business licensed to sell cereal malt beverages under this article unless the business also is licensed as a private club.

3-115. SANITARY CONDITIONS REQUIRED

All parts of the licensed premises including furnishings and equipment shall be kept clean and in a sanitary condition, free from flies, rodents and vermin at all times. The licensed premises shall have at least one restroom easily accessible at all times to its patrons and employees. The restroom shall be equipped with at least one lavatory with hot and cold running water, be well lit, and be furnished at all times with paper towels or other mechanical means of drying hands and face. Each restroom shall be provided with adequate toilet facilities which shall be of sanitary design and readily cleanable. The doors of all toilet rooms shall be self-closing and toilet paper at all times shall be provided. Easily cleanable receptacles shall be provided for waste material and such receptacles in toilet rooms for women shall be covered. The restrooms shall at all times be kept in a sanitary condition and free of offensive odors and shall be at all times subject to inspection by the city health officer or designee.

3-116. MINORS ON PREMISES.

- (a) Except as allowed by 3-115(m) above, it shall be unlawful for any person under twenty-one (21) years of age to remain on any premises where the sale of cereal malt beverages is licensed for on-premises consumption;

- (b) This section shall not apply if the person under twenty-one (21) years of age is an employee of the licensed establishment, or is accompanied by his or her parent or guardian, or if the licensed establishment derives not more than 50% of its gross receipts in each calendar year from the sale of cereal malt beverages for on premises consumption.

3-117. SALE, CONSUMPTION, PUBLIC PROPERTY.

- (a) It shall be unlawful for any person to sell, serve, dispense, drink or otherwise consume any alcoholic liquor or cereal malt beverage upon any highway or public place as defined in section 3-101(l) , or upon property owned by the state or any governmental agency or subdivision thereof, or in any public place not duly licensed to sell cereal malt beverage or alcoholic liquor for consumption on the premises within or under the jurisdiction of the city, except as herein provided in subsections (b), (c) and (d);
- (b) Subject to the provisions of subsection (c), any person of lawful age may consume cereal malt beverages and alcoholic liquor within the confines of the building commonly known as The Greenspace, located at 303 East Nelson, Edgerton, Kansas, if at the time of such consumption the person is not intoxicated;
- (c) No person shall consume cereal malt beverage or alcoholic liquor on the premises of The Greenspace unless all of the following conditions are satisfied:
 - (1) Persons wishing to serve alcohol must obtain a permit in advance of their planned event in compliance with The Greenspace Reservation Regulations. Intoxicated persons will not be permitted on City property.
 - (2) Security and/or additional fees may be required for any event where alcohol will be served at The Greenspace in compliance with The Greenspace Reservation Regulations. Any additional required fees are referenced in the annual City of Edgerton Fee Resolution.

ARTICLE 2. ALCOHOLIC LIQUOR

3-201. DEFINITIONS.

- (a) Alcoholic liquor means alcohol, spits, wine, beer and every liquid or solid, patented or not, containing alcohol, sprits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

- (b) Caterer means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit selling alcoholic liquor in accordance with the terms of such permit.
- (c) Cereal Malt Beverage means any fermented but undistilled liquor brewed or made from malt or from a mixture of malt or malt substitute, but does not include any such liquor which is more than 3.2 percent alcohol by weight.
- (d) Class A Club means a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the State of Kansas, for the exclusive use of the corporate stockholders, partners, Hereinafter referred to as members), and their families and guests accompanying them.
- (e) Class B Club means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.
- (f) Club means a Class A or Class B club.
- (g) Drinking Establishment means premises which may be open to the general public, where alcoholic liquor by the individual drink is sold.
- (h) Temporary Permit means a permit, issued in accordance with the laws of the State of Kansas, which allows the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on licensed or unlicensed premises, or on premises that are otherwise subject to a separate temporary permit, that may be open to the public, subject to the terms of such permit;
- (i) Occupation Tax means a tax levied on the holder of a license for the retail sale of alcoholic liquors by the package issued by the state director of alcoholic beverage control.

3-202. RESTRICTION ON LOCATION.

- (a) No retail package liquor nor any alcoholic liquor shall be sold or served by a person holding a license or permit from the City whose place of business or

other premises are located within two hundred feet (200') of any church or school. Said distance to be measured from the nearest property line of such church or school, to the nearest portion of the building occupied by the premises;

- (b) The distance location of subsection (a) above shall not apply to a club, drinking establishment, caterer or temporary permit holder when the license or permit applicant petitions for and receives a waiver of the distance limitation from the Governing Body. The Governing Body shall grant such a waiver only following public notice and hearing and a finding by the Governing Body that the proximity of the establishment is not adverse to the public welfare or safety;
- (c) No license or permit shall be issued for the sale of alcoholic liquor if the building or use does not meet the zoning ordinance requirements of the City or conflicts with other City laws, including building and health codes.

3-203. OCCUPATIONAL TAX.

- (a) There is hereby levied a biennial occupational tax in an amount described on the most current Fee and Rate Resolution for the City of Edgerton on any person holding a license issued by the state director of alcoholic beverage control for the retail sale within the city of alcoholic liquors for consumption off the premises. Such tax shall be paid by the retailer to the city clerk before business is begun under an original state license and shall be paid within five days after any renewal of a state license.
- (b) Upon presentation of a state license and payment to the city of the tax described above, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.
- (c) No tax paid shall be refunded for any reason.
- (d) Every licensee under this article shall cause the city alcoholic liquor retailer's occupation tax license to be placed in plain view, next to or below the state license in a conspicuous location on the licensed premises. (Ord. 1067, 2017)

ARTICLE 3. DRINKING ESTABLISHMENTS

3-301. LICENSE REQUIRED. It shall be unlawful for any person granted a drinking establishment license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license with the city without first obtaining a city license from the city clerk.

3-302. OCCUPATIONAL TAX.

- (a) There is hereby levied a biennial occupational tax in an amount described on the annual City of Edgerton Fee Resolution for the City of Edgerton on each drinking establishment located in the city which has a drinking establishment license issued by the state director of alcoholic beverage control. Such tax shall be paid by the establishment to the city clerk before business is begun under an original state license and shall be paid within five days after any renewal of a state license.
- (b) Upon presentation of a state license and payment to the city of the tax described above, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.
- (c) No tax paid shall be refunded for any reason.
- (d) Every licensee under this article shall cause the city drinking establishment occupation tax license to be placed in plain view, next to or below the state license in a conspicuous location on the licensed premises.
- (e) The drinking establishment license issued by the city shall not be transferable or assignable. Each license shall be valid only to the originally applying licensee in the premises for which the license was originally issued.

3-303. BUSINESS REGULATIONS.

- (a) No drinking establishment licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises before 9:00 a.m. nor after the hour of 2:00 a.m. on weekdays and Saturdays; on Sundays no drinking establishment shall dispense or permit the consumption of alcoholic beverages before the hour of 10:00 a.m. nor after 2:00 a.m.
- (b) Cereal malt beverages may be sold on premises licensed for the retail sale

of cereal malt beverage for on-premises consumption at any time when alcoholic liquor is allow by law to be served on the premises.

- (c) No alcoholic beverages or cereal malt beverages shall be given, sold or traded to any person under 21 years of age.

3-304. PENALTY. If the licensee has violated any of the provisions of this article, the governing body of the city, upon five days' written notice to the person hold such license to sell alcoholic liquor, may permanently revoke or cause to be suspended for a period of not more than 30 days such license and the individual holding the license may be charged in municipal court with violation of the alcoholic liquor laws of he city and upon conviction shall be punished by:

- (1) A fine of not more than \$499.00; or
- (2) Imprisonment in jail for not more than 179 days; or
- (3) Both such fine and imprisonment not to exceed (a) and (b) above.

ARTICLE 4. PRIVATE CLUBS

3-401. LICENSE REQUIRED. It shall be unlawful for any person granted a private club license by the State of Kansas to sell or serve any alcoholic liquor authorized by such license within the city without first obtaining a local license from the city clerk. (Ord. 577, 1988)

3-402. OCCUPATIONAL TAX.

- (a) There is hereby levied a biennial occupational tax in an amount described on the most current Fee and Rate Resolution for the City of Edgerton on each private club located in the city which as a private club license issued by the state director of alcoholic beverage control. Such tax shall be paid by the private club to the city clerk before business is begun under an original state license and shall be paid within five days after any renewal of a state license.
- (b) Upon presentation of a state license and payment to the city of the tax described above, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any

zoning or alcoholic beverage ordinances of the city.

- (c) No tax paid shall be refunded for any reason.
- (d) Every licensee under this article shall cause the city private club occupation tax license to be placed in plain view, next to or below the state license in a conspicuous location on the licensed premises.
- (e) The private club license issued by the city shall not be transferable or assignable. Each license shall be valid only to the originally applying licensee in the premises for which the license was originally issued.

3-403. BUSINESS REGULATIONS.

- (a) No club licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises before 9:00 a.m. nor after the hours of 2:00 a.m. on weekdays and Saturdays; on Sundays no club shall dispense or permit the consumption of alcoholic beverages before the hour of 10:00 a.m. nor after 2:00 a.m.
- (b) Cereal malt beverages may be sold on premises licensed for the retail sale of cereal malt beverages for on-premises consumption at any time when alcoholic liquor is allowed by law to be served on the premises.
 - (4) No club membership shall be sold to any person under 21 years of age, nor shall alcoholic beverages or cereal malt beverages be given, sold or traded to any person under 21 years of age.

3-404. VACATING PREMISES. On or by 2:30 a.m., the premises of a club shall be vacated by all patrons, guests, invitees, or any other person who is not an employee, owner or manager of the premises.

3-405. ENTRY AND INSPECTION. The right of immediate entry and inspection at any time of any premises subject to the control of any private club by any law enforcement officer, or agent of any department charged with the enforcement of this article, shall be a condition on which every license shall be issued and the application for, and acceptance of, any licensee to such immediate entry and inspection.

- 3-406. PENALTY. If the licensee has violated any of the provisions of this article, the governing body of the city, upon five days' written notice to the person holding such license to sell alcoholic liquor, may permanently revoke or cause to be suspended for a period of not more than 30 days such license and the individual holding the license may be charged in municipal court with violation of the alcoholic liquor laws of the city and upon conviction shall be punished by:
- (a) A fine of not more than \$499.00; or
 - (b) Imprisonment in jail for not more than 179 days; or,
 - (c) Both such fine and imprisonment not to exceed (a) and (b) above. (Ord. 577, 1988)

ARTICLE 5. COMMON CONSUMPTION AREA

3-501: COMMON CONSUMPTION AREA ESTABLISHED. In accordance with K.S.A. 41-2659 and K.S.A. 41-719(b), and amendments thereto, the Governing Body of the City of Edgerton hereby establishes the Edgerton Downtown Common Consumption Area (CCA) to allow the possession and consumption of alcoholic liquor or cereal malt beverage within the common consumption area, subject to certain rules and regulations, within the following area: A track of land within the city limits of Edgerton, Johnson County, Kansas, shown generally on Exhibit A, attached hereto and incorporated herein by reference.

3-502: SPECIAL EVENT REQUIRED; STREETS, HOURS. During a special event or civic event which requires a special event permit from the City, the boundaries of the event shall be clearly marked using a physical barrier or other apparent line of demarcation. Any public street or roadway that lies within the CCA designated for the special event or civic event shall be blocked from motorized traffic during the hours in which the alcoholic liquor or cereal malt beverage is consumed. The possession and consumption of alcoholic liquor or cereal malt beverage within the CCA during a special event or civic event will only be allowed between the hours of 12:00 PM and 11:59 PM Sunday through Saturday.

3-503: PERMIT; DIRECTORS OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL. The Governing Body hereby authorizes the possession and consumption of alcoholic liquor

or cereal malt beverages within the CCA provided that a common consumption area permit has been issued to the City by the State of Kansas, Director of the Division of Alcoholic Beverage Control in accordance with K.S.A. 41-2659 and amendments thereto.

3-504: AUTHORIZED ALCOHOLIC LIQUOR CONTAINERS. All alcoholic liquor and cereal malt beverages may not be served in a glass container or any container that otherwise represents a potential danger to the public as determined by law enforcement officials. All alcoholic liquor containers must display the licensee's trade name or logo or other identifying mark that is unique to the licensee.

3-505: PURCHASES OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGES. The possession or consumption of alcoholic liquor or cereal malt beverages outside the boundaries of the CCA shall not be permitted inside the boundaries of the special event or civic event and CCA. No open container of alcoholic liquor or cereal malt beverage shall be removed from the boundaries of the CCA during a special event or civic event.

3-506: INAPPROPRIATE CONDUCT; PROHIBITED. Inappropriate conduct shall not be permitted within the boundaries of the CCA and any person engaging in inappropriate conduct shall be subject to removal from the event. Inappropriate conduct may include, but is not limited to, fighting, use of profanity or indecent language, harassment, destruction of property, lewd or lascivious acts, or committing any violation of state or federal law or City ordinance.

3-507: LICENSES. All licensees approved by the Director to participate in the CCA shall at all times comply with any and all federal and state laws and City ordinances regulating the purchase, sale and consumption of alcoholic liquor.

ARTICLE 6. CATERERS

3-601. LICENSE REQUIRED. It shall be unlawful for any person licensed by the State of Kansas as a caterer to sell alcoholic liquor by the drink, to sell or serve any liquor by the drink within the city without obtaining a local caterer's license from

the city clerk.

3-602. LICENSE FEE.

- (a) There is hereby levied an annual license fee as established by the annual City of Edgerton Fee Resolution on each caterer doing business in the city who has a caterer's license issued by the state director of alcoholic beverage control, which fee shall be paid before business is begun under an original state license and within five days after any renewal of a state license.
- (b) All applications for new or renewal city licenses shall be submitted to the city clerk. Upon presentation of a state license, payment of the city license fee and the license application, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.
- (c) The license period shall extend for the period covered by the state license. No license fee shall be refunded for any reason.
- (d) Every licensee shall cause the caterer license to be placed in plain view on any premises within the city where the caterer is serving or mixing alcoholic liquor for consumption on the premises.

3-603. BUSINESS REGULATIONS.

- (a) A caterer licensed hereunder shall allow the serving, mixing or consumption of alcoholic liquor on its premises before 9:00 a.m., nor after the hours of 2:00 a.m. on weekdays and Saturdays; on Sundays no caterer licensed hereunder shall dispense or permit the consumption of alcoholic beverages before the hour of 10:00 a.m. nor after the hour of 2:00 a.m.
- (b) No alcoholic beverages or cereal malt beverages shall be given, sold or traded to any person under 21 years of age.

3-604. PENALTY. If the licensee has violated any of the provisions of this ordinance, the governing body of the city, upon five days' written notice to the person holding such caterer's license to sell alcoholic liquor, may permanently revoke or cause to be suspended for a period of not more than 30 days such license and

the individual holding the license may be charged in municipal court with a violation of the alcoholic liquor laws of the city and upon conviction shall be punished by:

- (a) A fine of not more than \$499.00;
 - (b) Imprisonment in jail for not more than 179 days; or,
 - (c) Both such fine and imprisonment not to exceed (a) and (b) above.
- (Ord. 577, 1988)

ARTICLE 7. RETAIL SALE OF ALCOHOLIC LIQUOR BY THE PACKAGE

3-701. OCCUPATIONAL TAX

- (a) There is hereby levied a biennial occupational tax in an amount described on the annual City of Edgerton Fee Resolution for the City of Edgerton on any person holding a license issued by the state director of alcoholic beverage control for the retail sale within the city of alcoholic liquor, including beer containing more than 3.2 percent of alcohol by weight, for consumption off the premises and sales in original package only. Such tax shall be paid by the retailer to the city clerk before business is begun under an original state license and shall be paid within five days after any renewal of a state license.
- (b) Upon presentation of a state license and payment to the city of the tax described above, the city clerk shall issue a city license for the period covered by the state license, if there are no conflicts with any zoning or alcoholic beverage ordinances of the city.
- (c) No tax paid shall be refunded for any reason.
- (d) Every licensee under this article shall cause the city alcoholic liquor retailer by the package occupation tax license to be placed in plain view, next to or below the state license in a conspicuous location on the licensed premises.)

3-702. POSTING OF RECEIPT. Every licensee under this article shall cause the city alcoholic liquor retailer's occupation tax receipt to be prominently displayed next to or below the state license in a conspicuous place on the licensed premises.

3-703. HOURS AND DAYS OF SALE. The sale at retail of alcoholic liquor in the original package is allowed within the city on any Sunday between the hours of 12:00 noon and 8:00 p.m. and on any other day between the hours of 9:00 a.m. and 11:00 p.m. Such sales are prohibited on Easter Sunday, Thanksgiving Day, and Christmas Day.

3-704. PROHIBITED ACTS. It shall be unlawful for a retailer of alcoholic liquor by the package to:

- (a) Permit any person to mix drinks in or on the licensed premises;
- (b) Employ any person under the age of 21 years in connection with the operation of the retail establishment;
- (c) Employ any person in connection with the operation of the retail establishment who has been adjudged guilty of a felony;
- (d) Furnish any entertainment in his or her premises or permit any pinball machine or game of skill or change to be located in or on the premises;
- (e) Have in his or her possession for sale at retail any bottles, cask, or other containers containing alcoholic liquor, except in the original package; or
- (f) Sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor to or for any person under 21 years of age.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and APPROVED by the Mayor on this 8th Day of January, 2026.

DONALD ROBERTS, Mayor

ATTEST:

DUSTI CALLAHAN, City Clerk

APPROVED AS TO FORM:

TODD LUCKMAN for
Stumbo Hanson, LLP, City Attorneys

City Council Action Item

Council Meeting Date: January 8, 2026

Department: Administration

Agenda Item: Consider Ordinance No. 2190 Amending the City of Edgerton Municipal Code, Chapter 12, Article 3

Background/Description of Item:

The City of Edgerton currently utilizes the Beverage chapter of the Municipal Code to govern special events where alcohol would be served. That section limits the City's ability to regulate special events that do not include the consumption of alcohol. This revision moves Special Events to Chapter XII - Public Property, Article 3, in the City Municipal Code. The current Article 3 of Chapter 12 is reserved for future use.

The new Article III requires permits for all special events and establishes minimum safety standards to protect public health, safety and welfare during the event. It also is intended to protect nearby property owners, residents and businesses who may be impacted by a special event.

This new article sets standard event hours, requires minimum insurance, allows the City Administrator to restrict parking along parade and/or demonstration routes, and requires event organizers to clean up and restore the event site at the conclusion of the event.

Chapter III Beverages has been updated to include a definition for a Temporary Permit, as described in Kansas Statute, as the mechanism for the Governing Body to approve the temporary sale of alcohol through an additional permit in conjunction with a Special Event Permit.

Related Ordinance(s) or Statue(s):

Funding Source:

Budget Allocated:

Finance Director Approval:

Recommendation: Approve Ordinance No. 2190 Amending the City of Edgerton Municipal Code, Chapter 12, Article 3

Enclosed: Draft Ordinance No. 2190

Prepared by: Kara Banks, Assistant to the City Administrator

ORDINANCE NO. 2190

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 3 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS REGARDING SPECIAL EVENTS AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS:

SECTION 1. Chapter XII, Article III of the Municipal Code shall be amended to read as follows:

12-301. PURPOSE. It is the purpose of this article to provide for the regulation of special events and activities within the City of Edgerton by requiring a permit to conduct the event or activity and by establishing minimum standards for the protection of public health, safety and welfare during the course of the event or activity. Furthermore, it is the intent of this Chapter to protect nearby property owners, residents and businesses from Special Events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, and the nature of the proposed use.

12-302. APPLICATION AND RESTRICTION. It shall be unlawful for any person to use the streets, parks, or other public places, including sidewalks and City owned parking lots, for any special event, without first obtaining a permit as described in this Chapter.

12-303. DEFINITIONS.

- (a) "Not for profit organization" as referred to this Chapter shall mean any organization recognized by the Internal Revenue Service (IRS) as an exempt organization by Internal Revenue Code ("I.R.C.") Section 501(c).
- (b) "Operator" shall mean a person, association of persons, corporation or the agent of the same who owns, controls or has the duty to control the operation of a circus, carnival, sideshow, rodeo, wild west show, animal show, or other similar activities.
- (c) "Special Event" shall mean the use of any public street, public right of way, park or other public facilities which is owned or operated by the City, for events including (but not limited to) amusement or entertainment enterprises, parades and demonstrations, public markets and auctions, any event with public sales of alcohol, and other activities which would require a closure or limitation of some or all of said facilities for the uses to which they are generally available.
- (d) "Sponsoring agency" shall mean any profit or non-profit organization which is sponsoring a special event.

12-303. SPECIAL EVENT PERMIT REQUIRED. Any person desiring to secure a permit for a special event or activity shall turn in a fully completed application to the office of the City Clerk

for issuance of a permit at least 15 days in advance, or 45 days in advance for any event where alcohol will be available. Events where alcohol is available must obtain the proper permits as provided in Chapter 3 of the Code of the City of Edgerton.

City organized events are not required to have a permit.

12-304. FEES. Upon the filing of an application, the operator or the sponsoring agency shall pay the City Clerk the required fees, as established by the annual City of Edgerton Fee Resolution. Additional charges may apply to applications that require City staff outside of regular business hours.

12-305. EVENT HOURS. Special events may be held between the hours of 7AM and midnight. Special events shall not extend beyond five days.

12-306. COMPLIANCE WITH APPLICABLE LAWS. Event activities must be in compliance with applicable city, county, state and federal laws and facility regulations. The City of Edgerton has the authority to cancel a Special Event permit for any violations of permit requirements, city ordinances or applicable county, state or federal laws.

12-307. INSURANCE REQUIRED. The sponsoring operator or agency shall obtain and continuously maintain comprehensive general liability insurance against damage or liability caused by the permit holder, its officers, members, agents, employees, guests or participants in the special event in an amount of not less than \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage, with an aggregate limit of not less than \$2,000,000.

12-308. ADDITIONAL PARADE OR DEMONSTRATION REQUIREMENTS.

- (a) The parade or demonstration shall be conducted only during daylight hours.
- (b) The parade or demonstration shall be conducted on public roadways or right-of-ways and not on private property.
- (c) The City Administrator, or their designee, and law enforcement officers of the City shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street, or part thereof constituting a part of the route of a parade and to post signs to such effect. It shall be unlawful for any person to remove the signs before the event is completed. It shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.
- (d) The parade or demonstration shall proceed orderly and timely;

- (e) No cereal malt or alcoholic beverages shall be sold, served or consumed as a part of the parade or demonstration.
- (f) The City Administrator, in consultation with the City's law enforcement officers, shall have authority to recommend or require an alternative route or location for the parade or demonstration when necessary for the public health, safety or welfare.

12-309. CLEAN-UP AND RESTORATION. The operator or sponsoring agency shall clean and restore the location where the special event is held to the condition which existed prior to the occurrence of the event. Upon failure to do so the City shall proceed to clean up the location and bill the operator or sponsoring agency for the costs.

12-310. DISCLAIMER OF LIABILITY.

- (a) Nothing in this code shall be construed nor interpreted upon the City of Edgerton or any of its officials, officers, agents or employees:
 - 1) Any liability or responsibility for damages to any property; or
 - 2) Any liability or responsibility for any personal injury
- (b) In addition, neither the City of Edgerton nor any individual duly authorized to enforce this Code, who acts in good faith and without malice in the performance of official duties shall assume or have imposed upon them any personal liability, and they are hereby relieved from personal liability for damage that may occur to any person or property as a result of any act required by this Code in the discharge of official duties.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and APPROVED by the Mayor on this 8th Day of January, 2026.

DONALD ROBERTS, Mayor

ATTEST:

DUSTI CALLAHAN, City Clerk

APPROVED AS TO FORM:

TODD LUCKMAN for
Stumbo Hanson, LLP, City Attorneys