

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**January 14, 2021**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on January 14, 2021. The meeting convened at 7:00PM with Mayor Roberts presiding.

**1. ROLL CALL**

Ron Conus	present via videoconference
Clay Longanecker	present
Josh Lewis	present
Katee Smith	present via videoconference
Josh Beem	present via videoconference

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks (via videoconference)
- City Clerk Alexandria Clower
- Development Services Director Katy Crow (via videoconference)
- Finance Director Karen Kindle (via videoconference)
- Accountant Justin Vermillion (via videoconference)
- Public Works Director Dan Merkh
- Marketing and Communications Manager Kara Banks

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**Consent Agenda**

4. Approve Minutes from December 10, 2020 Regular City Council Meeting
5. Approve Minutes from December 17, 2020 Special City Council Meeting
6. Consider Resolution No. 01-14-21A Establishing Fees and Rates for Permits, Licenses and Services within the City of Edgerton, Kansas
7. Consider Ordinance No. 2059 Amending Chapter IV, Article 5, Section 4-503 of the City Code of the City of Edgerton, Kansas and Repealing All Ordinances or Parts of Ordinances in Conflict Therewith
8. Consider Approval of Resolution No. 01-14-21B Declaring the Boundaries of the City of Edgerton, Johnson County, Kansas

Councilmember Longanecker asked for item 6 to be removed for further questions.

Councilmember Lewis motioned to approve consent agenda with item 6 removed for further questions. Councilmember Longanecker seconded the motion. The consent agenda was approved 5-0.

Councilmember Longanecker asked if the only change to the fee resolution is the addition of the restoration permit and its associated cost. He also asked for clarification of the \$250 permit cost and the amount of time the permit is good for. Ms. Katy Crow, Development Service Director, stated the permit is good for 3 months with a renewal of \$250 once expired.

Councilmember Longanecker motioned to approve item 6 of the consent agenda, seconded by Councilmember Lewis. Item 6, Fee Resolution 01-14-21A was approved 5-0.

### **Regular Agenda**

9. **Public Comments.** There were no public comments made at this time.

10. **Declaration.** There were no declarations made by any of the councilmembers.

11. **Announcement.** Holiday Home Decorating Contest Winners

Ms. Kara Banks, Marketing and Communications Manager, addressed the council to present the winners of the 2020 holiday home decorating contest. She stated all winners will receive gift cards and certificates, thanking them for their participation.

11.5. **Update from Lee Hendricks, City Attorney.**

Mr. Hendricks spoke briefly to staff and council regarding the Planning Commission meeting and how this meeting related to the Kansas Open Meetings Act (KOMA). He stated that as public servants, there is a real desire to clear up questions and get involved in discussions, especially with social media outlets. He stated that when getting involved in back and forth questioning and answers, this creates a space for discussion, and social media is and cannot be that forum and does not benefit the city. He stated the forum where these things can be discussed is an open meeting that can be attended by the public.

Mr. Hendricks stated that going forward, the governing body, planning commission members and staff need to remain off any social media outlets that could be a place for those discussions, both the city's page and personally in regard to city business. He stated it is best for those wanting information and having concerns to come to those meetings that are open to the public. He stated this is to allow transparency in matters with the governing body, planning commission and the public.

Mayor Roberts stated these meetings are the best place for discussion so that the governing body and planning commission members can hear all information and make determinations at the same time, which adds consistency to the process.

## **Business Requiring Action**

### **12. CONSIDER RESOLUTION NO. 01-14-21C ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT AND RELATED BOND DOCUMENTS FOR MIDWEST GATEWAY SERIES 2017A PROJECT**

Mr. Scott Anderson, Bond Counsel, addressed the council. He stated the city has previously issued industrial revenue bonds for Midwest Gateway Venture LLC, for the purpose of constructing a warehouse and distribution facility. He stated Midwest Gateway desires to sell the project to Omega-13 Acquisitions LLC, Solblom LLC, and Daedalus Properties LLC, all Alaskan limited liability companies, as tenants in common.

Mr. Anderson stated, these tenants in common, are affiliated with Pacific Acquisitions LLC, based in Anchorage, Alaska. Pacific Acquisitions has been investing in industrial, office, retail, multi-family and undeveloped commercial land since 1974. He stated since that time, it has acquired over 150 properties.

Mr. Anderson stated the resolution is the same concept as other resolution assignments approved by council. The current occupant at this property will remain the same, DHL, but the contact for ownership of this property will change. He stated the current bond and tax abatements on this property will also remain the same.

Councilmember Longanecker motioned to approve, motion seconded by Councilmember Smith. Resolution 01-14-21C was approved, 5-0.

### **13. CONSIDER RESOLUTION NO. 01-14-21D PROVIDING A DEADLINE OF JULY 22, 2021 TO RESOLVE A DANGEROUS AND UNFIT STRUCTURE EXISTING AT 502 E. 2ND STREET**

Ms. Katy Crow, Development Service Director, addressed the council. She stated the council held a public hearing related to 502 E 2<sup>nd</sup> St., on December 10, 2020, that the current owners of this property attended. The owners spoke at this meeting about their plan and progress that had been made on the house. Ms. Crow stated that although progress has been made, this structure is still considered dangerous and unfit, per code.

Ms. Crow stated at this meeting, the Governing Body gave stipulations to have monthly progress reports and a 6-month time frame for work to be completed. She stated this resolution solidifies that request from council.

Ms. Crow stated that at the end of six months, July 22, 2021, the city will then decide whether the property complies, needs to be demolished and removed, or if the date that the project needs to be complete should be extended based on progress made.

Ms. Crow stated the process for this resolution upon passage will be to provide a copy via mail and email to the owners of this property and at that time, the city will ask them to schedule times for monthly inspections and monitoring their progress.

Councilmember Longanecker motioned to approve, motion seconded by Councilmember Conus. Resolution 01-14-21D was approved, 5-0.

#### 14. **Report by the City Administrator**

- Recreation Programming Survey Results

Ms. Beth Linn, City Administrator addressed the council. She stated staff worked with ETC Institute to conduct a short survey that focused on the community's desire for recreation programming. She stated a total of 81 residents responded to the online-only survey. This survey asked residents to choose their top four types of recreation programs, most important to their household and the days and times that they would most likely attend such programs.

Ms. Linn stated 26 categories were assessed, with the top four overall being, (1) community event programs, (2) teen recreation programs, (3) adult fitness and wellness programs, and (4) community garden programs. She stated when respondents were asked which programs they would participate in most often, the overall top choices were: (1) community events, (2) teen recreation, (3) youth sports, and (4) adult fitness and wellness programs.

Ms. Linn stated that when the results are narrowed to only the top two choices, community events programs continue to remain the most important for the residents.

Ms. Linn stated that when residents were asked to choose preferred days and times for recreational programming, the majority of respondents, except adults age 60 and over, chose Saturday and Sunday. Older adults responded with Wednesday and Saturday as their top two preferred days. Similarly, when asked about the time of day, most age categories selected evenings, except for older adults, who primarily chose afternoon hours.

Ms. Linn stated based on the information received, ETC puts together their Priority Investment Rating, which reflects the importance residents placed on certain programming. Using this data, the highest priorities for investment are:

Community event programs, teen recreation, adult fitness and wellness, outdoor fitness/exercise classes, nature/environmental education programs, community garden, adult art and cooking classes, youth sports, and youth art and cooking classes.

Ms. Linn stated staff recommends the City Council consider prioritizing short and long term goals for the Parks and Recreation Department. She stated this prioritization would be used to direct the hiring of the next Recreation Coordinator, with a focus on hiring someone who can build the City's recreation programming based on these priorities. She stated this person should be available to work outside the normal business hours.

Ms. Linn stated that in this recommendation by staff, the short-term goals for the city be community events and teen recreation programming and that the long-term goals be adult fitness and wellness, community garden and youth sports.

Mayor Roberts stated he recommends council giving permission back to staff to hire out a new position for the recreation department and that the city take these top choices as the focus for the programming for that department. He stated that community event programs are events the city already has, such as, summer kick off block party which focuses a lot on families and younger children. Movie nights are also family driven and tend to focus to younger ages. He stated that with the new hire and focus on these kinds of programs, we can bring new elements for lots of different ages. He added that the events the City already has that are geared toward younger ages can be revamped to appeal to youth and teens alike.

Mayor Roberts asked what the realistic timeline of hiring looked like. Ms. Linn stated that the city would like to have the position out in the next couple weeks to allow time, should the pandemic reach a low, for the city be able to bring back big events like Summer Kick Off, Frontier Days, which is celebrating 50 years this year, and 3<sup>rd</sup> of July.

All council members stated they were comfortable with short-term and long-term goals for recreation programming and allowing staff the direction to start recruitment in the next couple weeks for the Recreation Coordinator.

#### 15. Report by the Mayor

- Mayor Roberts stated the City of Gardner wants to have a meeting regarding the contract language for Big Bull Creek Wastewater Treatment Plant. He stated Councilmember Longanecker has previously been active as the council representative for the BBCWWTP task force and would ask council to approve this appointment for this next year.

Councilmember Lewis motioned to approve, motion seconded by councilmember Smith. The appointment of Clay Longanecker as the council representative was approved, 5-0.

- Mayor Roberts announced that the developer of the travel plaza under construction on Homestead Lane has signed a contract with Goodcents Deli Fresh Subs, and the owner has signed in to be an investor in this region and will have 10 stores around this area.

#### 16. Future Meeting Reminders:

- January 28<sup>th</sup>: City Council Meeting – 7:00 PM
- February 9<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- February 11<sup>th</sup>: City Council Meeting – 7:00PM
- February 25<sup>th</sup>: City Council Meeting – 7:00 PM
- March 9<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- March 11<sup>th</sup>: City Council Meeting – 7:00 PM
- March 25<sup>th</sup>: City Council Meeting – 7:00 PM

#### 17. **CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR THE PURPOSES OF PENDING LITIGATION**

Councilmember Smith motioned to recess into executive session pursuant to K.S.A. 75-4319(B)(2) for consultation with an attorney deemed privileged in the attorney-

client relationship to include the City Attorney and the City Administrator for the purposes of pending litigation for 5 minutes. Councilmember Beem seconded the motion. The meeting recessed into executive session at 7:50 PM, 5-0.

Councilmember Longanecker motioned to return to open session with no action being taken. Councilmember Smith seconded the motion. Open session resumed at 7:55 PM, 5-0.

## 18. **Adjourn**

Councilmember Lewis motioned to adjourn, seconded by councilmember Longanecker. Meeting adjourned at 8:00 PM, 5-0

## EVENTS

February 15<sup>th</sup>: City Hall Closed for President's Day

February 18<sup>th</sup>: Annual State of the City