

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**January 27, 2022**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on January 27, 2022. The meeting convened at 7:00 PM with Mayor Roberts presiding.

**1. ROLL CALL**

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present
Jody Brown	present
Josie Stambaugh	present

With a quorum present, the meeting commenced.

Staff in attendance:   Public Works Director, Dan Merkh  
                                  City Attorney, Lee Hendricks  
                                  City Clerk, Alexandria Clower

Staff via videoconference:   Finance Director, Karen Kindle  
  Development Services Director, Katy Crow  
  CIP Manager, Brian Stanley  
  Accountant, Justin Vermillion  
  Marketing & Communications Manager, Kara Banks

**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 January 13, 2022 Regular City Council Meeting**

With no questions or comments on the consent agenda, Mayor Roberts requested motion to approve the minutes from January 13, 2022.

Councilmember Beem moved to approve the minutes, seconded by Councilmember Longanecker. The minutes were approved, 5-0.

**Regular Agenda**

**5. Declaration.** There were no declarations made by the Governing Body.

6. **Public Comments.** There were no public comments made.

7. **Report.** American Rescue Plan Act (ARPA) Final Rule.

Mr. Hendricks stated the City received the first of two tranches of funds last July under the American Rescue Plan Act. The next payment will be in July 2022. He stated ARPA funds had strict uses when first released, specifically for water, sewer and broadband projects. He stated it was highly regulated to ensure use of the funds fell within those categories and this would have been substantial work for staff. He stated the Final Rule issued by the Department of Treasury changed how the funds can function. For all entities that received \$10 million or less, the entirety of those funds can be categorized as revenue loss, regardless if revenue was truly lost. He stated it is now a "no look" deal with few reporting requirements. The funds still need to be kept in a different account, but the key element is any entity who received less than \$10 million can use these funds for any items that the jurisdiction spends general dollars on. He stated this is a game changer for the city and opens up a broad spectrum of use for the city without all the paperwork for staff. He stated the time limit to spend remains the same, by the end of 2026.

Ms. Kindle stated she would add that even though we have a broader scope of potential projects on which to use the money, it is still subject to certain rules. She stated in June of 2021, the Council approved certain documents related to ARPA, including the Award Terms and Conditions which references various federal regulations, such as procurement guidelines, audit requirements, etc. She stated also approved were the Assurances of Compliance with Civil Rights Requirements which says the City will comply with specific provisions related to civil rights. She stated the Final Rule requires the City to report annually by April 30<sup>th</sup> with the first report being due in 2022. She stated staff is reviewing guidance and determining the best one-time use of the funds. She stated staff will bring back options to the Governing Body for final decision and approval. She stated the city has received half of the total allotment, in the amount of \$135,322.29 and anticipate receiving the remaining dollars in July 2022.

Mayor Roberts stated he believes this is good for us and many cities.

There were no further comments or questions made.

### **Business Requiring Action**

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

- 502 E 2<sup>nd</sup> St. Update

Ms. Crow addressed the Council. She stated she hopes this to be the final report of this kind on 502 E 2<sup>nd</sup> St. She stated when the process first began on this property it was in poor condition structurally and represented a significant eyesore for neighbors. She stated staff began working through the process to bring a resolution declaring the property a dangerous and unsafe structure. She stated since that initial action was taken in 2020, the current property owner has resolved the exterior concerns. She stated there has not been any progress made since November on the inside of the home as they are still waiting on HVAC and plumbing, which is

behind due to shipment delays of materials. She stated the exterior of the home is airtight and within code compliance standards with door and windows being intact.

She stated at this time, the owner has been notified that building materials cannot be kept on site when work is not occurring. Additionally, there has not been a formal building inspection since July 2021, making the currently issued building permit null and void because work has not progressed to the point of the next required inspection within 180 days from date of permit issuance or last inspection. She stated before work can resume, a new permit must be obtained. The homeowner has stated they intend to obtain a new permit at the beginning of February.

She stated staff has discussed with the City Attorney regarding the resolution of this item and if the City Council agrees that the property is in satisfactory condition, a memo confirming that the building is no longer a dangerous and unsafe structure will be placed on the February 10, 2022 Consent Agenda. She stated staff would continue to monitor the property for routine code violations and would ensure that an active building permit is secured prior to any future activity occurring.

Councilmember Longanecker asked if anything has happened on the inside as far as rough-in work.

Ms. Crow stated the floor is complete with boards and joists, there is no sheet rock while they homeowners are waiting on the HVAC and plumbing, but the house does have all windows and doors.

Mayor Roberts asked for the wording designating a structure dangerous and unfit per the City Code.

Mr. Hendricks referenced the Edgerton Municipal Code, Article 4, Section 401, which states the following:

4-401. PURPOSE. The governing body of the City of Edgerton has found that there exist within the corporate limits of the city structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures as provided in this article. (K.S.A. 12-1751; Code 1984)

He stated from what he sees, and why his recommendation is that this portion be resolved, is that this is based more on an exterior matter. He stated there are instances when a fire occurs that the City would be more involved on the interior of a home, but this is not the case. He stated now at this time, the hammer the city has is the occupancy permit issuance.

Mr. Crow stated there have not been enough inspections. Until someone can live there and that is the intention of the homeowner to do so, they'd have to go through inspection processes to obtain a final certificate of occupancy. To do this, they would have to obtain a building permit, complete inspections related that are to the IRC standards, and pay associated fees for such permit.

Mayor Roberts stated it is his recommendation that the city remove the "dangerous and unfit structure" title from this house. He stated it no longer meets the definition per the city code.

Mr. Hendricks stated this is correct, they are in compliance. He stated the owners have been very willing to work with the city and will continue to provide updates. He stated this has been a real success story.

Mayor Roberts stated he is comfortable with staff providing a memo at the next council meeting and moving forward.

All members of the Governing Body were in favor of this approach.

There were no further questions or comments.

- COVID Impacts to City Operations

Mr. Merkh addressed the council. He stated the City continues to monitor the guidance issued by various levels of government agencies for the most up to date information regarding COVID-19. He stated the health and safety of this community and the employees who work here are the top priority as staff continues to provide critical services to citizens of Edgerton.

He stated the memo provided to council summarizes some of the major impacts the recent surge is having on city operations. He stated as this is a rapidly evolving situation, the city will continue to monitor guidance and requirements from our public health partners.

He stated the Mayor issued two local executive orders which canceled or postponed all city-sponsored events and suspended Community Hall rentals through January 31<sup>st</sup>. He stated on January 27<sup>th</sup>, the Mayor extended the local order to cancel or postpone events through February 18<sup>th</sup> and continued suspensions of Community Hall rentals through February 28<sup>th</sup>.

He stated the city has instituted changes amongst staff to mitigate and minimize the spread as much as possible. He stated these changes include testing and quarantining based on the CDC guidelines, cleaning and disinfecting workstations, social distancing, work in place measures, and a mask requirement for all staff while indoors in city facilities. He stated staff continues to work hard through the latest surge of positive cases to minimize any disruption of the critical services provided to the community.

He stated there have been several impacts to projects with supply chain issues and staffing shortages across all industries, leading to delays in city projects. He stated these impacts include: lead times in truck and mower deliveries, brine and salt delivery delays, and staffing shortages across all companies. He stated the 207<sup>th</sup> Street Grade Separation project has had a

couple setbacks, including delays for the glass beads needed to stripe the roadways, the light poles which were ordered in March 2021 are now not expected to arrive until later this year and because of staffing shortages with the contracting companies, loss of workdays have occurred. He stated the Greenspace project has also seen some impacts including a design team forced to interview virtually due to exposures. He stated the initial start date for the 7<sup>th</sup> & Nelson Sanitary Sewer Project was postponed due to staffing issues and shortages amongst many subcontractors.

He stated these impacts are felt throughout each step of any process at the city. He added there have been and will continue to be delays that occur, but staff has and will continue to work diligently to minimize all impacts to critical services.

Mayor Roberts stated he cannot stress enough that within the city, people wear multiple hats and have had to do so even more lately. He stated he appreciates all staff and their willingness to step up whenever and wherever needed.

There were no further comments or questions.

## **9. Report by the Mayor**

Mayor Roberts stated as Mr. Merkh mentioned, he extended the Executive Order until at least February 18<sup>th</sup>. He stated community groups are still able to meet, such as Frontier Days and Girl Scouts meetings. He stated it will be up to the Senior Lunch Committee if they want to meet on the 16<sup>th</sup> of February for their monthly lunch or if they want to cancel for another month to evaluate the numbers of COVID.

## **10. Future Meeting Reminders:**

- February 8<sup>th</sup>: Planning Commission – 7:00PM
- February 10<sup>th</sup>: City Council Meeting – 7:00PM
- February 24<sup>th</sup>: City Council Meeting – 7:00PM
- March 8<sup>th</sup>: Planning Commission – 7:00PM
- March 10<sup>th</sup>: City Council Meeting – 7:00PM
- March 24<sup>th</sup>: City Council Meeting – 7:00PM

## **11. Adjourn**

Councilmember Longanecker moved to adjourn, seconded by Councilmember Beem. All in favor. The meeting was adjourned at 7:26 PM.

Submitted by Alexandria Clower, City Clerk