

City of Edgerton, Kansas
Minutes of City Council Regular Session
February 8, 2024

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas February 8, 2024. The meeting convened at 7:00PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	present
Deb Lebakken	present
Bill Malloy	present
Ron Conus	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Accountant, Justin Vermillion
- Public Works Director, Dan Merkh
- Public Works Superintendent, Trey Whitaker
- Holly Robertson, CIP Project Manager
- Assistant to the City Administrator, Kara Banks
- Development Services Director, Zach Moore
- Building Inspector, Jim Brown

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 January 25, 2024 Regular City Council Meeting.

Councilmember Longanecker moved to approve the Consent Agenda, seconded by Councilmember Lebakken. The Consent Agenda was approved, 5-0.

Regular Agenda

5. **Declaration.** There were no declarations made.

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

Business Requiring Action

7. CONSIDER SUBMITTAL OF APPLICATION FOR EDGERTON TRANSPORTATION STUDY TO THE US DEPARTMENT OF TRANSPORTATION (USDOT) FOR A FY 2024 REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) PLANNING GRANT

Ms. Robertson stated staff is requesting permission to apply for the RAISE Grant again this year. She stated in 2022, staff applied for the RAISE grant for projects included 2nd Street Reconstruction and the Downtown Streetscape project. Unfortunately, these projects were scored as acceptable but not selected for award. She stated staff has reviewed all feedback and will implement this information for future grant applications.

She stated staff recommends applying for a RAISE planning grant for the Edgerton Transportation study to identify areas of our system that need repaired or rebuilt due to safety concerns, new development, and economic opportunities. She stated this project would be a city-wide study and include required surveys, studies, partial design plans for those areas identified as priority projects for the city.

Councilmember Lewis asked if this is for matching funds.

Ms. Linn stated this is just a request for submission of the application, no matching funds. She stated staff will bring back options for matching funds.

With no further questions or comments, Mayor Roberts requested motion to approve the submittal of the application for the Transportation Study to the USDOT for 2024 RAISE Grant.

Councilmember Longanecker moved to approve, seconded by Councilmember Lebakken. The motion was approved, 5-0.

8. Report by the City Administrator

- KRWA Designation of Voting Delegate

Ms. Linn stated every year, Council votes on two members of staff to attend and vote at the KRWA Conference. This is a conference that is budgeted for members of the governing body to attend should they choose too. She stated staff would suggest Mike Mabrey and Darren Ross be the voting delegates to attend.

Mayor Roberts requested motion to approve Mr. Mabrey as the voting delegate for the KRWA Conference and Darren Ross as the alternate.

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 5-0.

- Public Works Quarterly Update

Mr. Merkh referenced the handout provided in the council packet. He stated the public works and utilities crews have done a fantastic job staying on top of weather and other unforeseen

events, such as water main breaks. He stated the crews have worked hard to make the impact minimal to the public.

Councilmember Lebakken asked how many people are on the snow crew.

Mr. Merkh stated 8 or 9 with another 4 or 5 additional trained staff should they need to be called out as well.

Councilmember Longanecker stated the 420 lane miles of sweeping seems like quite a lot and asked if that is normal.

Mr. Merkh stated that it is about average, and there may be more during the summer event season.

- Report on Private Utility Work within Public Right-of-Way (ROW)

Ms. Linn stated with work going on in the public right-of-way, staff wanted to share what the city's role is when a contractor works within the ROW. She stated members of staff and Mayor Roberts met with two of the largest permit holders within the city just this week to discuss the impact of ROW Permits within the community.

Mr. Merkh stated when someone wants to work within the ROW, they are to submit an application with provided location and type of work as well as any documentation needed, including a certificate of insurance. He stated staff then reviews their application to verify all information provided is complete. He stated there are currently 7 active ROW Permits, four of which are fiber installers. He stated staff does their best to make sure the contractors are not in the same place at the same time. He stated staff does not inspect the work because the contractors are not working on City infrastructure. When it is City owned, they are told the requirements for restoration. He stated the city's only real role in the ROW process is to provide a permit and communicate if needed throughout the project life. He stated the City does not dictate time frame, what they are putting in, etc.

Ms. Linn stated the amount of work currently being conducted is driven by two main groups – KS Gas with NPL and Kwikom. She stated the biggest challenge with the gas company has been crews leaving holes exposed for long periods of time, but this has been resolved within the last few days and they have now put gravel in temporarily. She stated this is not permanent, but it provides a solution for the kids who walk to school. She stated when staff receives calls for concern, they are referred directly to the contractor.

She stated the second group is KwikCom, which has several sub-contractors working on their behalf. She stated they have said they are nearly done with boring for the project and they will begin pulling cables. She stated the biggest struggle with them has been the subcontractors hitting water and gas structures. She stated there have been 8-10 main breaks.

Councilmember Longanecker asked if there is compensation for that.

Mr. Merkh stated the City has sent bills for materials as well as hours for equipment.

Ms. Linn stated typically the City would not fix and the company would have to get that work completed, but there is a level of service decision that is made in the field. Staff decided to bill for materials and equipment to allow for water restoration to be done efficiently for our residents.

Mayor Roberts asked if staff is doing the work, is there cost recovery for their hours spent.

Mr. Merkh stated staff has supervised, fixed, told them how to fix, etc. and when the job is complete, staff will check restoration.

Councilmember Lebakken stated many people have had problems and are requesting restoration of their yards, etc.

Ms. Linn stated they should contact the contractor directly because it is the contractor's responsibility to fix what has been broken.

Councilmember Lebakken stated there is a contractor denying any responsibility in one area because there is no proof and there is over \$4,000 worth of damage.

Councilmember Lewis stated it should be easy enough to prove though that their lines are in the ground.

Mr. Lee Hendricks stated they would need to contact legal counsel.

Mayor Roberts stated the city has very little control over telecom fiber.

Councilmember Lebakken stated we can still give the homeowner direction though.

Mayor Roberts stated first direction would be to call the company. If they're not claiming responsibility that's a civil matter. He stated he would highly recommend people document their experiences on their property.

Mr. Hendricks stated it is not the City's asset, these companies have the right to be there, and telecommunication companies are living within the statutes allowed. However, if the city were to decide to make a street a four-lane roadway, that cost to relocate their lines is on them to move, not the City. He stated the city has the right to control the traffic flow, on our schedule and their dime.

Mayor Roberts stated correct, it's their job to get out of our project area.

WALK ON: Lead & Copper Update

Mr. Merkh stated the federal government has named the inventory due in October the Lead Service Line Inventory, or LSLI. He stated a survey will go out to residents in the near future for the information to be submitted to the state as required. He stated the catalog and mapping is

being completed by NEER. He stated this survey will have residents complete some general questions related to when their house was built, what their pipes are made of, what they look like, etc. The Feds are saying they want all the lead out in the next 10 years.

Councilmember Lewis stated he looks forward to seeing what they are going to do with this information in older city environments like Boston, Chicago, etc. He stated how are they going to make city's pay for this.

WALK ON:

CONSIDER RESOLUTION NO. 02-08-24A APPROVING THE CLOSURE OF A PUBLIC STREET NAMED HEREIN DURING EDGERTON'S TOPPING OUT CEREMONY FOR THE GREENSPACE IN 2024.

Ms. Linn stated the resolution consideration is for the closure of Nelson Street for about an hour on Wednesday, February 14th for the final beam placed in The Greenspace. She stated the ceremony is planned for 2:30PM and is a big milestone for the project. She stated any member of the public who wishes to sign the beam is welcome to attend. She stated staff appreciates everyone's patience through this process as we continue to work through the building of this gathering space for the community. She stated Combes Construction has done a fantastic job with the residents in the area, keeping them informed, working with them during the weather and mud, etc.

She stated she would also like to remind council and residents that the Citizen Survey should be hitting mailboxes this week, and staff encourages all to participate in that.

Mayor Roberts asked Ms. Linn to give a quick update on Glendell Acres park as he has seen some questions related to that project moving along quite slowly.

Ms. Linn stated they opened bids this last week and will be presenting for consideration the award for construction at the next council meeting. She stated there have been challenges related to this project, specifically related to the high-pressure gas main that runs through that area. She stated Skate Parks are also unique in their own as you have to hire experts in that category and that was a challenge.

Mayor Roberts stated he does understand what the public is saying in this matter, staff has been working for quite some time on this project. He stated staff worked over a year with the pipeline company and that was a first piece that had to be completed before movement could be made.

9. Report by the Mayor

Mayor Roberts stated he recently attended a tremendous event where Matt Mayeske, teacher at Gardner Edgerton High School, won a grant from the Milken Family foundation for \$25,000. This was awarded to him to signify the appreciation of his students and colleagues and dedication he has for teaching. He expressed his congratulations to Matt and encourages those

that may see him in public or on social media to do the same. He stated he will send out a letter from the City to congratulate him on this award.

10. Future Meeting Reminders

Mayor Roberts reminded the Council of the future meetings for Council and Planning Commission.

11. Adjourn

Councilmember Lebakken moved to adjourn, seconded by Councilmember Malloy. All in favor. The meeting was adjourned at 7:54PM.

Submitted by Alexandria Clower, City Clerk