

City of Edgerton, Kansas
Minutes of City Council Regular Session
February 13, 2025

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas February 13, 2025. The meeting convened at 7:01PM with Mayor Roberts presiding.

1. ROLL CALL

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

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Clerk, Alex Clower
- City Attorney, Todd Luckman
- Assistant to the City Administrator, Kara Banks
- Assistant to the City Administrator, Trey Whitaker
- Public Works Director, Dan Merkh
- CIP Project Manager, Holly Robertson
- Finance Director, Karen Kindle
- Senior Accountant, Justin Vermillion
- Development Services Director, Zach Moore
- 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 January 23, 2025 Regular City Council Meeting
5. Approve Temporary Construction Easement for Pamela R. Sill at 20380 CO-OP Road for the 2nd Street Reconstruction Project.
6. Approve Temporary Construction Easement for John L. Marsh and Carol L. Marsh at 200 E McDonald Street for the 2nd Street Reconstruction Project.

Councilmember Longanecker moved to approve the Consent Agenda, seconded by Councilmember Conus. The Consent Agenda was approved, 3-0.

WALK ON: Introduction of New Hires, Tylor Musick & Matt Talley

Mr. Merkh stated Public Works has hired two new positions, bringing them back to fully staffed within the department. He stated he is excited to welcome these two to the team and happy to say they have already worked their first snow shift and did well.

Mr. Musick stated he is excited to be working with the city. He stated his first snow fall was fun and he was expecting it to be a lot worse.

Mr. Talley stated he has lived in Edgerton for the last 15 years and it is fun to be working in the same city he lives. He stated the snow was not too bad.

Mayor Roberts and the Councilmembers welcomed them to the team.

Regular Agenda

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

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

Business Requiring Action

9. **PUBLIC HEARING TO DISCUSS DEANNEXATION OF CERTAIN LAND FROM THE CITY OF EDGERTON, KANSAS PURSUANT TO ORDINANCE NO. 2177 AND K.S.A. 12-504 AND K.S.A. 12-505**

Ms. Linn stated in December 2020, City Council approved Ordinance No. 2058, which was included with the packet. She stated the legal description for Tract 1, adjoining the property owner, was incorrect. The City investigated this fully to determine the course of action. The area that was incorrectly added is to be de-annexed. She referenced the map included and stated the purple colored area is what will be de-annexed.

There were no questions or comments.

Mayor Roberts opened the public at 7:07PM.

With no questions or comments, Mayor Roberts then closed the public hearing at 7:07PM.

10. **CONSIDER ORDINANCE NO. 2177 ORDINANCE APPROVING THE DEANNEXATION OF CERTAIN LAND FROM THE CITY OF EDGERTON, KANSAS PURSUANT TO K.S.A. 12-504 AND K.S.A. 12-505.**

With no questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2177, De-Annexing certain land from the City of Edgerton, KS.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lebakken. The motion carried, 3-0.

11. CONSIDER AN AGREEMENT WITH THE JOHNSON COUNTY SHERIFF'S OFFICE FOR THE PROVISION OF LAW ENFORCEMENT SERVICES FOR FISCAL YEAR 2025

Ms. Linn stated the City contracts with the Sheriff's Office for law enforcement services, included in the packet is the draft annual contract. This is all the same as the previous year, including the power shift. She stated the agreement lays out the responsibilities for both parties. One change that was updated is the description of the seven car to include Dwyer Farms as part of the patrol area. She stated from a budget perspective, the language has been cleaned up to show annual amount and specify the amounts included.

Councilmember Longanecker asked how much adding Dwyer changed the cost.

Ms. Linn stated the additional area did not change the cost of the contract. The cost is 150 dollars less than what was budgeted.

With no further questions or comments, Mayor Roberts requested motion to approve the agreement with Johnson County Sheriff's Office for Law Enforcement Services for 2025.

Councilmember Longanecker moved to approve, seconded by Councilmember Lebakken. The agreement was approved, 3-0.

12. CONSIDER RESOLUTION NO. 02-13-25A ADOPTING THE KANSAS HOMELAND SECURITY REGION L HAZARD MITIGATION PLAN 2024-2029

Mr. Whitaker addressed the Council. The disaster mitigation act of 2000 requires all political entities to have an approved hazard mitigation plan as a condition for receiving certain types of non-emergency disaster assistance. Johnson County takes lead on developing this plan, with coordination with eligible jurisdictions. This is a prerequisite for mitigation project grants. He stated to meet all requirements of FEMA, plan participants must show their continued commitment to the county mitigation efforts by adoption the plan through formal resolution.

Councilmember Conus asked if the city has ever received any grant money from this.

Mr. Whitaker stated to date, we have not.

Ms. Linn stated during the most qualifying event the city experienced - the flood of 2017 - the rest of the county was not effected so it did not meet the requirement.

With no further questions or comments, Mayor Roberts requested motion to approve the resolution approving the adoption of the Kansas Homeland Security Region L Hazard Mitigation Plan 2024-2029.

Councilmember Conus moved to approve the motion, seconded by Councilmember Lebakken. The motion carried, 3-0.

13. CONSIDER RESOLUTION NO. 02-13-25B APPROVING THE ASSIGNMENT OF THE DEVELOPMENT AGREEMENT FOR RAUSCH COLEMAN HOMES

Mr. Moore stated in January 2023, Kansas LD, LLC, entered into a development agreement for Dwyer Farms. Later in 2024, Council approved a reassignment to a different entity, ARG Land Holdings, LLC. Kansas LD and ARG Land are both Rausch Coleman entities. In November 2024, Lennar Corporation announced plans to acquire a portion of Rausch Coleman Homes, and as a result, ARG Land now desires to assign the development agreement to Kansas LD. He stated no other changes are being made.

With no questions or comments, Mayor Roberts requested motion to approve the resolution approving the assignment of the development agreement for Rausch Coleman Homes.

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Longanecker. The motion carried, 3-0.

14. CONSIDER CONTRACT WITH CITY OF BALDWIN CITY FOR PURCHASE OF WATER

Mr. Merkh stated the City purchases water from two sources, the City of Baldwin City and Rural Water District No. 2. Edgerton had an existing contract from 1983 that expired in 2023, and both Cities agreed to continue service per the existing contract until the contract was mutually agreed upon. In 2023, the City of Edgerton began negotiating the renewal of a contract with Baldwin City for the purchase of treated water.

He stated the existing contract from 1983 contained language regarding the construction of new infrastructure to make the transfer of water feasible. This language was removed for the updated contract as no new construction is needed.

He stated there were three other main points of negotiation. First, the term of the contract being established as a 30-year contract from the date of signing. The contract adds language that when the City of Baldwin City provides a feasibility study and preliminary engineering study to support their installation of an emergency connection for Edgerton to provide water to Baldwin; Edgerton will consider a revision to the contract. He stated this language does not require Edgerton to provide water, only that Edgerton would review the documents and renegotiate as needed.

The second point of negotiation is the documentation that Baldwin City is to provide Edgerton annually to validate the data used to set the per unit cost for the upcoming year. He stated Attachment A sets the method of calculation and the formula remains unchanged from the previous contract. He stated the entire agreement, including Attachment A, was reviewed by the City's Utility Rate Consultant. While the Agreement sets the per unit cost, the exact annual amount paid to Baldwin changes based on gallons of water purchased throughout the year.

He stated the third and final point of negotiation was the amount of water Edgerton is allowed to purchase, which is a minimum of three million six hundred thousand (3,600,000) gallons per year. He stated this is three hundred thousand (300,000) gallons per month and approximately nine thousand eight hundred (9,800) gallons per day. The connection to Baldwin is primarily

used as an emergency connection as well as times where maintenance operations with our primary provider need to be scheduled. The updates to the contract do not limit this type of usage.

Councilmember Longanecker asked how much water does the City currently purchase.

Mr. Merkh stated we currently pull approximately 10 thousand gallons.

Councilmember Conus stated we are drawing 3.6 million anyway.

Mr. Merkh stated in an emergency there is no cap.

Mayor Roberts stated one of the reasons we got a second connection was the limited ability to get water which then limited us. He stated they are now in the path to do the same. Our partners to the east have always been very helpful in emergency situations, and it would be beneficial for us to do the same. He stated many years ago there was a detailed water study done that said interlocal connections are the future for this area. There was at a time a proposal for wholesale water, but that costs a lot more. Asset management and proper planning are our biggest resources.

Ms. Linn stated this is the first agreement. Both Rural 2 and Johnson 7 contracts are coming.

With no further questions or comments, Mayor Roberts requested motion to approve the contract with Baldwin City for the purchase of water.

Councilmember Conus moved to approve, seconded by Councilmember Longanecker. The agreement was approved, 3-0.

15. Report by the City Administrator

- Sheriff's Office/Municipal Court Update

Ms. Banks reviewed the court report provided and stated the numbers have been steady.

Capt. Dan Diercks thanked the council for having him. He stated he regularly speaks with Mayor and Ms. Linn. Since his last update in July, there have been a number of incidents that have happened in the city. Early in the summer there was an arson case at The Greenspace, then graffiti at the skate park and a few burglaries at D's Mini Mart.

He stated two individuals have been charged in connection with all of the incidents. They were able to identify suspects, who admitted to the arson and vandalism cases. The first burglary, there was limited info. There were some rumors about the two individuals but there was lack of knowledge at that time. It was the third burglary in December that allowed for the identification of the individuals and connect them to the first two. As the case was developing, nobody had been charged so we had to be careful about the information being divulged. After successfully identifying the individuals and taking them into custody, it was then that it was admitted they were also associated with the events at

The Greenspace and the skatepark. They now know, the last 6 events in town were related to these two people and they're facing prosecution. He stated there was another incident that took place where there were break-ins that occurred, these suspects were identified as from being out of town. Deputy Johnson was instrumental in connecting those cases, prosecution is happening there as well. He stated he understands the frustration and the wanting to know what's going on, but sometimes, the information cannot be shared until the investigation is closed.

Mayor Roberts stated Dan has done a wonderful job at communication. Sometimes we want to have enough info to help where we can but also, don't want to get in the middle of an active investigation. He stated the case load we had, has been drastically cut down because of the recent arrests.

Councilmember Longanecker thanked him for sharing the information.

Councilmember Conus told them they did a great job. He asked if there's anymore information that can be given related to the break-ins.

Capt. Diercks stated he'd have to follow up.

Mayor Roberts stated it is highly depended on where they're charged at. He stated he'd like to add that the citizens academy offered by the county is a great way to understand the inter-workings and processes in place.

Capt. Diercks stated also, with the county, the city is getting 11 different agencies at your disposal.

Master Deputy Johnson stated the arson at Edgerton Elementary was also connected to the same people.

- HOME Improvements Fence Options

Ms. Banks stated during the December City Council meeting, Council requested staff bring back options for allowing or not allowing fences as an approved project for the HOME Improvements grant and how these types of projects would meet the original intent of the program. Staff identified several options, fences not being included, existing fences only being included as a repair, or allowing new fencing options. No electric or underground fences would be eligible.

After review of the information, staff is recommending that Council does not approve fences as an eligible activity and instead focus the limited resources of allocation dollars to projects that impact the structure of the home, such as foundations, roofs, siding, etc.

Councilmember Longanecker stated with the limited funding resources for this project, he would agree to go with staff recommendation of not allowing fences as an eligible project.

All Councilmembers were in agreement that fences not be apart of the HOME Improvements Grant options.

16. Report by the Mayor

Mayor Roberts stated in the 2024 JCCC Report to communicates, page 15 talks about the CDL facility and driving range in Edgerton. He stated it mentions that 636 students have completed the training and the new facility will be able to license over 1,000 drivers. He stated this is a big kudos to JCCC for their vigilance to build a new facility for new drivers to be well educated. He stated he has seen the facility and if there are any councilmembers who would like to see it as well, he suggest they reach out to staff to help facilitate that. He stated Representative Sharice Davids has been out to the facility and actually got to take a test drive on the 8-speed simulator.

He stated the next item he'd like to discuss is regarding Johnson County Fire District No. 1 and No. 2 Consolidation. He stated Beth and him went out to the BOCC meeting last Thursday and spoke their view on this. Both boards have already passed and the BOCC board passed as well. He stated his concern is that this is taxation without representation. There will be a recommendation board that the City can sit on, but no board where anyone from the City can actually vote on our behalf. None of the decisions will be voted on by people within the district. BOCC has all the power and none of them live within the district. They will be voting on everything that is associated within a district they don't even live within. He stated he knows zero other taxing entities that have this type of structure and believes it's contrary to what government should be. We cannot vote on a budget, etc. for Edgerton, unless we live here. He believes Edgerton should explore other options.

Councilmember Longanecker asked what other options do we have. He'd like to investigate those other options as well.

Councilmember Conus agreed, he'd like to see what other options we have. If we're not apart of it, what happens.

Councilmember Lebakken agreed.

Mayor Roberts stated the only other thing to consider are the legalities of the representation part.

Mr. Luckman, City Attorney, stated this was done in a very strange way by the way the district was originally created. He has looked at it and it's appropriate under statutes, basically there were two different Fire Districts created and they were created under different rules. One allows for county commission and the other under municipal, which allows BOCC to be the governing body. Just by chance, they were able to use statute scheme to get out of what would have otherwise been limitation. That doesn't mean there's a legal way to challenge, there is a protest petition option, not an option really for city in

general. But this doesn't mean there's not other options out there, perhaps a Charter Ordinance could be used, but he'll have to research other ways and what we can do.

Councilmember Lebakken stated they could set the mill to whatever they want, and then we're stuck.

Mr. Luckman stated presuming they're bound by notice laws, but yes. In essence, disconnect is while the county commission has to hear about it, they don't have to bear the costs themselves.

Mayor Roberts stated he'd like the City Attorney to look into statutes but is also questioning the constitutionality of it.

Councilmember Conus stated even as a former board member, he'd agree and would like to look into other options.

Mayor Roberts stated citizens that are concerned, can start a protest position but the percentage will likely be hard to get.

Ms. Linn showed the boundaries as presented by the district at the BOCC meeting.

17. Future Meeting Reminders

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

18. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO THE ATTORNEY/CLIENT EXCPTION TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR, PUBLIC WORKS DIRECTOR, CIP PROJECT MANAGER, AND DEVELOPMENT SERVICES DIRECTOR TO DISCUSS CONTRACT NEGOTIATIONS (K.S.A. 75- 4319(B)(2))

Mayor Roberts requested motion to recess into executive session for a consultation with the City Attorney, which is deemed privileged in an attorney-client relationship (K.S.A. 75-4319B(2)) to discuss contract negotiations. Present in the executive session will be the Governing Body and the following staff members: City Administrator Beth Linn, Public Works Director Dan Merkh, CIP Project Manager Holly Robertson, Development Services Director Zach Moore, and City Attorney Todd Luckman.

The executive session will start at 8:00PM and last 10 minutes. The open meeting will resume in the Council Chambers.

Councilmember Longanecker moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) for the purpose of discussing contract negotiations. Councilmember Lebakken seconded the motion.

The meeting recessed into executive session at 8:00PM, 3-0.

Councilmember Lebakken moved to return to open session with no action being taken.
Councilmember Longanecker seconded the motion.

Open session resumed at 8:10PM, 3-0.

WALK ON: The Greenspace Rentals

Mr. Meyer provided Council with a memo regarding The Greenspace rental fees. He stated there have been no changes to the rental costs since this was previously reviewed in December. He stated he'd like review and approval now on closure dates.

Mayor Roberts stated on the Holidays listed, he'd personally like to add Christmas Eve to the list as closed on normal business hours. He stated if something happens in the future where Christmas Eve is granted off as a City Holiday, then it'll get added at that time.

Ms. Linn stated staff is looking for a motion to approve the info presented in the memo.

Councilmember Lebakken made motion to approve the rental costs as presented,
Councilmember Longanecker seconded the motion. The motion carried, 3-0.

19. Adjourn

Councilmember Lebakken moved to adjourn, seconded by Councilmember Conus. The meeting was adjourned at 8:21PM with a 3-0 vote.

Submitted by Alex Clower, City Clerk