

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**March 9, 2023**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on March 9, 2023. The meeting convened at 7:00PM with Mayor Roberts presiding.

**1. ROLL CALL**

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present
Deb Lebakken	present
Bill Malloy	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Assistant City Administrator, Meagan Borth
- Public Works Director, Dan Merkh
- Public Works Superintendent, Trey Whitaker
- Development Services Director, Zachary Moore
- Finance Director, Karen Kindle
- Accountant, Justin Vermillion
- Marketing & Communications Manager, Kara Banks via Phone
- Recreation Coordinator, Brittany Paddock
- Maintenance Tech I, Trevor Morris

**2. WELCOME.** Mayor Roberts welcomed all in attendance to the meeting.

**3. PLEDGE OF ALLEGIANCE.** All present participated in 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 February 23, 2023 Regular City Council Meeting.

With no questions or comments, Mayor Roberts requested motion to approve the consent agenda.

Councilmember Lewis made a motion to approve, seconded by Councilmember Beem. 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.
7. **Introduction** of New Hires: Trevor Morris, Maintenance Tech I for the Public Works Department and Meagan Borth, Assistant City Administrator.

Ms. Beth Linn stated she is very excited to announce that the City has hired for the Assistant City Administrator position and welcomed Meagan Borth to the team.

Ms. Borth thanked the Council and stated she is very excited to be in Edgerton and be a part of this team.

All council members welcomed her to Edgerton.

Mr. Merkh stated the Public Works department is now fully staffed and welcomed Trevor Morris to the team.

Mr. Morris stated he's excited to be working in Edgerton and beginning his career here.

All council members welcomed him to Edgerton.

Ms. Linn stated the Edgerton team is now fully staffed in every department.

**Business Requiring Action**

**8. CONSIDER PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF EDGERTON AND NEER**

Mr. Merkh addressed the Council. He stated in February the City Council participated in a work session discussing the new Lead and Copper Revision Rule, as required by the EPA for all water systems. A part of this is a required inventory of all public and private water lines within the system. He stated a draft agreement with NEER is being completed to include a scope of work that compiles an inventory of the City's public and private water assets from multiple sources (i.e. city records, public survey, etc.), utilizes predictive modeling to identify possible areas containing lead, and hosts the data for staff to access. He stated this information will be used to complete the inventory as required by the EPA for the October 2024 deadline. This Agreement with NEER is still under review by the City, NEER, the City's insurance representative and the City Attorney.

He stated the agreement has a budget for services at \$15,000 annually for a period of three years and has been included in the 2023-2027 adopted CIP budget with funding from ARPA dollars and the State Revolving Fund. He stated NEER offers many other services that could benefit the city in the future and as we grow into the services within the agreement, staff will consider timing, cost, and impact of the services. He stated any revisions will be brought forward for approval as an amendment to the contract.

Mayor Roberts asked if the contract is renewable each year or every three.

Ms. Linn responded it is written as a three year contract with a cash basis clause allowing for the city to terminate, etc. if needed.

Councilmember Lewis stated it'll be interesting to see what the EPA decides in the next year or so. He stated it would not surprise him if they do not extend the deadline.

Mayor Roberts asked which entity owns the data at the end of the contract.

Mr. Merkh stated the data and the results of the predictive model are owned by the city, while the process for the predictive modeling remains with NEER.

With no further questions or comments, Mayor Roberts requested a motion to approve the agreement once approved by all parties involved.

Councilmember Longanecker moved to approved, seconded by Councilmember Malloy. The agreement was approved, 5-0.

**9. CONSIDER RESOLUTION NO. 03-09-23A AUTHORIZING THE CLOSURE OF A PUBLIC STREET DURING EDGERTON'S SUMMER KICKOFF BLOCK PARTY**

Ms. Paddock addressed the Council. She requested one block of Nelson Street be closed for the duration of the Summer Kickoff Block Party on June 3. She stated the Summer Kickoff Block Party is the first Saturday in June each year. This year they are planning to have slushies instead of ice cream and she has booked a food truck as requested by the community. She stated the road closure is designed to keep everyone safe.

With no questions or comments Mayor Roberts requested motion to approve Resolution No. 03-09-23A.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Lebakken. Resolution No. 03-09-23A authorizing the road closure for Summer Kickoff Block Party was approved, 5-0.

Ms. Linn requested Ms. Paddock review the activities planned for Spring Break. Ms. Paddock shared the schedule of events with Council.

**10. CONSIDER ORDINANCE NO. 2130 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2023-01 FOR THE REZONING OF APPROXIMATELY 1.46 ACRES OF LAND LOCATED AT THE SOUTHEAST CORNER OF E. NELSON STREET AND E. 3RD STREET, FROM CITY OF EDGERTON "R-1" (SINGLE FAMILY RESIDENTIAL) AND**

## **CITY OF EDGERTON "C-D" (DOWNTOWN COMMERCIAL) TO CITY OF EDGERTON "C-D" (DOWNTOWN COMMERCIAL) ZONING**

Mr. Moore stated the request before the governing body is to rezone the area on the southeast corner of E. Nelson Street and E. 3<sup>rd</sup> Street from single family residential and downtown commercial to City of Edgerton, Downtown Commercial zoning to accommodate the new Edgerton Greenspace community building. He stated the existing R-1 district does allow for the development of a public community building on the site, but has more restrictive design standards such as setbacks, while the C-D zoning design guidelines are more fitting for the downtown development.

He stated staff has reviewed this application with respect to the Edgerton Comprehensive Plan, the Unified Development Code and the laws of Kansas, particularly related to the Golden Criteria. He stated the Planning Commission held a Public Hearing in February regarding this rezoning and voted to recommend approval of Application ZA2023-01 with no stipulations.

Mayor Roberts stated this is really a historic moment for the community to start The Greenspace. He stated this is the first new brick building in downtown Edgerton in roughly 125 years and it's a huge step forward for the community. He stated most cities would not take this step because the development can be done without this step, but really appreciates staff and their time to do this like a developer would have to. He stated this is a monumental vote.

With no further questions or comments Mayor Roberts requested motion to approve Ordinance No. 2130 approving application ZA2023-01 for the rezoning from R-1 to C-D zoning.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lewis. The motion was approved, 6-0.

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

- 4<sup>th</sup> Quarter 2022 Finance Report

Ms. Kindle overviewed 2022 Fourth Quarter finance report and stated all funds had adequate fund to be within the reserve requirement and budget authority for each.

Mayor Roberts asked why the Ad Valorem Tax was down \$19,000.

Ms. Kindle stated she would need to look at specific properties to see if certain ones have not been reported yet, etc. She stated during the budget process, they estimate on PILOTs for the year and what is estimated may not always be the case. She stated this number is given to the City from the County.

Ms. Linn stated the first step in the annual process is underway as the auditors will begin their process and staff will begin getting ready to present the 2024 Budget. She stated typically budget work session will be held on an off-council meeting date so there is more time for questions if needed.

- Marketing & Communications Update

Ms. Banks addressed the Council. She gave an update for Marketing & Communications for January – March. She reviewed metrics for the City's social media and website.

Mayor Roberts stated staff has done a great job making the social media platforms a great way to communicate with the public. He stated Councilmember Lebakken does a great job resharing posts to make sure the word gets out to the community and encourages others to do so as well. He stated this helps Kara get the word out and if there were an emergency, people would know where to look for information.

- CIP Update

Ms. Linn stated CIP Work Session is held in October of each year and felt that March would be a good 6-month check in point for active and upcoming projects.

Mr. Merkh gave an overview of CIP projects including the space needs study for city hall which will be included once The Greenspace project is underway.

Mr. Moore commented on the Comprehensive Plan which he mentioned is currently in the draft phase. The steering committee will hold their first meeting on March 28<sup>th</sup>. He stated they are looking at a fall time frame for final approval. He also spoke about the building codes update. He stated there will be a work session held on March 23<sup>rd</sup> following the regular council meeting to begin assessing the differences between the current 2006 construction code the city uses versus the 2018 code so that Council can suggest changes or amendments.

Mr. Merkh stated they are nearing 100% design with Glendell Acres Park Project and they are still working to get into contact with skatepark vendors, which is proving to be a little more difficult than previously anticipated. He stated early procurement for park equipment is due back next week.

He stated the Wastewater Master Plan is still underway, staff is right in the middle of ERP Software Acquisition, 7<sup>th</sup> & Nelson Sanitary Sewer CDBG Project is complete, 2022 Street Preservation Program is complete, the City has purchased 414 E 4<sup>th</sup> St., which will house staff when the Yellow-House is torn down for construction of The Greenspace. He stated streetlight inventory and study is underway as well as the library brick and roof projects, which are nearing completion and have a few minor finishing touches to the stairs of the library. He stated 191<sup>st</sup> St. Bifurcation is to be determined. He stated 2<sup>nd</sup> St., Nelson-Termination of Grade Sep will be posted for request for qualification in the coming weeks as well as 2023 Street preservation. He stated the City Facility Security Exploration will begin in the next month or so to identify a consultant, Edgerton Lake and Dam are in the beginning stages of a draft for the RFQ, the Trail Master Plan is hoping to start in the next few months. He stated staff just received word that the City has received \$8,000 more for CDBG than previously announced so that funding will go toward the sewer project and get a little more completed and apply for more funding in the next grant year. He stated the remaining items on the list have no update as of now.

Councilmember Longanecker asked if it was the Dam exploration that was done a few years ago.

Ms. Linn stated inspections have been completed as they're required to be done by the state based on condition of Dam. BG has done an inspection, but it was done after the flood. There were some things that came from that report that will go to consultant that completes the Dam Exploration project.

## **12. Report by the Mayor**

Mayor Roberts asked Mr. Lee Hendricks, City Attorney, if he could give an update on lawsuits filed against the City.

Mr. Hendricks stated Clifton Cole filed a suit against the city on a zoning change from 2011. This zoning change had an impact on the Coles and they were part of many discussions with Planning Commission and City Council during that time. Mr. Hendricks explained that the Planning Commission had stated in their recommendation to Council that there should be a setback of 200 feet from the property line, but when the ordinance was passed by the Council, the ordinance instead stated 200 feet from the Coles home. He stated that the City's response to the Coles was that the time frame for objection to the terms of the ordinance ran out more than 10 years ago. Recently, the Coles brought forward a lawsuit to have the language within the ordinance set aside. Mr. Hendricks stated that the city filed a response and motion to dismiss stating it had been 11 years from the date of passage of the ordinance. This week the court ruled in favor of the City, agreeing with the City's argument that the time to object was days or at most months after the ordinance was passed, not a decade later.

He stated there have been four lawsuits filed in the past 18 months against the City. The first of the four was responded to by the City, but no action was taken by the plaintiff so the case was dismissed. The second suit was similar in that the city responded and immediately filed motion to dismiss. That case was dismissed, but the plaintiffs have appealed the matter to the Kansas Court of Appeals. He stated he has confidence the appeals court will agree with the City's stance, and it will be dismissed there. He stated the third filing had some discovery and the City requested summary judgement. He stated he anticipates it too will be ruled in the City's favor. Finally, the fourth suit, involving the Coles, has just been dismissed.

Mayor Roberts thanked Mr. Hendricks for providing that update.

## **13. Future Meeting Reminders:**

- March 14<sup>th</sup>: Planning Commission – 7:00PM
- March 23<sup>rd</sup>: City Council Meeting – 7:00PM
- April 11<sup>th</sup>: Planning Commission – 7:00PM
- April 13<sup>th</sup>: City Council Meeting – 7:00PM
- April 27<sup>th</sup>: City Council Meeting – 7:00PM

## **14. Adjourn**

With no further business, Mayor Roberts requested motion to adjourn the meeting.

Councilmember Longanecker moved to adjourn, seconded by Councilmember Beem. The meeting was adjourned at 7:50PM, 5-0

Submitted by Alexandria Clower, City Clerk