

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**March 28, 2024**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas March 14, 2024. The meeting convened at 7:01 PM with Mayor Donald 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 Attorney, Lee Hendricks
- Assistant to the City Administrator, Kara Banks
- Finance Director, Karen Kindle
- Accountant, Justin Vermillion
- Public Works Director, Dan Merkh
- Public Works Superintendent, Trey Whitaker
- CIP Project Manager, Holy Robertson
- Development Services Director, Zach Moore
- Assistant City Clerk, Alex Firth
- Planning and Zoning Coordinator/Deputy City Clerk, Chris Clinton

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 March 14, 2024 Regular City Council Meeting
5. Approve Agreement Not to Protest Formation Of A Benefit District For Construction Of Sidewalks Or Street Improvements On The Johnson County Community College CDL Training Facility At 30332 W. 191<sup>st</sup> Street

Councilmember Longanecker requested Item 5 be removed from the Consent Agenda for further discussion. Mayor Roberts removed item 5 from the Consent Agenda.

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

Mr. Zach Moore, Development Services Director, approached the Council. Councilmember Longanecker requested clarification as to what the item is. Mr. Moore answered that 191<sup>st</sup> Street west of Waverly Road has not been upgraded completely. The best way to ensure that the roadway is completed, and each property pays their own share, is the benefit district. The agreement states that the property owner will not protest the creation of the benefit district. Councilmember Longanecker stated he has not heard good things about benefit districts. Mayor Roberts said when the housing market crashed, it made benefit districts have a negative connotation. Ms. Beth Linn, City Administrator, stated when used properly, a benefit district helps a community drastically. Ms. Linn said the agreement is that the property owner will help pay for the road project when it is being constructed and not at the time of development. Councilmember Lebakken said she had to read it three or four times before she fully understood it. Ms. Linn said it is the property owners' willingness to participate in future road expansions.

Councilmember Longanecker moved to approve the agreement not to protest the formation of a benefit district for construction of sidewalks or street improvements on the Johnson County Community College CDL training facility at 30332 W. 191<sup>st</sup> Street. Councilmember Lebakken seconded the motion. The agreement was approved, 3-0.

### **Regular Agenda**

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

### 7. **Public Comments.**

Mr. Charlie Troutner, 707 W Nelson Street #215, spoke before the Council. He said he had a couple of items he wanted to discuss. He stated Ms. Holly Deaton believes the Council is doing a wonderful job and encourages them to keep it up.

The second item Mr. Troutner wanted to discuss is that March 29, is National Vietnam War Veterans Day. He explained it was signed into law in 2017 to be honored annually on March 29 because the final troops were pulled out of Vietnam in 1973. He implored anyone thank a Vietnam War veteran if they see one. Mr. Troutner thanked Councilmember Conus for his service as he is a Vietnam War veteran.

### 8. CIP Project Update – The Greenspace

Ms. Linn introduced Mr. Scott Crain with Henderson Building Solutions (HBS). She explained HBS is the company that acts as the owner's representative on The Greenspace Project.

Mr. Crain addressed the Council. He stated the previous update he provided the Council was in December of 2023 and he is going to provide another update on the beautiful building that is going up across the street. Mr. Crain said current construction is moving along well. There are some change orders to discuss but they are just now discussing change orders close to the midpoint of the project. He explained there has been a lot of coordination between City staff and Nelson Street business owners as improvements have started along Nelson Street. The street work has started on the south to install new sidewalk and curbing.

Mill and overlay work will start soon then curb and sidewalk will take place in April. City staff has been proactive in communicating with business owners to help minimize the impacts that occur during road construction.

He explained that change orders are a natural part of the construction process. These are the first change orders, and the construction process is about halfway done. The change orders are slightly over a half of a percent of the construction price. He informed the Council that the City is in an amazing situation for this project. City staff made an exhaustive effort to have everything included in the plans to reduce the need for change orders and revisions. The City has been significantly involved as an owner and are seeing the benefits of that. One of the change orders is from HBS, but there is no cost associated with the change order. Mr. Crain explained there was some overlap between what HBS is doing and what the contractor constructing the building is doing. The change order is an increased scope of work that HBS will take on. This scope will be after construction efforts to make sure the City approves the building and how it operates and will provide services years after opening the building.

Mr. Crain said for the next three (3) months, there will be more exterior work. The building is about to be dried in, which is when the building is weather proofed. There are some windows, doors and temporary items that will be installed to secure the inside of the building. Paving, exterior windows and doors, and some interior finishes will be done soon as well.

He explained that beyond this summer, crews will work on finalizing exterior areas and the interior finishes. The lawn, sidewalks, and other outdoor items will be finished. There is a piece of electrical equipment that is slated to be delivered in late December 2024. February of 2025 is when the facility will be turned over to the City. This has been the expectation of when the City will take over the building. The building would be delivered earlier if that equipment comes beforehand. He said overall the project is going well and the contractor has been great. Conversations with the contractor were had regarding how well the site has been cleaned. There has been activity on the west side of the property and some streets got dirty, but the contractor addressed it quickly.

Councilmember Longanecker agreed that the contractor has been great. He stated this is the first time he has heard of a no cost change order. He added the mild weather has been helpful so the construction can move quickly. Mayor Roberts said it has gone up quickly, but it has been quality work.

Councilmember Longanecker inquired as to what the big hole in front of the building was. Mr. Crain answered it will be a detention basin but will be full of bio-soils and native plants. This will allow the water to percolate and not just stand in the basin. Ms. Linn said it will help the quality of the stormwater. Mayor Roberts added it makes the area more user friendly.

## 8.5 New Item – Employee Introduction

Ms. Linn stated the City has hired a Parks and Recreation Director. Mr. Levi Meyer will officially start tomorrow, March 29, 2024. She said he emailed her asking what he can do before he gets started so she invited him to listen to the update on The Greenspace. She said he will have an office at 414 E 4<sup>th</sup> Street until The Greenspace opens.

Mr. Meyer addressed the Council. He said he is excited to get started and looks forward to all of the great things coming to Edgerton. He stated he was the Executive Director of Recreation in Ottawa, Kansas, where he currently lives. He has been in that position for the last five (5) years and was in the Recreation Department at Kansas University before then. Ms. Linn said the first task Mr. Meyer will have will be drafting a budget and staffing plan for The Greenspace. The Council welcomed Mr. Meyer.

### **Business Requiring Action**

#### **9. CONSIDER CHANGE ORDER #6 TO CONTRACT WITH COMBES CONSTRUCTION FOR CONSTRUCTION OF THE GREENSPACE PROJECT**

Mr. Holly Robertson, CIP Project Manager, spoke before the Council. She stated that on July 13, 2023, the Council awarded the contract with Combes Construction, LLC for construction of The Greenspace Project for \$6,761,000.00. Construction of the project began in August of 2023. She explained the City's Purchasing Policy approval authority. Per that Purchasing Policy, Change Orders #1, 2, 4, and 5 are within the authority of the City Administrator.

Ms. Robertson said Change Order #1 is an increase of \$3,696 to have Combes Construction time and excavate one of the trees within the utility easement through the construction site. The additional cost is due to delays caused by the relocation of the overhead powerlines through the easement.

Ms. Robertson explained Change Order #2 is an increase of \$2,950 to have Comes Construction include the additional length of conduit to place a streetlight with a controller along Nelson Street. This change order provides clarity for locations of the streetlights based on discussions with the existing utility that differed from the bid plans.

Ms. Robertson stated Change Oder #4 is a decrease of \$1,263 from Combes Construction for a credit related to the electrical panelboard. The electrical subcontractor purchased a slightly smaller panelboard gear than originally included in their bid. The electrical engineer confirmed the updated gear is sufficient for the facility.

Ms. Robertson informed the Council that Chage Oder #5 is a decrease of \$10,013 from Combes Construction for a credit related to the automatic transfer switch (ATS) of the generator. The electrical subcontractor initially bid a specialty bypass for the ATS that was not needed for the type of switch specified for this project.

Ms. Robertson explained Change Order #6 requires approval of the Governing Body. Change Order #6 is an increase of \$41,396 to have Combes Construction and their subcontractors install additional access control devices and security for the entire facility.

City staff worked with the IT Provider, Strategy, and the door hardware provider to outline the additional access controls and security. This change order includes the added facility modifications that will give flexibility for future operations and accessibility as a community gathering or event space, storm shelter and staff offices.

Ms. Robertson said the design team has reviewed the change orders and has found the costs to be reasonable and appropriate for the scope of work involved. If Change Order #6 is approved by the Council, the new contracted amount would be \$6,797,767, which is an increase of \$36,766.

Ms. Robertson said these change orders encompass modifications encountered at this point in the construction schedule and do not include the final overrun or underrun of quantities for the project. Contractually, the project substantial completion is set for February of 2025. She stated any additional change orders, including the final change order, will be forwarded for authorization at a future Council meeting. She said on September 9, 2022, an updated project scope and budget was approved by the Council with an overall project cost of \$8,704,500. The change orders with Combes Construction are within the project budget and are will within the construction line item of the budget. Therefore, City staff recommends approval of Change Order #6 for the construction of The Greenspace to Combes Construction.

Councilmember Conus inquired as to who is on the design team. Ms. Robertson answered that the City has contracted Incite Design Studio who made up a large portion of the team, but City staff was highly involved in all of the discussions.

Councilmember Clay stated the discussion over the last few weeks has been about security. He asked why there is a change order for the security item if the City just approved an agreement for the security systems. Ms. Linn replied that the agreement from the previous meetings was with Strategy. Ms. Robertson explained Strategy will be supplying some of the hardware and Combes Construction will need to install portions of it.

Councilmember Longanecker moved to approve Change Order #6 to the contract with Combes Construction for the construction of The Greenspace project for \$36,766. Councilmember Conus seconded the motion. Change Order #6 to the contract was approved, 3-0.

#### **10. CONSIDER AGREEMENT WITH SCOTT RICE OFFICE WORKS FOR THE GREENSPACE PROJECT FACILITY FURNISHINGS**

Ms. Holly Robertson stated that on July 13, 2023, the Council awarded the contract with Combes Construction, LLC for construction of The Greenspace Project and construction began in August of 2023. City staff has been working with both the design team and Scott Rice Office Works on all finishes and furnishings for the public and staff offices that will be in The Greenspace. Consideration for future operations, flexibility, maintenance, and durability were the top deciding factors for the items listed in the packet. She said City staff would recommend entering into an agreement with Scott Rice Office Works to provide the

furnishings. The agreement includes the furniture shown on the "Furniture Plan" in the packet and there is a summary of the furniture also in the packet. She showed the Council where the furnishings would go and what they looked like.

Ms. Robertson stated the agreement structure payment for the list of furnishings listed in the packet for a lump sum fee of \$123,962.45. This amount also incorporates reduced prices for municipalities through cooperative purchasing agreements. This amount is within the budget initially estimated for finishes, furnishings, and equipment to prepare the project budget. She said there will be other costs yet to be determined within this budget item. This includes gym equipment and fitness equipment. City staff will continue to monitor the project budget and periodically update the Council as categories of cost are set. The agreement has been approved by the City Attorney, and the City staff does recommend approval of the agreement.

Councilmember Longanecker asked if the chairs for the community space are comfortable for the seniors to use during Senior Lunches. Ms. Linn answered City staff did test them out and selected the chairs based on their comfort level and the fact that the chairs have arms. Mayor Roberts said that was the seniors' number one stipulations, the chairs have to be comfortable. Ms. Linn stated the chairs also had to be durable to withstand hot chocolate for the lighting of the Mayor's Christmas Tree as well as normal wear and tear.

Councilmember Lebakken stated the prices are good deals on the furnishings. Councilmember Longanecker inquired if the proposed price is in the budget. Ms. Robertson answered affirmatively. Ms. Linn explained said City staff thought the price could be lower if they selected the furnishings and it allowed them to select comfortable and durable items.

Councilmember Longanecker moved to approve the agreement with Scott Rice Office Works for The Greenspace Project to provide facility furnishings for \$123,962.45. The motion was seconded by Councilmember Conus. The agreement with Scott Rice Office Works was approved, 3-0.

**11. CONSIDER ORDINANCE NO. 2157 AMENDING CHAPTER XV, ARTICLE 1 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS AND REPEALING ALL ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Mr. Merkh addressed the Council. He explained that the ordinance number was updated from what was listed in the packet. He said the City of Edgerton Municipal Code provides long-term policy and procedure, enforceable by law. Chapter XV is the utility chapter, setting the regulations for the water and sanitary sewer systems and their subsequent uses by residents and customers. During a review of the municipal code based on feedback from the Wastewater Master Plan, City staff identified various sections throughout the chapter in need of revision. These sections have been prioritized and there will be more sections brought before the Council at future meetings.

Mr. Merkh explained Section 15-106 is the section that defines the process for service connections to the water system. The revisions now require a licensed contractor with Johnson County to perform the tap or service connection under the supervision of City staff. This section also now refers to the City's Technical Specifications and provides clarity about financial responsibility. He said Section 15-110 is the section that discusses meters. Revisions to this section are primarily updates from Section 15-106 that are cross referenced. This section also now includes language to not permit meters to be installed under paved surfaces, as well as revisions to the descriptions of private and public responsibilities. He said Section 15-110a is a new section defining an applicant provided maintenance period on new meters from the time of installation for a period of one (1) year. Mr. Merkh said the draft ordinance included in the packet has been reviewed and approved by the City Attorney.

Councilmember Longanecker inquired what the maintenance period is for. Mr. Merkh answer the City supplies the meter and observe it being installed and during construction of the house, if something happens to the meter, the cost to repair or replace it is covered by builder and not the City, in the proposed amendments. Councilmember Longanecker stated he did not know the City was liable for damage that could be caused by the developer. Mr. Merkh explained concrete trucks have driven over meters before and if the proposed amendments are approved, the applicant or sellers would be responsible for the maintenance and/or replacement of those meters. Mayor Roberts explained this is standard for the area. Mr. Merkh stated City staff quoted another local jurisdiction in drafting the ordinance.

Councilmember Conus inquired if the City had a surplus of water meters for the development. Mr. Merkh answered there are some but City staff does not want to have a lot sitting on the shelf. Councilmember Conus asked if City staff had a plan for the new development. Mr. Merkh replied that they do. Enough meters are in the City's position to supply the first wave of development and adjust monthly as to how many meters will be needed.

Councilmember Longanecker asked what the schedule for replacing a water meter is. Mr. Merkh replied the last major replacement was before he joined Edgerton, so more than ten years ago. He explained the City was divided into sections and the budget has been adjusted to replace ten to 20 meters a year instead of large swaths of replacements. City staff will then measure the old meters for accuracy and save some meters that are still accurate. Councilmember Longanecker remembered that some of the oldest meters were not accurate and clarified that the meters would all be new in about ten years. Mr. Merkh said City staff will start with older meters and test for accuracy to determine when meters need to be replaced. Mayor Roberts stated the salesperson for the meters recommends replacing a meter after ten years.

Ms. Linn stated there is a usage component to replacing the meter as well. The age and usage of the meter is how City staff will determine to change out the meter. Mr. Merkh said City staff is still testing some meters and slowly transitioning to the new replacement schedule. Mayor Roberts said failures on these meters cause alarms to be sent so City staff

can get alerted to change the meter. He explained if a resident is signed up for the service, they can get alerts as well. Mayor Roberts asked if residents can get alerts about zero usage. Mr. Merkh replied he thinks it is possible since City staff gets those notices but he will check into that and report back.

Councilmember Lebakken moved to approve Ordinance No. 2157 amending Chapter XV, Article 1 of the Municipal Code of the City of Edgerton, Kansas and repealing all ordinances or parts of ordinances in conflict therewith. Councilmember Longanecker seconded the motion. Ordinance No. 2157 was approved, 3-0.

## **12. CONSIDER ELIGIBILITY REQUIREMENTS AND DETAILS FOR H.O.M.E. IMPROVEMENTS GRANT**

Ms. Kara Banks, Assistant to the City Administrator, spoke before the Council. She said as a part of the 2024 Budget, the Council funded a residential grant program that had previously been offered by the City's economic development partner ElevateEdgerton!. The Council approved \$25,000 for the 2024 program. The Helping Owners Make Exterior Improvements Grant (H.O.M.E. Improvements Grant) is to be used for exterior renovations to improve existing housing stock within the corporate City limits. She said based on the previous program and discussions by the Council, City staff recommends the eligibility requirements be properties must be owner-occupied; owners must be current on their property taxes and any special assessments; and only project that face a City street are eligible, backyard projects are not eligible.

Ms. Banks explained City staff recommends eligible projects in the H.O.M.E. Improvements Grant include, but are not limited to, font façade renovations, weatherization projects, handicap and accessibility projects, exterior paint or siding, or new doors and/or windows, tree removal, landscaping items that return yearly or hardscaping, façade restoration, roofs, and concrete work. She stated the work will have to be on a façade facing a City street to be eligible. She said the purchase or rental of construction tools, lawn maintenance equipment, tree trimming, construction or replacement of fences, interior home improvements, insurance claim related projects, and the installation of sprinklers.

Ms. Banks stated City staff recommends owners submit a project application in advance to determine their eligibility for the grant before starting work. After notification of award, residents have until the end of the calendar year to complete the project. If the project cannot be completed within that timeline, owners may request a three (3) month extension or reapply for the following year's funding. She said under the previous program offered by ElevateEdgerton!, to receive the grant funds, owners had to submit a photo of the completed project and receipts for eligible improvements. City staff recommends that the requirement continue.

Ms. Banks said during the 2024 Budget discussion, the Council discussed the desire to increase the maximum grant award amount. Other cities offer a similar program with a wide variety of investments and grant maximums. ElevateEdgerton! provided a maximum reimbursement of \$500. She explained the City of Lenexa requires a minimum \$2,500

investment with a maximum reimbursement of \$5,000 every ten (10) years. The City of Merriam provides a 30% reimbursement with a minimum of \$600 and a maximum of \$3,000. The City of Prairie Village provides a 25% match with a minimum of \$2,000 investment and grants ranging from \$500 to \$2,500. She said the City of Columbus, Kansas offers a maximum 50% grant up to \$500 for homes appraised up to \$125,000. The City of Louisburg, Kansas offers a 50% matching grant up to \$1,000 for homes valued under \$250,000. She stated based on previous discussions and the previous Edgerton program; City staff recommends a minimum \$500 investment with reimbursement of 50% of eligible projects costs up to a maximum reimbursement of \$2,500 every ten (10) years.

Councilmember Conus inquired if someone could submit a claim after the work was done. Ms. Banks answered that the City requests preapproval for projects to make sure the funds are available, and the project is eligible.

Councilmember Conus asked who decided on the \$25,000 budget for the program. Ms. Linn replied the Council decided that amount during the budgeting process. Councilmember Conus asked what the amount was provided when ElevateEdgerton! oversaw the program. Ms. Banks stated there was \$5,000 allocated to the program and all of the money was awarded, however, there were only two or three residential projects that requested reimbursement last year. Mayor Robers stated he hopes to see more involvement in the program and the increase of funds available should help with that. Councilmember Longanecker said \$500 does not go very far on home projects anymore. Councilmember Conus said the funds are lot of money for someone on a fixed income. Mayor Roberts agreed and it will allow some projects get done if the program was not available.

Ms. Banks asked the Council if they agreed with the eligibility requirements. Councilmember Conus stated the requirements sound fair to him. Mayor Roberts asked if applications will be taken until the funds are gone. Ms. Banks stated that is correct. Mayor Roberts stated additional funds can be released depending on the budget. Councilmember Lebakken said since this new to the City, the Council can reevaluate during the budget season.

Councilmember Conus moved to approve the eligibility requirements and details for the H.O.M.E. Improvements Grant. Councilmember Lebakken seconded the motion. The eligibility requirements and details for the H.O.M.E. Improvements Grant were approved, 3-0.

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

- Mr. Merkh approached the Council. He stated there has been a lot of work going on at the Dwyer Farms development. Utilities are being installed and construction on homes will be starting soon. He explained that BG Consultants was to design the connections to the water system. The City wanted to know which line it was best for the development to connect to so water pressure issues could be avoided. The study showed that the development needs to connect to the 207<sup>th</sup> Street main. Eventually there will be a connection to the 8<sup>th</sup> Street main. City staff is requesting the Council give Ms. Linn permission to sign a contract not to exceed \$30,000 to make the connections to the

main. It will involve cutting the main and installing a T-pipe. The connection to the 8<sup>th</sup> Street main will be more complex be designed later. The developer wants to start putting in houses, but the water line needs to be installed first. The City will solicit contractors to provide pricing and Ms. Linn would then be able to sign a contract up to \$30,000 for the initial phase of water line. City staff would then provide more information at a later meeting.

Councilmember Conus inquired if the developer is providing fiber to the new development. Ms. Linn explained it is a private utility. Councilmember Conus asked if Kwikom was installing fiber to Dwyer Farms. Ms. Linn replied that the decision is up to them because the City is unable to force a private utility to provide service to a location. Mayor Roberts said he would think they would want to.

Ms. Linn explained there are two (2) phases of work. The initial connection on 8<sup>th</sup> Street will be made to test the mains and allow houses to be built. The second phase is larger and will be brought to the Council later. Rausch Coleman is working more quickly than anticipated and water is needed to test lines that they have installed. Mayor Roberts stated he sees no problem in allowing Ms. Linn to sign a contract and see it being advantageous to get quotes to start working relationships with companies to have an on-call services. He said sometimes there are small projects that City staff needs help with. Mr. Merkh said the language of the agreement has started to be drafted.

Councilmember Longanecker moved to allow Ms. Linn to sign a contract not to exceed \$30,000 for the connection of Dwyer Farms to the City's water main located along 8<sup>th</sup> Street. The motion was seconded by Councilmember Conus. Ms. Linn will be allowed to sign a contract for the water main connection, 3-0.

#### **14. Report by the Mayor**

- There was no report given by Mayor Roberts.

#### **15. Future Meeting Reminders**

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

Ms. Linn added there will be an open house at Edgerton Lake to discuss the future of the lake, dam, and Trails Master Plan. City staff does have the fishing poles ready for use during the open house along with different items provide from Kansas Department of Wildlife. The open house will be from 3:00 to 5:00 PM. If it is raining, it will be relocated to City Hall. Mayor Roberts said it is important for City staff to get public input on these items.

Mayor Roberts said the Low-Cost Vaccine Clinic is also this weekend. He reminded residents to register their pets either tomorrow, March 29, or Saturday at the Clinic as fines will start the following Monday, April 1.

**16. Adjourn**

Councilmember Longanecker moved to adjourn, seconded by Councilmember Lebakken.  
The meeting was adjourned at 8:00 PM, 3-0.

Submitted by Chris Clinton, Planning and Zoning Coordinator/Deputy City Clerk