

City of Edgerton, Kansas
Minutes of City Council Regular Session
April 13, 2023

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas April 13, 2023. The meeting convened at 7:01PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	absent
Josh Beem	absent
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
 Marketing & Communications Manager, Kara Banks
 Public Works Director, Dan Merkh
 Public Works Superintendent, Trey Whitaker
 Development Services Director, Zachary Moore
 Finance Director, Karen Kindle
 Accountant, Justin Vermillion

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 23, 2023 Regular City Council Meeting

Councilmember Longanecker moved to approve the Consent Agenda. Councilmember Malloy seconded the motion. The minutes were approved, 3-0.

Regular Agenda

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

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

7. **Proclamation.** Mayor Roberts declared April 2023 as Fair Housing Month.

8. **Presentation** by ElevateEdgerton! regarding the 2023 EDGE Grant Program.

Mr. James Oltman, President of ElevateEdgerton!, addressed the Council. He announced the renewal of a grant program offered to Edgerton residents and businesses for beautification of their property, growth for their business, etc. He stated there were not many changes to the program this year. Home base daycares do qualify for this program, whether it is a new business starting or one that has been here that wants to grow their business. He stated multi-level marketing home-based businesses do not qualify. He stated the expansion piece is still the same, those grants will be offered to those that are looking to expand their business and offer things that they currently do not offer. He added that businesses may also apply for marketing dollars, including purchase of swag for giveaways, etc. He stated the only stipulation to that is that marketing items must include Edgerton, Kansas somewhere. He stated all information is on the website and the application window is now open. He stated the funds are on a first come first served basis.

Mayor Roberts stated the dollars last year were awarded within the first two weeks, and asked how many other applications were submitted that did not receive?

Mr. Oltman stated there were a few more that came in after the first wave but when funds were expended, notice was sent out via social media to let people know.

Councilmember Longanecker stated residential grants were at a \$500 max, and asked how much was allotted for commercial?

Mr. Oltman stated commercial is a little higher, they have a 50% cost reimbursement with a \$2,500 max. He stated there is \$5,000 allocated to beautification and \$5,000 to the attraction portion.

Councilmember Longanecker asked how many items are needed for resident bags.

Mr. Oltman stated between 50-100 items are recommended.

Mayor Roberts noted that ElevateEdgerton! is largely privately funded.

Mr. Oltman stated that is correct. ElevateEdgerton! is supported by private dollars. They do make an annual request to the City during budget season.

All the Councilmembers agreed they are excited to see this initiative back this year.

Mayor Roberts stated he would like to talk around budget time to see if there is anything within the budget the City can do to help push this initiative and allow for more grants to be given.

Councilmember Longanecker stated it is nice to see the private businesses support initiatives like this and provide dollars to Edgerton.

Mr. Oltman agreed, he stated the organization has seen great support from their members. He stated for those who would like to know more about the program or apply for a grant, they can visit www.elevateedgerton.com/grants

Business Requiring Action

9. PUBLIC HEARING REGARDING A RESOLUTION PROVIDING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT AND ADOPTING A PLAN FOR DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING (DWYER FARMS RURAL HOUSING INCENTIVE DISTRICT).

Mr. Scott Anderson, Development Counsel, addressed the Council. He stated as many know, the City has been working with Rausch Coleman to develop a new housing subdivision. As part of the agreement the City has agreed to construct certain infrastructure to allow for this development. He stated as required with this Rural Housing Incentive District, the city is to adopt a resolution that gives notice of Public Hearing and stated in that Resolution is a requirement to also send said notice to the County and School District. He stated this resolution was approved in February with a Public Hearing date set for tonight and notice was given as required. Notice was also required to be published in the Gardner News. Unfortunately it was determined the notice that ran was too small to be read, thus the City is not comfortable moving forward as the public notice piece in the local paper was not satisfactory. He stated the recommendation tonight is to open the public hearing, take any comments, and continue the hearing to May 25th, 2023. He stated the resolution for approval is to be published in the paper and notify the public of the new hearing date.

With no questions or comments, Mayor Roberts opened the public hearing at 7:18PM.

He asked for staff to give a brief description of their portion of the agreement.

Ms. Linn stated the city plans to construct offsite infrastructure such as sanitary sewers, adjacent roadways, and waterlines. She stated these items have been included as funding in the 2023-2027 CIP Program. She stated the Governing Body has previously approved an agreement with BG Consultants to begin those projects. She stated the estimated cost is about \$10 million. She stated the city agreed to construct offsite infrastructure. Rausch Coleman is responsible for all things inside the property boundaries. She stated it is anticipated that there will be a need for financing to get the city to the point of receiving RHID revenues and would anticipate sewer to be funded through a grant or state revolving loan fund. She stated water/sewer is a critical component and they plan to address this as a priority because it must be ready for housing.

Mr. Brian O'Banion with Rausch Coleman Homes addressed the Council. He stated there is about 80 acres and the plan is to build 275 homes of both ranch and two story homes. He stated this will be done in four phases. He stated the anticipated absorption rate will be 4 per month and they will be building out till roughly 2026. He stated housing will start at about \$245K and range to about \$345K with various floor plans. He stated there are about 12 different floor plans and homes. He stated they are very proud and pleased to be working with Edgerton to provide good affordable housing for the community.

There were no public comments.

Mayor Roberts requested motion to continue the Public Hearing to May 25, 2023 at 7:00PM.

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Malloy. The motion was approved, 3-0.

10. CONSIDER RESOLUTION 04-13-23A PROVIDING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT AND ADOPTING A PLAN FOR DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING (DWYER FARMS RURAL HOUSING INCENTIVE DISTRICT).

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 04-13-23A.

Councilmember Malloy moved to approve the motion, seconded by Councilmember Lebakken. The resolution was approved, 3-0.

11. CONSIDER RESOLUTION NO. 04-13-23B OF THE CITY OF EDGERTON, KANSAS APPROVING A FIVE-YEAR CITY/COUNTY STREET IMPROVEMENT PROGRAM

Mr. Trey Whitaker, Public Works Superintendent, addressed the Council. He stated every year, the City submits a request for match funding to the county under the CARS program. He stated this was brought about thanks to LPKC-generated revenue, which allows the City the ability to participate due to the matching requirement. He stated the CARS program provides funds to the cities of Johnson County to construct and maintain their major arterial roadways. He stated they use a scoring system to select and allocate funding.

He stated staff has identified potential projects to be submitted for consideration of the next annual 5-year CARS program. Staff is working with the City Engineer/BG Consultants to provide detailed project cost estimates and scopes for these projects. He stated this additional information will be submitted with the CARS 2024-2028 Program Submission. One of the projects (W. 8th Street) is funded in the 2023-2027 Capital Improvement Program (CIP), but two of the projects (Streetscape & W. Braun/207th Street) are not yet funded in the CIP. He stated staff recommends submitting them now for consideration while additional funding sources are considered. The five-year City/County plan has flexibility to move projects throughout the plan years, as well as addition or removal of projects. He stated the information for the projects to be submitted and information on CARS eligible routes can be found in the Council packet provided.

Ms. Linn stated the downtown streetscape is set for 2025 to be in conjunction with the building of The Greenspace. She stated what is included in The Greenspace project is improvements from the edge of street to the building, but it does not include road surface. She stated this will

allow for the City to fix remaining infrastructure. She stated the recommended 2026 project is related to Dwyer Farms and the first set of housing being established. She stated the 2027 recommended project is to complete the remaining area of the grade separation project that has not been completed. She stated these details are listed within the council packet. She stated there is some flexibility to move around timing with these projects, and a request can be made closer to deadlines. She stated it is important to get in line now for those dollars.

Councilmember Longanecker questioned if Second Street and Co-Op Road qualifies.

Mr. Whitaker stated staff has tried two or three times and the activity numbers on that roadway are just not there yet.

Mayor Roberts asked how much the city is eligible for.

Mr. Whitaker stated it is not known yet because there are a few factors included in the funding formula, including population.

Mayor Roberts asked about Braun Street, west to city limits.

Mr. Whitaker stated it is not a CARS route today, it stops at 8th Street. He stated that will be on the radar to count coming soon.

Mayor Roberts asked if it can become a CIP item then.

Ms. Linn stated the RHID funds can pay over time, but the question is what funds to use from the beginning.

With no further questions or comments, Mayor Roberts requested motion to approve Resolution No. 04-13-23B.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Malloy. The resolution was approved, 3-0.

12. CONSIDER PURCHASE AUTHORITY FOR PLAYGROUND EQUIPMENT FOR \$130,000 AND FITNESS EQUIPMENT FOR \$30,000 AS PART OF GLENDELL ACRES PARK RENOVATION PROJECT

Mr. Dan Merkh, Public Works Director, addressed the Council. He stated in February, the City Council approved early procurement for structures and equipment as part of the Glendell Acres park renovation project. He stated the park renovation includes playground structures and fitness equipment. He stated in March, the city received 8 submissions on the RFP, all of which were within budget, and each submitter provided options for both playground structures and some sort of fitness component.

He presented conceptual renderings of the recommended equipment.

He stated initial recommendation is a typical post and deck style playground with various heights of play, climbing, slides, etc. He stated all colors seen in renderings are customizable through the selection process. He stated some designs are almost circuit like play, where they play in one area and just move to the next, other fit a wide range of age groups. He stated in the recommendation received, there was an included musical instruments area, swings and an inclusive swing. He stated after review staff and consultants agreed with the proximity to housing, it was decided to opt out of the music option and include equipment that would likely be used more.

He stated the fitness recommendation is more a ninja warrior style to address desires from the public input. He stated this could be used at a recreation event, whereas traditional fitness equipment is used for specific exercises.

He stated with the revisions to the components within each section of equipment, City Staff recommends approving purchasing authority of up to \$130,000 for playground equipment and \$30,000 for fitness equipment from the above vendors. Any revisions to the components will be within purchasing authority.

Councilmember Longanecker asked if there will be any change to City insurance with the equipment.

Mr. Merkh stated they are different components than what we have today, so he is unsure of the impact to the City's insurance.

Mayor Roberts stated the city is protected in certain aspects with the Tort Claim Liability Act.

Mr. Hendricks stated that is correct, and he would not be worried about that from the cost standpoint of the City. He stated anyone who walks into a playground accepts some liability.

With no further questions or comments, Mayor Roberts requested motion to approve the purchase authority for Playground and Fitness equipment for a total of \$160,000 as part of the Glendell Acres Park Renovation Project.

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

WALK ON: Resolution No. 04-13-23C updating the Fee Resolution.

Ms. Linn stated at the last council meeting, the governing body approved a resolution to update the Fee Resolution to reference the changes made in language for cut off day. She stated that resolution did not reflect the proper adoption date and effective date. This resolution before Council does not change anything related to fees or language within, it will only reference the correct effective and adoption dates.

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 04-13-23C as provided by staff.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Malloy. The resolution was approved, 3-0.

13. Report by the City Administrator

- Mr. Merkh provided the Governing Body with an update to the Water Emergency & Conservation Plans. He stated in 2020, these plans were approved by the City Council and the city is required to review the plans annually. He stated if any changes are made, approval is required by the council and then submitted to the state for review and acceptance. He stated major revisions were completed in 2020 and no substantial revisions to the plans are recommended at this time.

He stated in 2023, staff revised the gallons per year Edgerton is allocated under the contract with the Hillsdale Area Water Cooperative in both the Emergency and Conservation Plans. No other updates were made. However, the City's contract with Baldwin City for purchase of potable water does expire in 2023, so further revisions may be required.

He stated the primary objectives for each are outlined in the council packet provided. Verification of Council review will be provided to the Kansas Water Office.

14. Report by the Mayor

Mayor Roberts had no report to give at this time.

15. Future Meeting Reminders:

- April 27th: City Council Meeting – 7:00PM
- May 9th: Planning Commission – 7:00PM
- May 11th: City Council Meeting – 7:00PM
- May 25th: City Council Meeting – 7:00PM
- June 8th: City Council Meeting – 7:00PM
- June 13th: Planning Commission – 7:00PM
- June 22nd: City Council Meeting – 7:00PM

16. Adjourn

Councilmember Longanecker moved to adjourn, seconded by Councilmember Lebakken. The meeting was adjourned at 7:52PM,

Submitted by Alexandria Clower, City Clerk