

City of Edgerton, Kansas
Minutes of City Council Regular Session
April 14, 2022

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on April 14, 2022. The meeting convened at 7:00 PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present
Jody Brown	absent (arrived at 7:17pm)
Josie Stambaugh	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Public Works Director, Dan Merkh
- Public Works Superintendent, Trey Whitaker
- CIP Manager, Brian Stanley
- Finance Director, Karen Kindle
- Accountant, Justin Vermillion
- Development Services Director, Katy Crow
- Marketing & Communications Manager, Kara Banks

2. WELCOME

3. 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 24, 2022 Regular City Council Meeting
5. Approve Final Acceptance for the Construction of Corliss Road

Councilmember Lewis moved to approve the consent agenda, seconded by Councilmember Longanecker. The consent agenda was approved, 4-0.

Regular Agenda

6. **Declaration.** Councilmember Stambaugh asked if they would be able to touch base on the issues with the Crist property that she has brought to Mayor's attention. Mayor Roberts responded they would discuss it on the City Administrator's report under the update on 207th St. Grade Separation.

7. **Public Comments.** There were no public comments made.
8. **Proclamation.** Mayor Roberts Declares April 2022 as National Fair Housing Month in the City of Edgerton, Kansas.

Mayor Roberts stated like past years, this is a requirement for the city to submit applications for CDBG, which is grant money the city has used many times over the years to make improvements in the community.

Ms. Linn stated this grant is part of Housing and Urban Development and the proclamation is the first step in submitting grant applications. She stated the city has submitted for 3 grants since her time in Edgerton. She stated most recently the city used the funds received for a sewer restoration project and the city will continue to look for the best possible ways to use awarded grant money.

Business Requiring Action

9. **CONSIDER PLANNING SERVICES AGREEMENT BETWEEN THE CITY OF EDGERTON AND CONFLUENCE, INC., FOR THE DEVELOPMENT OF A NEW COMPREHENSIVE LAND USE PLAN FOR THE CITY OF EDGERTON, KANSAS**

Ms. Crow addressed the Council. She stated the Comprehensive Plan is a long-range planning tool for the city. It combines plans in existence today with feedback from public engagement to create a new plan for the next 20 years. She stated the process takes about 18-months from start to finish. She stated after approval of the agreement for planning services, the city and planning commission will kick off the start of the project on May 26th with a joint work session and in June of 2023, the City will receive the final plan back. She stated after issuance of Request for Proposals, four consulting firms responded and of those four, two were selected to move forward for in-person interviews. She stated upon conclusion of the interviews, it was unanimously decided that Confluence Inc. should move forward as the consultant team to lead the Comprehensive Plan process. She stated as part of conducting this process for the city, they have partnered with George Butler Associates (GBA) who will provide engineering expertise to the project.

She stated Chris Shires, with Confluence Inc., is available for questions via videoconference.

Mr. Shires stated Confluence is a Midwest-based planning, urban design, and landscape architecture firm with over 70 professional planners and landscape architects. He stated there are offices in several Midwest cities across eight states and their experience in creating Comprehensive Land Use plans is extensive. He stated this project will be based out of the Kansas City office and they're ready to kick this project off with the joint work session on May 26th.

Ms. Crow stated this will be funded through the CIP in the amount of \$150,000.

There were no further comments or questions.

Councilmember Lewis moved to approve the agreement with Confluence Inc., for the Development of a new Comprehensive Land Use Plan, seconded by Councilmember Longanecker. The Agreement was approved, 4-0.

10. CONSIDER ORDINANCE NO. 2105 ORDINANCE ANNEXING CERTAIN LAND INTO THE CITY OF EDGERTON, KANSAS

Ms. Linn stated the City has received a Consent for Annexation application for property currently located in Johnson County, Kansas. She stated a copy of the application form is included in the packet.

She stated Kansas Statute 12-520 states that the governing body of any city, by ordinance, may annex land into such city if that land adjoins the city and a written petition for consent to annexation is filed with the city. She stated the property owner has filed the required petition for consent and the property is contiguous to property within the City's corporate city limits.

She stated the map included in the packet shows the property outlined in red, on the southwest corner of 8th Street and Braun Street.

There were no questions or comments from the governing body.

Mayor Roberts then requested a motion to approve Ordinance No. 2105, annexing certain land into the City of Edgerton.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Beem. The Ordinance No. 2105, Annexing Land into the City of Edgerton, was approved 3-1, with Councilmember Stambaugh voting nay.

Mayor Roberts added item 10.5 to the Agenda, a report from James Oltman with ElevateEdgerton! on the Edge Grand Program.

10.5. EDGE GRANT REPORT

James Oltman, with ElevateEdgerton! addressed the Council. He stated ElevateEdgerton! recently announced the creation of a beautification and business expansion grant program called the Edge Grant Program. He stated within a few weeks of the release of the program, EE! received numerous applications and was able to award all funding allocated for the 2022 Beautification grant program. He stated since the announcement of closure of this portion of the grant, EE! has received multiple questions/comments from Councilmember Stambaugh regarding the program. He stated to be transparent with the governing body, and the community, he would like to address the received questions and comments from Councilmember Stambaugh as well as address any other questions the remaining Councilmembers may have.

He referenced the packet given to the councilmembers (*See Exhibit A*) with the questions and comments he's received from Councilmember Stambaugh and his reply to those comments and questions.

Councilmember Brown arrived at 7:17PM.

Mayor Roberts asked if the \$29,000 was private funds or if that also included the grant from ElevateEdgerton!

Mr. Oltman stated it was a net of \$24,000 invested into the community, with a total of \$29,000 worth of project applications submitted. \$5,000 of \$29,000 is the grant monies.

Councilmember Longanecker stated this seems all clear to him and that this is a great thing for the community.

Mr. Oltman stated the terms and qualifying criteria of the program were communicated by himself, directly to the applicant. He stated they were told that EE! could not fund everything and hopes to be able to expand this grant in the future, which could include the guidelines for submission and the funding amounts.

Councilmember Stambaugh stated her concern was that this applicant was accepted for the beautifying grant and she is certain they did not accept this residential grant. She stated it was said that EE! would be more prone to approve business grant, if they could show that the money would be used for expanding. She stated this does not work for this business, because they cannot take on more children under rules from the State of Kansas. She stated they operate as a small business and have all licenses to do so. She stated if they have the ability to expand their business as far as making it more desirable, they are more likely to have parents enroll their children in this daycare. She stated there has to be something or some way they can work with the small businesses here. She questioned where ElevateEdgerton! spends the \$50,000 a year they are allocated by the Council. She stated the City does not have a lot of small businesses and EE! has said there is money left over for the small business grant, so it does not make sense to her why they are being denied.

Mr. Oltman stated he will be here on May 26th to present the 2023 funding request for ElevateEdgerton! at which time he can prepare an overview of where EE! uses the funds. He stated at any time, anyone can go back through minutes from past meetings and pull the documents submitted throughout the years from ElevateEdgerton! and their past funding requests. He stated EE! is largely funded by the private business community. He stated he does not disagree with Councilmember Stambaugh that there are worthwhile projects within this community, but EE! had limited funds. The guidelines for the grant program state the business must be able to expand and there are certain eligible projects, none of which were met by the resident mentioned. The EE! Board of Directors approved the guidelines for this year. As ElevateEdgerton! looks forward to growing this program, they are also looking to grow the types of projects that will be accepted. He stated this is the first year and they will take what they have heard and learned from this year and apply necessary changes to next year, if possible.

Councilmember Stambaugh asked if the board votes on where and how funds received are dedicated.

Mr. Oltman stated the board votes on all policy decisions, just like they voted on the guidelines within this program.

Mayor Roberts stated yes, the board did approve the guidelines, but the grant applications were examined and awarded by a sub-group which includes persons from businesses in Edgerton.

Councilmember Stambaugh asked who was on the board.

Mr. Oltman stated that information is publicly available on the ElevateEdgerton! website.

Mayor Roberts stated he appreciates the conversation and the desire to expand the program. He stated he appreciates this opportunity for the community and the questions Councilmember Stambaugh has brought forward.

Councilmember Stambaugh stated she appreciates this program and any help the residents are given.

There were no further questions or comments.

11. Report by the City Administrator

- 1st Quarter Report from Johnson County Sheriff's Office

Master Deputy Brad Johnson addressed the Council. He stated citations in the first quarter this year closely align with last year's numbers. He stated there have been 21 cases of drugs and narcotics, which he expects to rise since Kansas is sandwiched between Colorado and Missouri.

Mayor Roberts stated the opioid usage has gone up tremendously in the last year or so.

Deputy Johnson stated drugs have become more readily available. People are cooking meth and cutting it with fentanyl.

Mayor Roberts stated he would like to see the overall numbers and increase for the county.

Mr. Johnson stated he will have more info next meeting after all numbers are complete for the 1st quarter.

Ms. Linn asked Deputy Johnson to give an update on Cyclones in the Outfield.

Deputy Johnson stated Cyclones in the Outfield will be held in May and will include a softball game on Friday night and a car show and drive in movie on Saturday this year. He stated this is the second annual event which benefits Edgerton Elementary students and teachers. He stated the funds received will go toward registration fees, school supplies and hygiene products. He

stated he hopes to move toward a grant program so people who need shoes, coats, etc. will be able to apply anonymously and donations can be made to them. He stated last year, the Cyclones event raised enough funds to provide \$6,000 to teachers for classroom supplies, cover the cost of 180 registration fees and provide school supplies for the kids. He stated this year, they are adding a cruise-in car show followed by a drive-in movie at Martin Creek Park. He stated car shows used to be huge and he hopes to be able to bring it back with this event as well as grow this event with more sponsors and donors. He stated he wants this to be something that can promote the community and make an impact here with the kids as they grow in their community.

Ms. Linn stated Deputy Johnson's vision is a family weekend, watching firefighters play police during their softball game on Saturday. She stated there will be a food truck in the Greenspace and public safety will lead cars to Martin Creek Park for a family movie night on Sunday.

Councilmember Beem asked how people can donate.

Ms. Linn stated they can go to the link on the city's website and there is a QR code on the flyer.

Mayor Roberts stated registration fees at the school this year were raised from \$70 to \$80, so families that struggled before will now struggle even more. He stated this will benefit so many.

Mayor Roberts asked if there were any further questions or comments on either of these items.

Ms. Janeice Rawles, 709 Heather Knoll Dr., stated she had a question that does not relate to the above-mentioned items for the Sheriff's Office.

Mayor Roberts stated she could go ahead with her questions.

She asked if any citations have been written for vehicles that were not allowed under the Unconventional Vehicles ordinance that was passed last year. She stated there were four children racing up and down 8th Street the other day. She stated she called the Sheriff's Office and it took them over 30 minutes to arrive on scene. By that time, the kids were done and were not cited.

Ms. Linn stated there have been a handful of cases that have been prosecuted through Municipal Court since the passing of the ordinance. She stated she had a meeting with the Sheriff's Office and reminded them of the ordinance and the citable offenses that go with it. She stated she would like to remind residents that although Deputy Johnson is the officer of duty for Edgerton, he is not on call all day, every day.

Mayor Roberts stated he appreciates Ms. Rawles calling the Sheriff's Office and would tell everyone in the community to do so. He stated he would assume it took them so long to respond because of other calls they might have been on. He stated he would say that the community has more eyes than they do and to keep calling them if they see people on these types of vehicles illegally.

There were no further questions or comments.

- 1st Quarter Financial Report

Ms. Karen Kindle addressed the Council. She reviewed the General Fund Revenues, stating property tax is right on target. The City TIF Increment is new this year and represents the amount of property tax that goes into TIF Districts. She stated vehicle, liquor, local and county sales taxes are on track. She stated franchise tax is about where it usually is at this time of year, although it fluctuates seasonally. She stated license and permits are lower than other percentages because this depends on seasons and when people will be working on new projects. She stated fines and forfeitures are right where they are expected to be. Investment incomes might improve but have not yet. She stated as far as expenditures, the general government line is lower than expected because of the vacant Assistant City Administrator position. She stated parks is lower because this line is very event driven and most of the City's events are in the summer. She stated community development is also lower due to the vacant Building Inspector position. She stated economic development includes the ElevateEdgerton! contract and BNSF Property Tax increment which has not been disbursed yet. She stated in the end, the city is within the reserve requirement.

She stated regarding the Water Fund, charges for service are right where they have been in the past, fines and forfeitures are also on target. She stated the expenditures are a little higher because of the payment made annually in January and the first of two payments that are required to be made in the debt service line. She stated the city is within the reserve requirement.

She stated the Sewer Fund is where it is expected to be on revenues and expenditures. She stated the debt service line is at 50 percent because the first of two payments have been made already this year. She stated the city is within the reserve requirement.

There were no questions or comments.

- Planned Unit Development Discussion

Ms. Katy Crow addressed the Council. She stated Planned Unit Developments (PUDs) are a new concept for Egerton, but not new for the development process. She stated the city has an entire chapter already in their Unified Development Code on PUDs, but it has not been used before. She stated she wanted to bring this to Council tonight because it is an item that the Governing Body may see. Unlike typical development site plans that go just to Planning Commission, PUDs will come before the City Council as well.

She stated when United Community Services presented the housing study a few months back, they had mentioned the rising costs in housing, land, raw materials, etc. make it difficult for the first-time home buyer. She stated Planned Unit Development is a tool that allows for flexibility when building homes. She stated staff recognizes that smaller lots are not for everyone, but there are people who would prefer to have this option. She stated it gives Edgerton the flexibility to work with developers for residential development, a term called up-zoning, with

narrower lots and more houses in an area. She stated with PUDs it is common to require something back from the developer, such as trails, greenspace, amenities for the housing development, etc., so the community gets something in return. She stated issues can be addressed such as the ability for specific parking to minimize overcrowding in the street and in between houses. She stated these typically come with Home-Owners Associations (HOAs) and people moving into the housing division would have to agree to that. She stated included in the packet is an article that gives an overview of Planned Unit Developments, which are used in the metro in most major cities, Lenexa, Olathe, and Overland Park. She stated these are different for every city as every agreement with the developer is different. She stated the steps for a PUD are outlined in the council packet. She stated that final development plan is a binding agreement, so if changes are desired from the developer, they will have to come back through the Planning Commission phase and then on to Council for approval.

Councilmember Longanecker asked who maintains the properties.

Ms. Crow stated that this will be something the developers will have to provide during the Conceptual Planning phase. She stated these types of homes are selling fast in the surrounding areas.

Councilmember Longanecker asked what the house sizes are in these units.

Ms. Crow stated it varies, some could be as small as 1,200 sq. ft. She stated the lot size really drives the floor plan.

Councilmember Longanecker stated starter homes are now \$250,000-plus. He stated he has always been under the impression that it is better to buy than to rent so the individual builds equity, but that seems almost impossible because of the price of houses and stagnant wages.

Ms. Crow stated these homes on smaller lots can be less costly for buyers and can help spread the costs of infrastructure for the developer.

Councilmember Stambaugh asked if HOAs and PUDs go hand in hand.

Ms. Crow stated it is not a requirement, but it is seen more often than not. She stated having an HOA can help with maintenance and codes.

Mayor Roberts stated the developer drives the HOA. When they apply for the PUD, it is more common to have an HOA than not.

Ms. Crow agreed, she stated developers want this because it helps keep the value of their neighborhood.

Councilmember Longanecker stated it sounds like this can benefit the city down the line with the amenities that may be provided by the developer and the maintenance required for the homes.

Ms. Crow agreed and stated it keeps properties looking nice and values up.

There were no further questions or comments.

- Report on 207th Street Grade Separation Project

Ms. Beth Linn addressed the Council and provided the Governing Body with a packet related to some questions/comments staff has received from Councilmember Stambaugh related to the 207th Street Grade Separation Project and specific homeowners in that area (*See Exhibit B*).

Ms. Linn stated the 207th Street Grade Separation ribbon cutting was held in December 2021. At that time, the project was deemed substantially complete and opened to traffic. She stated this project has yet to be considered for final completion as there are several outstanding items remaining, including painting of the bridge, handrail installation, final grade adjustments, seeding/sodding, final signage, permanent striping, streetlights and clean out/debris removal from stormwater structures/pipes.

She stated leading up to final inspection, the City's construction inspector will compile a final punch list to ensure the project is in conformance with the plans and specifications, as well as installed according to proven industry standards. She stated the plans for this project were designed by a nationwide engineering firm through a licensed engineer who has completed projects similar to this a multitude of times prior to this project. She stated this level of professionalism in design, construction, and inspection provides great confidence in the quality of product the city will gain after the project is complete.

She stated the City's construction inspector will do a final inspection and provide a letter of acceptance confirming construction is complete. Staff will then present a request to the Governing Body, typically on the consent agenda, for approval and authorization for final payment.

She stated unfortunately for this project and many others in the surrounding area, there are several factors that are outside the control of the City or Contractors. Two items specifically impacted by the global supply chain issues are the permanent striping and fabrication of the streetlight poles. Additionally, an existing strike by the Painters Union could impact the completion of painting of the bridge. She stated both the Contractor and City Staff continue to monitor the situation. She stated these current challenges have set the final acceptance to be estimated for late summer 2022.

Ms. Linn stated staff has received several questions from Councilmember Stambaugh regarding concerns within the project limits related to stormwater, sight distance, cross slope, etc., all of which are listed within the packet given to the Governing Body. She stated along with the description of the concerns received are the corresponding details or information related to the items in question, should the remaining members of the Governing Body have similar concerns or receive similar questions.

After Ms. Linn reviewed the information provided in the packet related to 510 W Braun St., there were some following questions/comments.

Councilmember Stambaugh stated she had talked with Ms. Linn and Mr. Merkh about these issues and had asked if there had ever been any sort of elevation shot taken from the sidewalk to the egress window of 510 W Braun. She stated they had told her this had not been done and had said if it rains the water runs off the sidewalk to the ditch and not to the window. She asked why the City could not do a elevation shot to give the homeowner a guarantee and peace of mind that water will go to the storm drain and their home will not flood.

Mr. Merkh referred to Photo 1, in the packet, taken by Councilmember Stambaugh. He stated the City does not step outside project limits, which has a clear line. He stated the egress window of the homeowner does not fall within the project limits. He stated the existing grade closest to the house, was not touched, and the new grade surrounding the stormwater drain is higher than what is existing. He stated what the City and Contractors can control, is the flow of the water toward the storm drain, which is what this area is designed to do.

Mr. Darius Crist, 510 W Braun St., asked where the water goes if the inlet is clogged.

Mr. Merkh stated the drain is open on every side, so the odds are exceedingly low that the entire system would clog. He stated this system is based on a 100-year storm and is made to hold and move water for such capacity.

Mr. Crist stated there is a 6-inch sock in front of the basin at this time. He asked what keeps that from becoming plugged to where if there is rain tomorrow, it could flood his basement. He stated he's just asking for an elevation shot from the egress window to the sidewalk.

Mr. Merkh stated the shot that is provided, is higher than the project limits. He stated the size of storm would have to be greater than the estimated 100-year flood to have any impact.

Ms. Stambaugh pulled up pictures and video of 101 W Meriwood Ln. She stated they have ditches in their front yard and have active flooding surrounding their home. She stated she does not believe we have had the worst storm in history, so the guarantee that is given to these residents is false.

Mr. Merkh stated there are a number of parameters outside the control of the project, the flow of the water would have to be above the bank line of the ditch to have any impact.

Councilmember Stambaugh stated the ditches that have been dug in other residents yards have caused active flooding in homes.

Ms. Linn stated the best thing for that resident to do would be to contact the city.

Councilmember Stambaugh stated the resident has said they have tried to contact the city.

Ms. Linn stated they have not contacted the city regarding flooding in their home.

She referenced back to the house on Braun St. and the debris in the inlet. She stated as part of the final acceptance there will be a final inspection from the construction contractor that what has been installed and is operating per the plan.

She read the correspondence related to sight distance and debris in stormwater.

She stated the gutter buddy installed today is required to be maintained throughout construction, by the contractor. She stated this is critically important to have because there is not vegetation established and the design of the gutter buddy allows for certain debris to flow through.

Mr. Crist asked if he could request an elevation shot.

Mayor Roberts asked that staff continue to walk through this packet on 207th Street Grade Sep., and then Council can have discussion related to Mr. Crist's request.

Ms. Linn read the correspondence related to the remaining item at 510 W Braun St., the slope of ditch and tree, the item related to the 20470 Co-Op Rd., and the item related to 37305 W 207th St.

She stated staff will stand for any remaining questions or comments related to the 207th Street Grade Separation Project.

Mayor Roberts stated Mr. Crist has asked the Governing Body if they would agree to have an egress shot completed of parameters that are outside the project area. He stated usually, a city would not go outside the project area and the design of this project is by a company that is nationally known for their design of bridges. He stated there was no grading next to this window but understands why Mr. Crist would want an elevation shot. He stated it is up to Council to authorize this change order.

Councilmember Stambaugh stated she believes the city should do this to give the homeowner peace of mind. She stated if she had a huge bridge built in her front yard, this is the least the city could do for them.

Mayor Roberts stated the city has done a lot for this project, which included negotiations that were accepted by the homeowner, as well as allowing for a wider driveway, for drainage to be moved from original plan, etc. He stated the City has most certainly done more than the City is required to do. He stated if Council wants to take additional steps, a change order must be authorized.

Mr. Lee Hendricks, City Attorney, stated it is seemingly innocuous to allow this, but it is important to realize whatever decision is made, there is a possibility there will be others that will want and expect Council to do this for them. He stated this is why there are standards and professionals are hired to do what they do and that if they say this project meets requirements, you trust it is so. He stated this goes above and beyond what is required of the City to do, but can be done if Council so chooses.

Councilmember Stambaugh stated the scope of work and amount of money it would cost to complete this is minimal. She added that this is a special circumstance because she does not see Edgerton doing a project of this size any time soon.

Mr. Hendricks stated to every person and every home there is a dollar amount of work they believe should be completed by the city. He stated every person will say their problem is a big deal. He stated he does not believe it is in the city's best interest to say this circumstance is special, but someone else's is not. He stated he understands the request, but a great deal of work has been done above and beyond for this property. He stated it may be the case where this situation does not arise again, or many others may come forward to demand the City pay for additional work.

Councilmember Stambaugh stated Mr. Hendricks can absolutely guarantee that there will be no flooding.

Mr. Hendricks stated he is not talking specifically about the Crist property nor is he giving any guarantees. He stated if Council chooses to issue a change order that goes outside the bounds of what the professionals have said meets requirements, regardless of the project, other members of the community could come forward with similar requests on future projects.

Mayor Roberts stated the city cannot give a guarantee and must rely on professional insight that the project parameters meet all necessary requirements for what it is designed and built to do.

Councilmember Stambaugh stated she will pay for an elevation survey out of her pocket if the city does not. She stated this is a multimillion-dollar project and it is not the same as the small projects throughout the City.

Councilmember Lewis stated what he believes the City Attorney is trying to say is that if we do this for one, we will have to consider doing it for all. He stated it would be like the recent work done to his street, which was completely rebuilt. He stated if three people on his street were to say because of how the contractor graded the street it has caused flooding, the city would run into these circumstances all the time. He asked would Council give exceptions to every person who asks.

Mayor Roberts stated the Council represents all citizens, and if we're willing to do it one time, we have to be willing to do it every time.

Councilmember Stambaugh stated she thinks it's a good business practice.

Councilmember Lewis stated someone will have this same complaint later down the road and he is worried that by allowing it once, the City could face similar requests to go outside the parameters of the project.

Councilmember Stambaugh asked if they would want peace of mind.

Councilmember Lewis replied, he would trust that the professionals have done their job to the correct level.

Councilmember Stambaugh asked if there can be a greater guarantee than the 2 years given to the homeowner.

Mayor Roberts asked what they want a guarantee on.

Mr. David Hamby, City Engineer, stated a 100-year flood is not something that happens every 100 years. He stated it means in any given year, it's a 1% chance of occurring.

Mr. Crist stated where the water did drain, they elevated it 2 feet. He stated it should be graded because there is dirt higher than the sidewalk.

Mayor Roberts asked if he wants the water to flow over the sidewalk.

Mr. Crist stated he felt his concerns were brushed off by Ms. Linn and Mayor Roberts.

Councilmember Beem asked if the grading was draining water to the east.

Mr. Crist stated he gets the impression that the council does not care. He stated this project became part of his front yard, and he does not want to have to remodel his basement again.

Mayor Roberts stated he and the Councilmembers do care.

Mr. Crist stated the city has done the opposite of what he has requested.

Mayor Roberts asked Mr. Merkh to explain the channeling of water.

Mr. Merkh stated the water is not designed to go over the sidewalk, the design is for the water to run down the hill and to the drain, which is designed for a capacity of reaching what would be considered a 100-year flood in the pipe and surrounding infrastructure.

Councilmember Stambaugh asked if a vote can be taken on authorizing an elevation shot for Darius Crist.

Mayor Roberts stated the motion is for the city to enact a change order on private property to complete two elevation shots, from sidewalk to egress window and egress window to drain.

Councilmember Stambaugh made motion to approve.

There was no second made.

The motion died from a lack of a second.

There were no further questions or comments.

Ms. Linn stated the City Council recently approved the submission of applications for two grants, BASE Grant and RAISE Grant. She stated the city was notified we were unsuccessful on all 3 submissions for the BASE Grant. She stated there is a posting on their website of the applications awarded.

She stated as of 3:30PM today, City staff submitted two applications for the RAISE Grant for projects consisting of East 2nd to Highway 56 and the Downtown Streetscape. She stated the applications have been received and validated. The federal grant awards will be announced in August. She stated the city also wrote letters of support and participated with the City of Gardner for submission of the Gardner Road Improvement project.

Mr. Lee Hendricks stated he asked Councilmember Stambaugh if they could discuss a request she made, that would generally be deemed an Open Record Request and relates back to what Mr. Oltman had discussed earlier.

He stated while he knows the plan is to have a more robust discussion as it relates to KOMA/KORA, he wanted to go over a couple things related to KORA Requests.

He stated Councilmember Stambaugh did the correct thing in submitting the request herself rather than submitting as a councilmember. He stated when the Governing Body is outside of an open meeting, they have no greater access than any other citizen. He stated the city has a Freedom of Information Officer, the City Clerk, and when these types of requests come in, the City begins working on the request.

He stated ElevateEdgerton! is a private entity. A KORA request would consist of any record, regardless of format by any public agency and by an officer or employee of that public agency. He stated the city provides a form for completion to process requests, but emails with the proper information for the request are also sufficient. He stated a record has to exist, it is not required to be created in any form. He stated when a request is received, via email or request form, there are 3 options; provide the documents to fulfill the request within 3 days, tell the requestor within 3 days that staff is working on the request and will provide by a specific date, and if the request doesn't meet specific criteria such as not having a specific description of item, being overly broad to say "any and all items...", the request can be denied.

He stated after a request is made, staff drafts a response which can request a fee for the record, explain that the request is overly broad and ask that it be specified, or that the city can deny. He stated certain exceptions to documents are open to public, such as council's notes, attorney client privilege documents, preliminary plans and bid documents, personnel evaluations, and records, etc.

He stated Councilmember Stambaugh asked for "any and all information regarding ElevateEdgerton!" and this would be the perfect example of a response requesting a specific document/record be described. He stated the City Clerk, as the Freedom of Information Officer, is required to have the Open Records Pamphlet available to the public which explains Open

Records, what is allowed and what is not and how to request a record. He stated this is also available in the governing body handbook that was distributed to councilmembers earlier this year.

Mayor Roberts stated they have not done KOMA/KORA training yet but will be doing so soon. He stated the city is dictated by the Kansas Legislations and the city has to stay within certain bounds.

There were no further comments.

12. Report by the Mayor

Mr. Darius Crist walked up to Mayor's seat and dropped a check. The Mayor stated he would not accept the check, Mr. Crist left the check and returned to his seat.

Ms. Susan Pearce, at 20465 S. Gardner Rd., stated she had a question.

Mayor Roberts stated she could proceed with her question/comments.

Ms. Pearce asked if there will be a grant put in for Martin Street to be fixed.

Mayor Roberts stated Ms. Pearce has a rental in that area, and there is a large problem with storm sewer and grade of the road. He stated this is a major project which has already been studied. He stated the City recognizes there is a problem, but as of yet, no funding has been allocated to it. He invited Ms. Pearce to come to the meeting in October when the projects in the CIP are to be voted on. He stated many years ago the storm sewer was worked on, but it was not installed correctly, and the project did not fix the main issue. He stated there have been projects to make this area better, but ultimately it will need to be redone and fixed completely, which is very costly.

Ms. Pearce thanked the Mayor for the information and for the date for the upcoming council meeting.

Mayor Roberts stated Councilmember Stambaugh asked for an item to be added to the agenda and sent this request via email to Ms. Linn, but he said those requests should come to him and not to Ms. Linn. He stated the best time for the city to fix this is when the city goes through the comprehensive plan.

Ms. Stambaugh asked for the Mayor to clarify the question he is referring to.

Mayor Roberts stated Councilmember Stambaugh has asked that the city review ordinances that relate to the maximum amount of covered lot space on a R-1 property, such as having too many structures on a property. He stated this would not be something that can just be put on the agenda for the Council to vote on, it would have to go through planning commission and then to the Governing Body with their recommendation. He stated his recommendation would

be for this item to be brought forward as part of the Comprehensive Plan and rather than looking at this as a single property benefit, it can be looked at as the community in general.

Ms. Linn stated it is very common to have several changes of regulations come forward during this process to balance what the community wants regulations to be and what is suited for the community.

Mayor Roberts stated this may not be in the timeframe this person wants, but even if they went through the variance process, it could still take quite a bit of time.

Ms. Stambaugh stated she thinks the city needs to look at these old and outdated ordinances.

Mayor Roberts stated he agrees, and items can be fixed with the right process. He stated if Councilmember Stambaugh would like to add an item to the agenda, to please email him those requests.

There were no further questions or comments.

Mayor Roberts stated he appreciated being invited to help with the superintendent interviews for USD 231. He stated there were three great candidates. He stated the board has a tough decision to make, but they will have a meeting on April 19th to finalize the steps in the process. He stated he supports any of the three choices.

13. Future Meeting Reminders:

- April 28th: City Council Meeting – 7:00PM
- May 10th: Planning Commission – 7:00PM
- May 12th: City Council Meeting – 7:00PM
- May 26th: Joint Planning Commission & City Council Work Session – 6:00PM
- May 26th: City Council Meeting – 7:00PM
- June 9th: City Council Meeting – 7:00PM
- June 14th: Planning Commission – 7:00PM
- June 23rd: City Council Meeting – 7:00PM

14. Adjourn

Councilmember Lewis moved to adjourn, seconded by Councilmember Beem. All in favor. The meeting was adjourned at 9:07 PM.

Submitted by Alexandria Clower, City Clerk

EXHIBIT A

DRAFT

EXHIBIT B

DRAFT