

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**April 26, 2018**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on April 26, 2018. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

**1. ROLL CALL**

Ron Conus	present
Clay Longanecker	present
Josh Lewis	present
Jody Brown	absent

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- Assistant City Administrator/Interim City Clerk Scott Peterson
- City Attorney Lee Hendricks
- Parks Maintenance Bob McVey
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Public Works Superintendent Trey Whitaker
- Parks and Recreation Coordinator Maddie Becker
- Code Enforcement Officer Charlie Lydon

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

4. Agenda Approval was considered.
5. Approve Minutes for April 12, 2016 City Council Meeting was considered.
6. Approval of Final Plat for Logistics Park Kansas City South, First Plat was considered.

Motion by Longanecker, second by Lewis to approve the Consent Agenda.

Motion was approved 3-0.

**REGULAR AGENDA**

**7. Public Comments.**

Pat Peer, 32695 W 215<sup>th</sup> Street, Spring Hill, KS, spoke about the pace of growth around the intermodal. Ms. Peer wanted to know why the intermodal and surrounding logistics park were growing so fast. She believes that the development is encroaching on rural residents who don't want to live near major industrial developments. Ms. Peer asked the City Council when the Project Mustang deal was made.

**8. Declaration.** None.

\*\*\*Scott Peterson, Assistant City Administrator, introduced Maddie Becker, new Parks and Recreation Coordinator, to the City Council. We are very excited to have Maddie on staff and look forward to her doing great things for the City of Edgerton.\*\*\*

**9. CONSIDER RESOLUTION IN THE CITY OF EDGERTON, KANSAS, PROVIDING FOR A DEADLINE OF MAY 7, 2018 TO REMOVE A JUNKED MOTOR VEHICLE NUISANCE FROM THE PROPERTY AT 405 EAST MORGAN STREET IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EGERTON, CITY CODE 8-410**

Mayor Roberts provided a brief prepared statement regarding the vehicle, and the history behind its code violation. Mayor Roberts also allowed the public to provide comment prior to the Council voting on this resolution.

Carl Peer, 32695 W 215<sup>th</sup> Street, Spring Hill, KS, spoke about growing up around Edgerton and going to Ray Braun's service station. Mr. Peer believed Ray Braun to be something like a "City Father", and has fond memories of Mr. Braun driving the vehicle in parades and finding it humorous. Mr. Peer asked who the car is hurting, and suggested that the vehicle be used to erect a monument to Ray Braun instead of being removed from the property.

David Shelton, 201 Martin St., Edgerton, KS, also believed that the car should be allowed to remain on the property. He believes it's just an old car with a sense of humor, and it doesn't seem like a big deal to let it stay on the property.

Charles Troutner, 707 W. Nelson, Edgerton, KS, provided an alternative solution to the car for the City Council to consider. As a lifelong resident and curator of the Edgerton Museum, Mr. Troutner recommended finding a place for the vehicle at either the Edgerton Museum or Edgerton Lake. Mr. Troutner stated that residents would be willing to pitch in and clean up the car to make it more presentable wherever it was placed.

Laura DePew, 514 W. Meriwood LN, Edgerton, KS, also requested that Council allow the vehicle to remain on the property. She asked if another solution could be found that would allow the car to stay.

Larry DePew, 514 W. Meriwood LN, stated that he believes that America is constantly wanting to trash history. He believes that an alternative solution can be found that would make everyone happy.

Laurissa DePew, 514 W. Meriwood LN, believes the vehicle is a monument to Edgerton, and should be allowed to stay. As a teenager Ms. DePew has grown up enjoying the car and it makes her laugh. She thinks there should be an alternative to allow the car to stay.

Deb Lebakken, 900 W. 7<sup>th</sup> St., Edgerton, KS, stated that many residents are hurt by the loss of the car. Ms. Lebakken has created an online petition asking for signatures in support of keeping the car. So far, she believes that the petition has been very successful, and has received support from many different countries.

Mayor Roberts stated that this code violation was driven by citizen complaints over the vehicle, and was not started by either City Council or City Staff members. Mayor Roberts stated that he shared no pleasure in dealing with this vehicle, but that as City Councilmembers they must treat all residents and property equally.

Councilmember Conus asked City Attorney Lee Hendricks if Mr. Troutner's proposed alternative were feasible. Mr. Hendricks responded that in the current state the vehicle is in, it would need to be indoors in a garage and would not be allowed to be displayed anywhere outdoors.

Motion by Longanecker, second by Lewis to approve the resolution.

Motion was approved 3-0.

**10. CONSIDER ORDINANCE NO. 1079 ADOPTING A RECOMMENDATION BY THE CITY PLANNING COMMISSION TO APPROVE REZONING OF APPROXIMATELY 256 ACRES OF LAND, LOCATED ON THE NORTHWEST CORNER OF 207<sup>TH</sup> STREET AND WAVERLY ROAD, FROM JONSON COUNTY RUR, RURAL ZONING TO CITY OF EDGERTON L-P LOGISTICS PARK ZONING DISTRICT**

Mayor Roberts asked for public comment prior to Council discussion on this item.

Carl Peer, 32695 W 215<sup>th</sup> St., Spring Hill, KS, spoke in opposition to the rezoning. Mr. Peer stated that the logistics park is already developing too rapidly, and the City should slow down and build more slowly. Mr. Peer also stated his dissatisfaction with the way Mayor Roberts only answers certain questions selectively during public comment. Mr. Peer stated that the area at Sunflower Rd and I-35 should be developed instead, since that is closer to Edgerton.

Pat Peer, 32695 W 215<sup>th</sup> St., also spoke in opposition to the rezoning. Ms. Peer stated that the industrial site clearly looks industrial in nature, despite any efforts to make it look like something else. Ms. Peer is already frustrated by the amount of bulldozing and blasting occurring at the site. She urged the City Council to reject the proposed rezoning.

Jennifer Whitlow, 31700 W. 217<sup>th</sup> St., Spring Hill, KS, also spoke in opposition to the rezoning. Ms. Whitlow and her family just recently purchased land in rural Jonson County, and is disappointed to hear that NorthPoint will be constructing near them. They had hoped to be away from development when they moved out of Gardner. Ms. Whitlow is afraid that her property will lose value being so close to industrial developments.

Mayor Roberts addressed a few of the comments. He stated that he has always been willing to meet with residents regarding this issue, and to walk through the process, but so far nobody has asked to meet with him. He also clarified statements made about Gardner's rejection of the intermodal years ago. He reiterated that there has been no "secret deal" in regards to the project, and that everything has been legal and transparent to the maximum extent the law allows.

Motion by Longanecker, second by Lewis to approve Ordinance No. 1079.

Motion was Approved 3-0.

## **11. CONSIDER APPROVAL OF 2017 AUDIT OF FINANCIAL STATEMENTS**

April Swartz, with Varney & Associates, CPAs, LLC, presented the 2017 Audit of Financial Statements for the City of Edgerton to the City Council. Ms. Swartz stated that her team is recommending a clean opinion, with no budget violations or findings of fraud or suspicion of fraud. Ms. Swartz stated that this city is unique in the ways it collects revenue, and that the City does a great job of managing those funds.

Motion by Lewis, Second by Longanecker to approve the 2017 Audit of Financial Statements.

Motion was approved 3-0.

## **12. CONSIDER RESOLUTION OF 04-26-18A, PROVIDING FOR A DEADLINE FOR REMOVAL OF YARD NUISANCES AT 502 E SECOND STREET, PURSUANT TO EDGERTON MUNICIPAL CODE SECTION 8-208 AND ALLOWING FOR THE CITY TO ABATE THE COSTS ASSOCIATED WITH THE REMOVAL OF SAID NUISANCES.**

Katy Crow, Development Services Director, presented the item. The previous owner at the nuisance address passed away and the property taxes are all delinquent. In that time the property has accumulated numerous code violation between August 2015 and April 2018.

Mayor Roberts asked why the house hasn't been sold on the courthouse steps. Ms. Crow responded that Staff didn't know.

Council asked for clarification on what the next step would be regarding the house itself. Charlie Lydon, Code Enforcement Officer, responded that they have not been allowed to go on the property itself to inspect the house. Approval of the resolution would provide him that ability to get a better understanding of the state the property is in.

Motion by Longanecker, Second by Conus, to approve Resolution 04-26-18A.

Motion was approved 3-0.

### **13. CONSIDER APPROVAL OF 2018 STREET MAINTENANCE PLAN**

Trey Whitaker, Public Works Superintendent, presented the item. Trey presented a new overlay technology, called UBAS, that staff is recommending being used on several roads in 2018. This will be done through a cooperative bid with the City of Lenexa.

Councilmember Longanecker asked how much the project at 4<sup>th</sup> and Nelson will cost out of the street maintenance budget? Ms. Linn responded that the project does not come out of the street program budget, but that the City is responsible for 50% of the cost of the 4<sup>th</sup> and Nelson Project, with the remainder being paid by the Johnson County CARS program.

Councilmember Conus asked why the Street Program for 2018 is being approved in April of this year? Staff responded that the funds were approved last year during budgeting, and now that it's construction season staff can take an accurate assessment of the state of roads before making a recommendation.

Staff stated that for the roads in the worst condition, those roads would be presented to Council as CIP projects for full reconstruction, since they are not salvageable through asphalt overlay.

### **14. REPORT BY THE CITY ADMINISTRATOR**

Ms. Linn asked if the City Council would be willing to consider Varney & Associates for the next three audits? Ms. Linn stated that the team is easy to work with, and is very familiar with the City's unique budget structure. All present members of the Council stated their willingness to consider the item at the next council meeting.

### **15. REPORT BY THE MAYOR**

None.

### **16. FUTURE MEETING/EVENT REMINDERS**

- May 8<sup>th</sup> 7:00 PM – Planning Commission Meeting
- May 10<sup>th</sup> 7:00 PM – City Council Meeting
- May 10<sup>th</sup> 7:00 PM – Edgerton Family Fitness Fun Run
- May 24<sup>th</sup> 7:00 PM – City Council Meeting
- June 2<sup>nd</sup>: 6:30-9:00 PM – Summer Kickoff Block Party
- June 2<sup>nd</sup>: 9:00-11:00 PM – Downtown Summer Movie Night

### **17. Executive Session**

**18. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319 (B) (2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY, FINANCIAL ADVISOR AND CITY ADMINISTRATOR**

Motion by Conus, Second by Longanecker, to recess into Executive Session for 10 minutes.

Motion was approved 3-0. Meeting was recessed at 8:56 pm.

Executive Session commenced at 9:01 pm.

**RECONVENE INTO OPEN SESSION**

Motion by Longanecker, second by Lewis to return from executive session.

Motion was approved 3-0. Council returned from executive session at 9:11 pm.

**19. ADJOURN**

Motion by Lewis, Second by Longanecker, to adjourn the meeting.

Motion as approved 3-0. Meeting was adjourned at 9:11 pm.