

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**April 27, 2023**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas April 27, 2023. The meeting convened at 7:00PM with Mayor Roberts presiding.

**1. ROLL CALL**

Clay Longanecker	present
Josh Lewis	absent at Roll Call, arrived at 7:47PM
Josh Beem	present
Deb Lebakken	present
Bill Malloy	absent at Roll Call, arrived at 7:54PM

Mayor Roberts stated there is a quorum, however, Councilmember Lewis stated he will try to log on via phone around 7:15PM and will arrive in person as soon as he can.

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  
                                    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 April 13, 2023 Regular City Council Meeting.
5. Approve Application FP2023-02, Final Plat for Logistics Park Kansas City Phase VI – Third Plat, located at 30500 and 30700 W. 183<sup>rd</sup> Street, Edgerton, Kansas.

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

**Regular Agenda**

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

**7. Public Comments.**

Mayor Roberts invited Ms. Pattie Stuteville to speak under public comment.

Ms. Stuteville stated she is concerned about sidewalks in front of her shops in the winter. She stated she is no longer able to clean her sidewalks like she used to. She stated she sees City Staff cleaning the sidewalks across the street in front of the library and thought that they may be able to clean her side as well. She stated she believes it will make it easier for everyone as the lady that works next door cannot clean their sidewalks as well.

Mayor Roberts stated he'd like to remind everyone the other side is adjacent to city property, the property in front of Pattie's Salon, is private property. He stated action is not taken under public comment, but if Council would like to bring back any item, they can take this under advisement.

There were no further comments on this item. Mayor Roberts then asked if anyone in the audience would like to address the Council.

He invited Mr. Mark Damet to speak.

Mr. Damet, located at 202 W 8<sup>th</sup> Street, addressed the Council. He stated there have been some traffic concerns at the corner of 56 Highway and 8<sup>th</sup> Street. He stated he's tried to approach law enforcement about the parking there because he's noticed with cars parking on either side, semis, school busses, etc. have no luck getting through safely on that corner. He stated he's researched, and other City's have truck routes and some establish no parking on those. He stated he's curious to see if that area can be established as no parking to alleviate safety conflicts there.

Mayor Roberts thanked him for his comments and asked that he stay until the Mayor's Report on the Agenda, as he's planning to address this issue and another there.

## **8. CONSIDER OUTSIDE CITY LIMITS WATER SERVICE APPLICATION**

Mr. Dan Merkh addressed the Council. He stated in March 2023, they Dwyer's submitted a Water Connection application for new water service to a property on the west side of E 2300 Rd. He stated a map has been included in the packet. He stated this property does not currently have a residential structure and does not have an address. He stated additionally, the property is outside of corporate city limits of Edgerton.

He stated the city code states that before any water connection is made, the owner must first submit an application to permit such connection. He stated the code also states if the premise is located outside of city limits, they must follow certain provisions, such as, approval by governing body, a consent for annexation by the owner of property must be executed and filed to the city and the owner of such property must submit a non-refundable processing fee.

He stated he'd like to note the portion of the code that states the property owner is required to submit application and approval is required by the governing body. He stated staff has received the application and the consent to annex the property.

He stated the city does have existing waterline on the east side of E 2300 Road, the property owners have requested a 5/8" meter to serve a future residential house. He stated a bore of the existing roadway is needed, all permits and fees will be handled by the applicant.

He stated if the application is approved, the city will connect the customer to the system, the bore to the property will be provided by a license contractor and the applicant. He stated the owner of the premise will be solely responsible for the costs associated to the outside city limits connection fee and water system development fee as described in the City's Fee Resolution.

Mayor Roberts stated he would like to clarify that when submitting this application, they are to file a consent to annexation, it does not mean the city is annexing their property and there is no obligation to do so.

Councilmember Longanecker asked if this was to annex their property.

Mayor Roberts stated if the City of Wellsville were to extend to that area first, Edgerton could waive our annexation for theirs. He stated having this agreement, just means we would have first right in this instance. Mayor Roberts stated it still looks to be under City Attorney review, he asked Lee Hendricks, City Attorney if he was comfortable moving forward.

Mr. Hendricks stated he has no issues, the City is able to access and it seems quite simple in those terms.

With no further questions or comments, Mayor Roberts requested motion to approve the water service application.

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

## **9. CONSIDER THE 2022 AUDIT OF FINANCIAL STATEMENTS AS PRESENTED BY VARNEY & ASSOCIATES**

Mr. Justin Vermillion, Accountant, introduced April Swartz with Varney and Associates to present the 2022 Audit of Financial Statements.

Ms. Swartz stated there are no adjustments proposed, no findings, statute violations and this audit was clean as it always has been. She walked through the audit report. She stated that included in the report are notes as required by KMAAG following regulatory basis. She stated the notes help the reader understand Edgerton, and the policies/procedures followed. She stated pg. 16 of the report shows compliance with the budget, showing the funds that are legally required to be budgeted. She stated the following pages show total certified, published

and expenditures, the breakdowns of fund, showing prior and current year actuals, prior and current budgets, etc. She stated the City ended almost \$3 Million under budget.

She stated this is an amazing report, especially when staff is in the middle of a software change. She stated Karen and Justin had everything ready and there were little to no questions from us. She stated she has the most confidence in the City's team that next year's audit with the new software will be the smoothest yet.

With no questions or comments, Mayor Roberts requested motion to accept the audit as presented.

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

**10. CONSIDER CHANGE ORDER #7 AND #8 TO CONTRACT WITH PYRAMID CONTRACTORS INCORPORATED FOR CONSTRUCTION OF 207<sup>TH</sup> GRADE SEPARATION PROJECT**

Mr. Dan Merkh addressed the Council. He stated in February 2021, the Council awarded the bid for construction of the 207<sup>th</sup> Street Grade Separation to Pyramid Contractors, Inc. He stated throughout the project, various change orders have been submitted for review and approval, he stated a summary of those have been provided in the packet. He stated according to the purchasing policy, change orders over a certain dollar amount require Council approval. He stated a summary of the change orders listed for approval are detailed in the Council packet as well as the final contract total as revised after all approved change orders.

He stated the change orders listed do not include the final overrun/underrun quantities of both project areas, the remaining list items are scheduled to be completed in the next few weeks. He stated upon completion staff will bring forward authorization for final change order and final payment. He stated funding for this project was included in the 2020-2024 CIP with a revised project budget being included in the 2023-2027 CIP Program. He stated these change orders with Pyramid Contractors are within budget.

Councilmember Longanecker stated it looks like they did a nice job, looks to be about done.

Mr. Merkh stated they are working to finalize items, hoping to stripe within the next week.

With no further questions or comments, Mayor Roberts requested motion to approve the Change Orders 7 and 8 to contract with Pyramid Contractors for construction of 207<sup>th</sup> Street Grade Separation Project for a total of \$537,232.09.

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

**11. CONSIDER ORDINANCE NO. 2132 AMENDING ARTICLE 8 – ADMINISTRATIVE AUTHORITIES, DUTIES AND PROCEDURES - OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF EDGERTON, KANSAS AND CONSIDER ORDINANCE NO. 2133 AMENDING ARTICLE 11 – PERMITTED CHANGES AND DOWNZONINGS – OF THE UNIFIED DEVELOPMENT CODE AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Mr. Zachary Moore, Development Services Director, addressed the Council. He stated there are two ordinances tonight for approval related to updating the Unified Development Code. He stated the first one is related to the nature of public hearings held in Planning Commission, the second is related to the approval of downzonings at the dais. He stated staff was doing an audit of the code and identified the public hearing portion as being atypical for a code and more suited for the bylaws. He stated this section is already incorporated into the Bylaws, so upon approval it will just be removed from the code, no process will be changed as it's already incorporated where it should be. He stated the second item references downzonings, he stated as it reads today, Planning Commission can change a rezoning request to a more restrictive district during the meeting. He stated that for example, if a property owner requested to rezone a property to the R-3 District, the Planning Commission could change that request to R-2 without specific steps occurring, such as renotification of nearby property owners. He stated it was likely adopted like this to seem less impactful as it's typical that a lesser zoning does not have the same intensity as a less restrictive zoning designation. He stated although this may be the case, staff would like this to be removed to increase transparency and to allow for thoroughness to still be adhered to. He stated although the zoning may be more restrictive, there may not be the same design criteria throughout. He stated it is staff recommendation that the entire article be rescinded.

Mayor Roberts stated he appreciates the transparency this brings. He stated each ordinance will need separate motion.

With no questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2132, Amending Article 8 of the Unified Development Code.

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Beem. Ordinance No. 2132 was approved, 3-0.

Mayor Roberts then requested motion to approved Ordinance No. 2133, Amending Article 11 of the Unified Development Cod.

Councilmember Longanecker moved to approved, seconded by Councilmember Leabkken. Ordinance No. 2133 was approved, 3-0.

**12. Report by the City Administrator**

- 2024 Budget Calendar

Ms. Linn provided Council with the 2024 Budget Calendar and walked through some key dates for meetings, specifically the July 6<sup>th</sup> Budget Work Session date, which is scheduled on an off-cycle meeting.

- First Quarter Community Development Update

Mr. Moore stated he will be referencing the information provided in the packet for the community development report. He stated there have been 13 building permits issued, it's been a little slower but that's typical for winter months, however there were quite a few buildings inspections. He stated staff is currently working on assessing the 2006 ICC codes to compare the differences as we begin looking to convert to the 2018 code. He stated in the next few months, staff is working to compare and update our codes for the IFC and residential codes. He stated the rezoning for the Edgerton Greenspace was approved in February and really kicked off the process as we begin to work and establish this new community gathering space. He stated this building will be the first new government building in downtown Edgerton and the first new brick building in roughly 125 years. He stated the building permit is currently in review. He stated on the commercial side, IP IX, which is NorthPoints newest building, approved in February. He stated staff is currently working with consultants to update the Comprehensive Plan, that we are calling Envision Edgerton. He stated there have been two steering committee meetings and they're looking to have a couple more before the public open house this summer.

He stated on the animal control side, the complaints are down, as well as the number of loose animals. He stated the city held the annual low-cost vaccine clinic in March, with a total of 204 vaccines administered. He stated the number for unregistered pet violations is also down this quarter.

He stated on the code enforcement side, there has been a downturn on boat and rv violations, as well as a lower number of inoperable vehicles. He stated this is likely due to the winter months, but hoping they stay down for the spring/summer months as well. He stated the trash and exterior storage violations are a little higher than last year at this time, Charlie has been active with residents to address those. He stated in total there have been 4 citations issued, 68% officer driven and 38% resident driven.

- 2022-2023 Winter Weather Recap

Mr. Merkh stated in October, staff presented the annual snow and ice presentation, in this presentations staff talked about fleet and snow operations and reviewed priority maps and looked at typical responses for certain types of storms. He stated this winter season, Edgerton endured 7 winter weather events, with only one snow event declared. He stated the city received a total of just over 7 inches, which compares to a total of 9 events last year, where just over 22 inches of accumulation occurred with 3 snow events. He stated staff utilized a total of 137 tons of salt and 4500 gallons of brine, the amount of each material used during each event is determined by the type and duration of the precipitation. He stated crews spent a total of just over 400 hours responding to winter weather events, with an average of crews spending about 57 hours per event. He stated the fleet of 9 vehicles continue to aid the team in efforts to respond efficiently and effectively to snow and ice events. He stated staff works hard to keep Edgerton roads clear and safe and appreciates that they have the tools needed to do a good job.

Councilmember Longanecker stated staff does a great job.

Mr. Merkh stated this winter was a lighter winter, which allowed staff to get ahead of events and be effective in the events we did have.

Mayor Roberts stated there were less events, but they might have been some of the most challenging this year with all the ice.

Mr. Merkh stated yes, there were a couple instances where the ice and timing of the storm came in sooner than what was forecasted, and accumulation was almost double of what they thought might happen.

- Johnson County Sheriff's Office First Quarter Update

Master Deputy Brad Johnson addressed the Council to give the first quarter update for the Sheriff's Office. He stated the number listed here is not differentiated between the Logistics Park and Edgerton residential area.

He stated there has not been much change in this quarter's numbers from previous years, however the drugs and narcotics category continues to rise. He stated the assault and battery charges are down this year from previous, the criminal threat is down, however the criminal damage charges are up. He stated he does know, one of the numbers in this criminal damage is related to a real estate sign, these numbers don't differentiate between extreme and slight damage.

He stated last year drugs and narcotics had 31 cases, this year we've seen 46. He stated most of this is due to the surrounding state legalizing some sort of use.

He stated there has been an increase in other offices, such as group B offenses or 999's which are offenses related to those that are not state codes but more local codes, such as the tarp ordinance within the city.

He stated roughly every other line item is down, numbers of crime is up because more people are being caught for the offense. He stated there was one shooting, that is still being investigated. He stated there has been some closure in cases that have been long overdue.

Councilmember Longanecker asked if the intermodal has anything to do with the increase in drug problems.

Dept. Johnson stated no, it's the entire country that's seeing an increase in drugs. He stated mostly marijuana, edibles and THC vape pens. He stated here, you can go 10 minutes down the road, get some and come back. He stated this is one of the biggest issues, but they're trying to be diligent in catching people.

He stated he's been working on networking and building relationships with the officers with BNSF, he's setting up a tour with them to tour the terminal and look around.

- WALK ON: The Greenspace Update

Ms. Linn stated she has one quick update, the demolition of the Yellow House and red garage are set to take place in preparation for The Greenspace community building. She stated all staff that was housed in the yellow house is now moved out and occupying the new 414 house purchased a few months ago. She stated the buildings are nearing empty

with just a few items left, utilities have been disconnected. She stated it is anticipated that the two buildings will be down by June 1 and ready for next phases.

Councilmember Lewis arrived to the meeting at 7:47PM

Councilmember Malloy arrived to the meeting at 7:54PM

### **13. Report by the Mayor**

Mayor Roberts stated he asked Mr. Damet to stick around till his report because the issue of parking on truck routes is not the only one he's heard or seen as of recent. He stated there are issues with road parking and the safety of that parking. He stated he has witnessed the problems at 8<sup>th</sup> Street and 56 Highway that Mark has mentioned. He would like direction from Council and see if we can begin addressing these issues. He stated another issue that has been mentioned to staff is traffic at Amazon and trucks parking on Montrose making it almost impossible for trucks and workers to access the facility safely or venture out to the food truck parked there, safely. He stated there are certain areas of roadway that have been named truck routes, or no parking areas, but this area in particular has not been named as no parking. He stated he does like the idea of truck routes also have a stipulation of no parking, but not sure how that looks in the long run. There's a difference between LPKC truck routes and the residential areas. He stated at LPKC there are certain roads that are named no parking, but not all. He stated 8<sup>th</sup> Street, where Mark lives is a more residential area where one or two cars by Mark's house can really make a huge difference for the truck traffic or really any traffic that goes through there. He stated he's in agreement with Mark, something should be done and he hopes that Council can direct staff to bring back a No Parking Ordinance for areas of concern, as a start.

Mr. Damet stated he's researched state highways, highway patrol has jurisdiction. The discretion of this comes with the City, they would have to designate what they want as parking or truck routes.

Councilmember Longanecker stated he's noticed the same problem and really the last few weeks it seems to be worse.

Mayor Roberts stated he's open to suggestions from Council. He thinks it might be a huge undertaking at the moment to try to designate all truck routes, but maybe start with this section of LPKC and 8<sup>th</sup> Street as a start. He stated something needs to change for safety reasons.

Ms. Linn stated staff would really be looking for direction for what sections Council would like to establish, or if it's the truck route piece, staff would need that direction to establish all routes as no parking, etc.

Mayor Roberts stated he thinks it would be great to start with these specific sections that have been brought up as a concern today, and then advance if needed. He stated the cost gets pretty great if we establish all truck routes as no parking.



Ms. Linn stated in both instances of complaint, it's fairly easy to draft an ordinance for approval to say no parking is to be established from Montrose to Waverly and 8<sup>th</sup> Street from 56 Highway to Nelson. She stated however Council would deem appropriate.

Councilmember Lewis stated he likes the idea of 56 to Nelson, and same with the LPKC area mentioned.

Mayor Roberts stated Council can always come back and revisit, but this would be a start. He'd like to take action soon.

Ms. Linn stated staff could draft an ordinance to address both sides of the roadway on 8<sup>th</sup> Street from 56 Highway to Nelson, and on the Amazon side, we could do both sides there as well or just one side. They do have a food truck that parks there a couple times a week that is used quite frequently, we wouldn't want to prohibit that. She stated Amazon's complaint is the west side.

Mayor Roberts stated he's comfortable with that, he doesn't see near as much coming from the I35 side back down but does see problems on the west side. He stated if Council is comfortable with this approach, he'd like to direct staff to draft an ordinance to bring back to the next meeting on consent, assuming it's passed, it will then be published in the paper and after publication, staff could work to get signs installed.

All Council Members were in agreement with this approach. Staff was directed to bring back an ordinance on consent agenda to next meeting to address no parking on 8<sup>th</sup> Street from 56 Highway to Nelson, both directions and on Montrose from 193<sup>rd</sup> to Waverly on the West side.

Mr. Damet stated he brought this to Council as a concern and didn't think it would be acted upon this quickly. He stated he's surprised and impressed with the response time that this will happen. He thought it would take more time. He thanked Council for their time and attention to this matter.

**14. Future Meeting Reminders:**

- May 9<sup>th</sup>: Planning Commission – 7:00PM
- May 11<sup>th</sup>: City Council Meeting – 7:00PM
- May 25<sup>th</sup>: City Council Meeting – 7:00PM
- June 8<sup>th</sup>: City Council Meeting – 7:00PM
- June 13<sup>th</sup>: Planning Commission – 7:00PM
- June 22<sup>nd</sup>: City Council Meeting – 7:00PM

**15. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75- 4319(B)(6) FOR PRELIMINARY DISCUSSIONS REALTED TO THE ACQUISITION OF REAL PROPERTY TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR AND PUBLIC WORKS DIRECTOR TO DISCUSS PURCHASE CONTRACT SPECIFICS**

Mayor Roberts stated he would like to recess into executive session pursuant to KSA 75-4319(B)(6) to include City Attorney, City Administrator, and Public Works Director to discuss Purchase Contract Specifics. He stated there will be no motion afterwards and it's expected to last 10 minutes. He stated the meeting will resume in the Council chambers for adjournment of the regular session, there is a work session to follow.

Mayor Roberts then requested motion to recess into executive session.

Councilmember Beem moved to recess into executive session for 10 minutes, seconded by Councilmember Lewis.

The meeting recessed into executive session at 8:08PM, 5-0.

Councilmember Lebakken made motion to return to open session with no action taken, seconded by Councilmember Malloy.

Open session resumed at 8:18PM, 5-0.

#### **16. Adjourn**

Councilmember Beem moved to adjourn, seconded by Councilmember Malloy. The meeting was adjourned at 8:18PM,

Submitted by Alexandria Clower, City Clerk