

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**April 25, 2024**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas April 25, 2024. The meeting convened at 7:00 PM with Mayor Donald Roberts presiding.

**1. ROLL CALL**

Clay Longanecker	present
Josh Lewis	present
Deb Lebakken	present
Bill Malloy	absent
Ron Conus	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- Assistant to the City Administrator, Kara Banks
- Finance Director, Karen Kindle
- Public Works Director, Dan Merkh
- Development Services Director, Zach Moore
- Public Work Superintendent, Trey Whitaker
- Maintenance Technician, Chance Heinz
- Parks and Recreation Director, Levi Meyer
- Parks and Recreation Superintendent, Brittany Paddock
- Assistant City Clerk, Alex Firth
- Planning and Zoning Coordinator/Deputy City Clerk, Chris Clinton

**2. WELCOME.** Mayor Roberts welcomed all in attendance.

**3. PLEDGE OF ALLEGIANCE.** All present participated in the Pledge of Allegiance.

**Consent Agenda** *(Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action)*

**4. Declaration**

Councilmember Longanecker had a phone conversation with realtor Nancy Kirk-Matthews, but he expressed that the conversation would not impact or influence his vote today.

**5. Approve Minutes from March 28, 2024, Regular City Council Meeting**

City Administrator Beth Linn stated that the minutes were inadvertently excluded from the packet. She stated the minutes were reviewed by staff for accuracy.

Councilmember Lewis moved to approve the Minutes, seconded by Councilmember Longanecker. The Consent Agenda was approved, 4-0.

## 6. **Public Comments**

Ms. Katy Hoffman and Mr. Gary Scott from the Silver Haired Legislature addressed the Council. Ms. Hoffman described her organization and discussed how they are elected and what the organization advocates for at the State Legislature. She stated their priorities recently include establishing a medical cannabis advisory board, Medicaid expansion, and other topics. Mr. Scott added that his property tax is almost what his mortgage used to be, and he is a widower on a fixed retirement income, so tax relief is also a major priority.

Ms. Linn shared information about the monthly Senior Lunch and suggested they attend.

Mayor Roberts thanked Ms. Hoffman for representing the seniors and for what they are doing for their communities.

Mayor Roberts stated that any public comments that are for municipal code changes will be held until the agenda item that they correlate with.

7. **Introduction of New Employee Chance Heinz** – Public Works Director Mr. Dan Merkh introduced Chance Heinz to the Council. Mr. Heinz stated he started work with the City of Edgerton roughly 3 weeks ago in the utilities department and grew up in Garden city Kansas, went to University of Kansas and all paths had led him to Kansas City.

## **Business Requiring Action**

### 8. **CONSIDER THE 2023 AUDIT OF FINANCIAL STATEMENTS AS PRESENTED BY VARNEY & ASSOCIATES**

Karen Kindle, Finance Director, introduced Jessica Linsley with Varney and Associates.

Ms. Linsley stated that she has been working on the City's audits for the last 3-4 years and is very familiar with Edgerton's account. She stated the numbers that were provided to her by the staff of Edgerton, and they did not need to make any adjustments. Edgerton received a clean opinion again in 2023.

She complimented the city for how smooth the transition was to a new financial software system because it can be hard.

She stated auditors must receive reasonable assurance and they detailed some utility billings and also looked over the expenditures of high and low amount purchases. They are looking for fraud purchases and did not find anything, but she wanted to let Council know that they looked at some different procedures this year.

The amounts match and reconcile with the prior year. She notes that the State now requires auditors to include if Edgerton had a revenue neutral rate (RNR) hearing, which is only difference on that section of the audit.

She stated there were no violations of Kansas statues throughout the year. There were no funds over budget. She added the audit shows status of capital projects that continue past the financial year.

Mayor thanks Ms. Linsley for coming and thanked staff for working on the budget through the transition to a new system.

Councilmember Longanecker moved to approve the 2023 Audit financial statement, seconded by Councilmember Labbaken. The Financial Audit was approved, 4-0.

**9. CONSIDER RESOLUTION NO. 04-25-24A AUTHORIZING SPECIAL EVENT PERMIT FOR SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS**

Brittany Paddock, Superintendent of Parks and Recreation, reviewed the resolution and introduced the members of the Frontier Days Association in attendance, Nathan Eggleston and Darlene Brown. She stated Frontier Days will be moved to Martin Creek Park in 2024 due to the construction of The Greenspace. The festival will be held June 14 – June 15. She explained this first resolution allows liquor sales at the park and showed a map of the event space. She outlined the requirements that all alcohol must stay within Martin Creek Park and within certain material of containers.

Councilmember Lewis moved to approve Resolution No. 04-25-24A, seconded by Councilmember Longanecker. The Resolution was approved, 4-0.

Mayor noted that the Council did not specifically waive the fees associated with the special event permit as they have historically done.

Motion made by Councilmember Longanecker to waive the special event fees. Councilmember Lebakken seconded the motion, and the vote was approved 4-0.

**10. CONSIDER RESOLUTION NO. 04-25-24B AUTHORIZING PERMISSION TO USE REQUESTED CITY BUILDINGS/PUBLIC SPACES AND THE APPROVAL OF ADDITIONAL SERVICE REQUESTS DURING EDGERTON FRONTIER DAYS**

Ms. Paddock stated this resolution is a request to use Martin Creek Park and city buildings and Edgerton city lake to provide event space and shuttle locations for the event.

Ms. Linn stated the Council had authorized a capital improvement project to put in a split row fence. She noted the City's Public Works Department did a tremendous job of installing it, which will be a great asset for Frontier Days and events in the future.

Mayor stated City staff dedicates a lot of staff time to parking on the 3<sup>rd</sup> of July and asked the Frontier Days Committee what kind of staffing will be needed for parking. Mr. Eggleston stated they are deliberating on whether they will hire out the parking safety personnel.

Councilmember Longanecker asked about the truck route.

Ms. Paddock states this keeps a majority of trucks away from the event.

Ms. Linn stated there may also be road closures of Nelson Street downtown during that weekend due to the construction of the Greenspace and this could help with pedestrian safety.

Councilmember Longanecker moved to approve Resolution No. 04-25-24B, seconded by Councilmember Lewis. The Resolution was approved, 4-0.

**11. CONSIDER RESOLUTION NO. 04-25-24C AUTHORIZING THE CLOSURE OF PUBLIC STREET FOR THE EDGERTON FRONTIER DAYS FESTIVAL PARADE IN 2024.**

Ms. Paddock reviewed the resolution. The closure for the street is on Nelson due to the parade and take place on the morning of June 15<sup>th</sup> from 8<sup>th</sup> Street to 3<sup>rd</sup> Street and will be a short closure. Barricades will be set up from 8:30 - 10:30 am.

Councilmember Lebakken moved to approve Resolution No. 24-25-24C, seconded by Councilmember Longanecker. The Resolution was approved, 4-0.

**12. CONSIDER RESOLUTION NO. 04-25-24D FOR TEMPORARY NO PARKING RELATED TO FRONTIER DAYS**

Ms. Paddock reviewed the resolution. She stated one of the areas that staff wants to make sure is the unobstructed includes the stretch of 3<sup>rd</sup> Street from Morgan Street to Martin Street to make sure the fire department can get out in case of an emergency.

Councilmember Lewis moved to approve Resolution No. 24-25-24D, seconded by Councilmember Lebakken. The Resolution was approved, 4-0.

**13. CONSIDER RESOLUTION 04-25-24E RECOGNIZING THE EDGERTON FRONTIER DAYS AS A "PUBLIC FESTIVAL" FOR PURPOSES OF THE CITY'S NOISE RESTRICTIONS.**

Ms. Paddock stated the resolution waives the City's noise ordinance on Friday and Saturday night. Councilmember Longanecker asked what time the band stops playing. Mr. Eggleston said it was 11:30 pm. Mayor Roberts added this year's event should be less impactful because it is at the park.

Councilmember Lewis moved to approve Resolution 04-25-24E, seconded by Councilmember Longanecker. The resolution was approved, 4-0.

Mayor thanked the Frontier Days group for carrying on the tradition. This festival has been held for more than 50 years. It is not a city event and is entirely put on by volunteers. He thanked the organization for their efforts for the event.

Mr. Eggleston and Ms. Brown announced the bands that are playing and reviewed some of the highlights for this year's event.

The mailer with the event schedule will go out with June utility bills.

**14. CONSIDER ORDINANCE NO. 2159 AMENDING CHAPTER IV – BUILDINGS, CONSTRUCTION AND FIRE OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS**

Development Services Director, Zach Moore stated the city adopted the 2006 building code in 2010. This ordinance would update the codes to the 2018 ICC suite, as drafted by International Code Council with specific City amendments. Mr. Moore reviewed several specific changes, including work hours, storm shelters, and mobile food vendors.

The first proposed item is the introduction of work hours, which would be Monday through Friday from 7 am – 6 pm with special permitted hours allowed on Saturday. Work on Sundays would be prohibited. He added that the work hours provision does not apply to homeowners working on their own homes outside of those hours. He stated staff can issue extended construction hours due to heat or other conditions if requested.

The second proposed item is a requirement for storm shelters for residential development. Based on previous Council discussions, staff offered three options if Council wanted to amend in a storm shelter requirement: 1) require a shelter in each new single family or two-family home, 2) to require a storm shelter at time of original construction or a single- or two-family home unless the owner signs a opt out form for that option, or 3) to allow for the construction or maintenance of a storm shelter which would be maintained by the HOA.

Councilmember Longanecker questioned that this is not a retrofit and this amendment is only for new construction. Mr. Moore responded that this requirement is only for new construction.

The third proposed item is mobile food preparation vehicles, or food trucks. Mr. Moore stated the staff is recommending amending that section out and would like to research food

trucks and understand how this part of the ordinance could impact the city since we use food trucks for events such as Meat Inferno. Mr. Moore stated staff has spoken with Fire District 1 because they expressed safety concerns about the City opting out of those requirements.

This ordinance change would also take any other wording within the municipal code that is fire related from chapter VII and put it in chapter IV. So, this would make sure that anything that is about construction and fire would be within the same chapter.

Councilmember Longanecker asked if section 903.3.121 only applies to apartment buildings. Mr. Moore confirmed that it only applies to buildings with more than 2 units that are new construction.

Councilmember Conus asked if neighboring communities have made storm shelters a requirement. Mr. Moore answered that Gardner, Baldwin City and Spring Hill do not have a storm shelter requirement, but Olathe and Kansas City, KS do.

#### **PUBLIC COMMENTS:**

Chief Trig Morley and Fire Marshal Brad Ralston of Johnson County Fire District #1 encouraged council to not amend this section out. Chief Morley stated they understand the city's position. He stated they had a good conversation and would be happy to help with research.

Division Manager for Rausch Coleman Shawn Cheever stated they need to keep the prices as low as possible for the buyers to draw in people to the area. The requirement for storm shelters would be more of an added cost and should stay as an option for owners to choose the shelter not a requirement. He stated they agreed that giving the homeowners this option is a great and safe initiative for the community, however he was concerned that mandating this ordinance would eliminate thousands of people from qualifying for their dream of home ownership. He stated this would add about \$10,500 to the price of the home.

Mr. Cheever stated some other ordinances that the city has mandated have already increased the price of the homes. Additional thickness of concrete, additional street lighting, and concrete storm pipes everywhere instead of just in roadways, has increased the cost of the homes by 4,000 dollars. He stated that they understand that the codes can change over time, but a lot of these requirements have been changed while in the middle of the development of the subdivision here in Edgerton. Mr. Cheever stated one of the biggest reasons they chose Edgerton was to beat the housing by land price than other surroundings communities. He states that these changes would price out thousands of families that would not be able to afford their homes if they must increase their prices. He does not want to drive people away from this area due to increases. He requested summer construction hours to start at 6 am due to high heat, especially for projects like concrete pouring. He added the requirement that down spouts cannot be more than 10 feet from the property line would also be a problem.

Deputy City Clerk, Chris Clinton, read a letter from ElevateEdgerton! President James Oltman. The statement emphasizes that they are not taking sides but wants to stress the responsibility that the city has in balancing the future of Edgerton's public safety with its growth. They want to encourage the council to consider the unintended consequences additional regulation may have for the progress of growing the community and encouraging new residential development.

Kristen Peck who works with Rausch Coleman stated she wanted to stress how important it is to keep their prices lower for the families that they are trying to target. Edgerton would be the only community that would mandate storm shelters if this would move forward.

Mayor Roberts asked what their current selling price is. Mr. Cheever answered the goal is the low \$250s, but final costs will not be known until the homes are done. He stated homes are starting in the \$290s in Gardner and Spring Hill and prices are climbing weekly. Mayor states that \$249,000 was the amount that the City was originally given, so there has not been a big price change. Mr. Cheever stated they have made changes in the homes to keep the price low and keep the delta between Edgerton and its neighboring communities.

Mayor asks if Mr. Cheever would like summer hours changed to 6 am to 6 p.m. Mr. Cheever answers that they need to pour concrete early due to heat and how the concrete can crack if the concrete dries too fast. Ms. Linn added that the ordinance as written allows for exceptions to the time of the construction, especially for concrete.

Councilmember Longanecker asked why an opt-out on the storm shelters is not their preference. Mr. Cheever would like an opt in to the storm shelters. He stated this is due to the price increase and not being able to reach the people they need if they cannot advertise at certain prices. He would rather the customer be able to opt in and understand that they have an increase. Instead of loading the price up and bringing it down if the customer would like to opt out, they would rather have the basic model and opt in to additional costs like the storm shelters and fencing. Mayor Roberts asked if that was Rausch Coleman's standard practice? Mr. Cheever stated yes, opt-in is standard because it keeps prices down. Mayor asked how many people have opted into the safe room. Mr. Cheever stated he knows of three that have bought in. Councilmember Longanecker asked if those were slab homes and Mr. Cheever responded they were on slabs. Councilmember Longanecker stated he is concerned about keeping people safe. Mr. Cheever stated if the homeowner wants it, they can have it. They encourage people to get what they want. Mayor Roberts stated the Council received quite a bit of public pressure because of the limited space for storm shelters in Edgerton.

Michele Downing addressed the Council. She stated it is not just concrete. She does framework and says the framing and roofing can get very hot as early as 7 am in the summer and wanted to state that the proposed hours may have a longer impact because it will take longer to build. If they could start earlier, it would take them less time.

Taylor Akinmoladun of Blue Springs, MO addressed the Council. She works as a real estate agent and says it will be harder for Edgerton to grow if the home prices increase too much. She stated that a lot of the people that would want to purchase a home at this price point, like empty nesters, would not go into a basement anyway.

Councilmember Longanecker asked the City Administrator about the hours. Ms. Linn said the current code does not have any hours. This code offers some basic hours, but staff can negotiate hours development-wide.

Councilmember Lewis stated when hours requests are made, it makes it easier to inform the public about what is going on. He added that it removes friction from the public. Deputy City Clerk Chris Clinton offered up that staff has worked with contractors in the past, especially during concrete pours to make sure that the project could still move forward and be safe.

Councilmember Lewis asked about the food truck exemption recommendation – he asked why the Fire District was concerned. Fire Marshall Brad Ralston said section 319 is basically a checklist for safety for food trucks. The food truck sticker program – streamlined process for food trucks in the area – makes it easier for inspectors. If an event has a food truck, then they can quickly decide if they meet the safety requirements.

Ms. Linn stated staff was concerned that adding additional requirements like the sticker would limit food trucks from outside Johnson County. The existing code does not have any regulations. She stated staff have had trouble finding food trucks for events and would like to understand the impact that the ordinance may have on the community. She stated staff would need more time to research the impact and speak with the food trucks.

Councilmember Lewis asked when staff would bring regulations back. Ms. Linn responded the goal would be this fall. Councilmember Lewis stated he wants to make sure it gets back on the agenda.

Mr. Ralston said the sticker program is no cost, but the safety improvements could be high for food truck owners. Chief Morley stated they would be happy to do an education campaign and help trucks become compliant with regulations.

Mayor spoke to the concern about the length of the downspouts and issues with the neighbors discharging their downspouts into their neighbors' yard. Mr. Cheever stated other communities have added a swell.

Jim Brown, Building Inspector for the City of Edgerton, addressed Council. He stated the code allows for a stormwater management plan for each property. The goal is to keep nuisance water off neighboring properties.

Ms. Linn said staff get frequent calls related to storm water because many homes currently have drainage at their property line, which can lead to flooding on a neighboring property. She stated that the standard setback is at 9 feet on smaller lots and the standard 10 feet



would only allow from front and back of property and not a drain on the sides. Staffs' recommendation is that it is on the front or back of the house to ensure that storm water is dispersed properly.

Mayor stated the Council did not seem to have any concerns about the proposed work hours requirements and exceptions. He then asked Council about downspouts. Mr. Brown said the code would allow for stormwater mitigation exceptions, with approval from building inspector, public works director, city engineer.

Ms. Linn recommended the Council add a number if they did not like 10 feet. Mr. Brown said the code already allows for exemptions based on property features.

Councilmember Longanecker wants to make sure storm water is not dispersed onto neighboring properties.

Mayor agrees that 10 feet from the property line is a great recommendation and would be best for the community.

Ms. Linn referred to the storm water master plan, which addressed how to fix issues that were created from policies in the past and how to set the policy to mitigate issues in the future. She stated staff has found that side discharges of water exacerbate issues.

Councilmember Lewis asked Rausch Coleman what other communities do for stormwater management. Mr. Cheever said Paola allows 3 feet with a swell. Mayor asked if they would be comfortable working with staff on the downspout issue. Kyle Jones with Rausch stated they want to make sure the water is flowing correctly because it's a top concern in almost every community for their homeowners. Stormwater is important to everybody.

Councilmember Conus asked about the drainage from sump pumps and asked if this would impact on the existing home and Ms. Linn answered with no, this ordinance is only for new construction.

Mayor Roberts then asked the Council for their thoughts on the storm shelter options.

Councilmember Conus recommends that we keep home prices low and allow for opt-ins.

Councilmember Longanecker says that it is on the council to recommend things that are the safest for the city and what is in the communities' best interest and making this opt in or out makes it the responsibility of the homeowners and construction builders' decision.

Mayor stated that the people should have to sign off on it and say that they do not want it. He would rather the homeowner make a choice and opt out.

Councilmember Lewis asked Rauch Coleman the current plan that they have in place, do you make money on the construction of the storm shelter and what motivation that they

would have for selling the storm shelter feature to a customer. Mr. Cheever says ideally their customers are moving out of rental properties, many of whom cannot afford much.

Ms. Peck says that in the building of what the customer wants they start from the base and add to the price, so the customer knows what they are getting.

Councilmember Longanecker recommends customers opt out because he wants the customer to know what they are saying no to instead of the home buyer just saying as a blanket statement that they do not want any extras.

Mayor asks Fire District One what their recommendations are. Chief Morley answered that being prepared is the best way to go. He would encourage residents to have a plan and have early warning. Edgerton is in a unique position in the most southern part of the county. It is important that they have a plan to shelter in place when they can. Getting education to the community is recommended as well in any case, not just for this ordinance.

Councilmember Lebakken says that this ordinance decision could be a matter of life and death with the option council may chose.

Councilmember Lewis says at the end of the day if safety is important to you as a buyer to find the money to cover that cost.

Councilmember Conus stated the opt-in option strengthens Edgerton's competitiveness against neighboring communities.

Mayor then asked Council for their opinions about food trucks. He added that it sounds like staff and the fire district will work together to draft regulations.

Councilmember Longanecker makes a motion to approve Ordinance No. 2159 as written with an opt-out option for storm shelters. Councilmember Lebakken seconds. The vote was 3-1, with Councilmember Conus opposed.

Mayor states that he appreciates everyone's time on this matter and all the education that has come with this meeting from everyone that came to Council tonight and gave their public comments.

**15. CONSIDER ORDINANCE NO. 2160 REPEALING CHAPTER VII FIRE OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS**

Zach Moore stated this amends the code to clean it up. The fire code is moved now to Chapter IV and Chapter VII would be redundant language.

Councilmember Longanecker moved to approve the Ordinance, seconded by Councilmember Lewis. Ordinance 2160 was approved, 4-0.

**16. CONSIDER ORDINANCE NO. 2161 REPEALING ORDINANCE 891 AND THE CODE OF REGULATIONS FOR BUILDINGS AND CONSTRUCTION OF THE CITY OF EDGERTON, KANSAS.**

Zach Moore stated this ordinance repeals ordinance 891 due to redundant language. Mayor asked the City Attorney if the ordinance would take effect upon publication. Mr. Lee Hendricks, City Attorney, confirmed it does.

Councilmember Longanecker moved to approve the Ordinance, seconded by Councilmember Lebakken. Ordinance 2161 was approved, 4-0.

**17. CONSIDER A PROFESSIONAL SERVICES AGREEMENT WITH TETRA TECH TO PROVIDE DESIGN SERVICES FOR THE 2024 CDBG 2ND AND HULETT SANITARY SEWER REHABILITATION PROJECT**

Holly Robertson, CIP Project Manager presented and explained the design services agreement – design would begin immediately with completion in 2024.

Councilmember Lewis moved to approve the agreement with Tetra Tech, seconded by Councilmember Longanecker. The agreement was approved, 4-0.

**18. Report by the City Administrator**

- 1<sup>st</sup> Quarter 2024 Financial Report

Karen Kindle, Finance Director, reviewed the 1<sup>st</sup> quarter general fund. She stated the first of two property tax distributions have been added to the funds and the City has received some delinquent tax. She stated most revenue line items are on track.

Councilmember Conus asked how much Rausch Coleman makes up of the estimate for licenses and permits for the whole year. Ms. Linn said they have not paid anything yet. Conus clarified that he meant the estimate. Ms. Linn answered that she did not know and would have to get that answer back to Conus at a later date.

Ms. Kindle stated the fund balance is within reserve requirements and within budget authority. She then reviewed the water and sewer funds. Water billing is lower at this time of year and will trend higher in the summer. She stated the City has two debt payments each year and one of them has been paid already this year.

- Update on Community Picnic and Fireworks Show

Ms. Linn states that the pricing has continued to rise for this event. She stated this past year staff noticed many people coming just for a free t-shirt and then leaving, which defeats the goal of the event to bring the community together. Staff would like to offer shirts for sale through an online store which would also include items that are available year-round. She added that staff wants to prioritize the core goals of the event, which is

coming together and sharing a meal while celebrating our nation's independence. She stated many communities offer similar options.

Mayor Roberts says that the focus used to be on the food, fireworks, and people and not the t-shirts. He would like to keep the food and fireworks free and focus the dollars on what will serve the entire event, meaning the food and fireworks. The goal for the new online store is to try to see if this works for the community and see if they want to have a piece of the event to share with the community.

- Water Conservation and Emergency Plan Annual Review

Dan Merkh, the Director of Public Works, addressed the Council. He stated there were only minor revisions and no major changes to the conservation and emergency water plans.

He also announced that the City was awarded a grant from the state for almost 25,000 for the playground surfacing at Glendell Acres Park. He stated Holly Robertson led the grant application and told Council that she was recently named the AESKC 2023 Engineer of the Year.

- Ms. Robertson addressed the Council. She stated there is a change order at The Greenspace. Staff recommends the Council approve Combes Construction to construct the library sewer as part of The Greenspace project for \$19,699. Having Combes take care of this would ensure that the work is done in step with the order and paving of the alley. There are available funds that would be utilized to cover this added cost of the project. This would also lessen the amount of time that the library would be down for business and would minimize the impact on them.

Councilmember Longanecker made a motion to approve Change Order, Councilmember Lebakken seconded. The change order was approved 4-0.

## 19. Report by the Mayor

- There was no report given by Mayor Roberts.

## 20. Future Meeting Reminders

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

## 21. Adjourn

Councilmember Lebakken moved to adjourn, seconded by Councilmember Lewis. The meeting was adjourned at **9:46 PM, 4-0.**

Submitted by Alex Firth, Assistant City Clerk