

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**May 11, 2023**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas May 11, 2023. The meeting convened at 7:00PM with Mayor Roberts presiding.

**1. ROLL CALL**

Clay Longanecker	present
Josh Lewis	absent
Josh Beem	present
Deb Lebakken	absent
Bill Malloy	present

With a quorum present, the meeting commenced.

Staff in attendance:      City Administrator, Beth Linn  
   City Attorney, Lee Hendricks  
   City Clerk, Alex Clower  
   Assistant City Administrator, Meagan Borth  
   Marketing & Communications Manager, Kara Banks  
   Public Works Director, Dan Merkh  
   Development Services Director, Zachary Moore  
   Finance Director, Karen Kindle  
   Accountant, Justin Vermillion

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

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

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

4. Approve Minutes from April 27, 2023 Regular City Council Meeting.

5. Approve Ordinance No. 2134 Prohibiting Parking Along 8th Street Between Nelson Street And Highway 56; On Montrose Between 193rd Street And Waverly Road; And On 196th Street Between Waverly Road West To The End Of The Road, In The City Of Edgerton, Kansas And Providing Certain Penalties For Violation Thereof

Councilmember Longanecker moved to approve the Consent Agenda. Councilmember Beem seconded the motion. The consent agenda was approved, 3-0.

**Regular Agenda**

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

**7. Public Comments.**

There were no public comments made in person, however there was an emailed comment submitted to the City Administrator that Mayor Roberts asked be read during the open meeting. This email was submitted on May 4, 2023 from Michael Klamm, 408 E Nelson St.

City Clerk Alex Clower read the email as transcribed below:

“Would you be able to bring this to the attention of the council that we should look into how this is an ordinance.

I think that anyone that is 16 years of age and older with a DL should be able to ride Electric Scooters on the Edgerton streets. With this said the ordinance should be if you are 16 years of age and older and are riding an electric scooters/bikes/dirt bikes (registered by law for dirt bikes aka tag) on the streets of Edgerton without a DL then you should be ticketed.

We have a high chance of getting hit by a motor vehicle in Olathe, Kansas and other big cities that have the bird scooters available to help lessen the traffic that comes into town. For example Olathe, Kansas just approved the bird scooters along Kansas ave, parker street and old sante fe where the traffic is outrageously busy. They are allowing people to ride them on streets and sidewalks with no problem which is making people responsible for their safety and to be able to ride the scooters by following the law.

A person 16 years and younger without a DL should be with an adult on the sidewalk and the current ordinance should be applied to them. A child under the age of 16 without a DL should not be penalized, it should be the parents responsibility.

Thank you.”

Mayor Roberts stated action is not taken on public comment, however if Council would like to bring this item forward for discussion they can do so.

**8. CONSIDER ORDINANCE NO. 2135 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2023-02 FOR THE REZONING OF APPROXIMATELY 20.55 ACRES OF LAND FROM JOHNSON COUNTY RURAL (CTY RUR) TO CITY OF EDGERTON L-P (LOGISTICS PARK) DISTRICT LOCATED AT THE NORTHWEST CORNER OF 199<sup>TH</sup> STREET AND HOMESTEAD LANE**

Mr. Zachary Moore, Development Services Director, stated the following two ordinances for approval this evening are related to the rezoning of about 40 acres of land on the Norwest corner of 199<sup>th</sup> Street and Homestead Lane. He stated the two parcels are bisected by a creek. He stated the first ordinance for approval is to rezone about 20 acres to the west from Johnson County RUR to City of Edgerton L-P. He stated the following ordinance for approval will rezone the remaining land to the east to C-2. He stated like all requests, this request was reviewed under the Golden Criteria and aligns with the City’s Comprehensive Plan. He stated Planning Commission held the public hearing required and voted to approve within stipulations provided.

Councilmember Longanecker asked what the differences are between the two zoning types.

Mr. Moore stated the LP zoning ranges from distribution to many different types of auxiliary uses, including cargo container which would require a conditional use permit. He stated this is

their intended use. He stated C2 zoning allows for many different types of commercial uses, such as restaurants, retail, etc.

Mayor Roberts stated the applicant is in attendance tonight and invited him to address the council.

Mr. Pete Heaven stated he remembers when LPKC was a dream for Edgerton, almost 10 years ago. He stated he represents Whimsy Trucking. He stated the roughly 20 acres will be used for cargo container, which will require permits to be drawn, etc. He stated they concur with the stipulations listed and the actions of planning commission. He stated on the roughly 20-acre parcel, there's about 10 acres of wet land that cannot be developed. He stated the intended use is low intensity of the remaining land.

There were no further questions or comments.

Mayor Roberts then requested motion to approve Ordinance No. 2135 adopting the recommendation of planning commission to approve application ZA2023-02 for the rezoning of 20.55 acres from CTY RUR, Johnson County Rural to LP, City of Edgerton Logistics Park, located at the northwest corner of 199<sup>th</sup> Street and Homestead Lane.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Malloy. Ordinance No. 2135 was approved, 4-0 including Mayor Roberts.

**9. ORDINANCE NO. 2136 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2023-02 FOR THE REZONING OF APPROXIMATELY 19.26 ACRES OF LAND FROM JOHNSON COUNTY RURAL (CTY RUR) TO CITY OF EDGERTON C-2 (HEAVY SERVICE COMMERCIAL) DISTRICT LOCATED AT THE NORTHWEST CORNER OF 199<sup>TH</sup> STREET AND HOMESTEAD LANE**

Mayor Roberts stated Mr. Moore gave description of the item on the previous summary, he asked if there were any questions or comments for staff or the applicants.

With no questions or comments, Mayor Roberts then requested motion to approve Ordinance No. 2136 adopting the recommendation of planning commission to approve application ZA2023-02 for the rezoning of 19.26 acres from CTY RUR, Johnson County Rural to LP, City of Edgerton Logistics Park, located at the northwest corner of 199<sup>th</sup> Street and Homestead Lane.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Malloy. Ordinance No. 2136 was approved, 4-0 including Mayor Roberts.

**10. CONSIDER RESOLUTION NO. 05-11-23A AUTHORIZING THE CLOSURE OF CERTAIN PUBLIC STREETS DURING THE EDGERTON FRONTIER DAYS FESTIVAL IN 2023**

Ms. Brittany Paddock, Recreation Coordinator, addressed the Council. She stated the next few items on the agenda are related to Frontier Days. She stated included in the packet is a list of street closures requested by the Edgerton Frontier Days committee along with a map to reference the proposed closures and no parking zones. She stated these closures are to ensure a successful and safe event for the community. She stated the event this year takes place from June 16<sup>th</sup>-23<sup>rd</sup>. She stated staff has reviewed the proposed closures and do not anticipate any conflicts or issues. She stated the Sheriff's Office, Fire District and Med-Act have been notified.

Councilmember Beem asked if they are handing out flyers like in years past.

Ms. Paddock stated yes, they will notify the surrounding area homes of closures and no parking.

With no further questions or comments Mayor Roberts then requested motion to approve Resolution No. 05-11-23A.

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

#### **11. CONSIDER RESOLUTION NO. 05-11-23B FOR TEMPORARY NO PARKING RELATED TO FRONTIER DAYS**

Ms. Paddock stated like the road closure resolution, the roadways listed for no parking and a map are included in the council packet. She stated residents will be notified within the area of the no parking zones.

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 05-11-23B.

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

#### **12. CONSIDER RESOLUTION NO. 05-11-23C AUTHORIZING PERMISSION TO USE REQUESTED CITY BUILDINGS/PUBLIC SPACES AND THE APPROVAL OF ADDITIONAL SERVICE REQUESTS DURING EDGERTON FRONTIER DAYS**

Ms. Paddock stated the Edgerton Frontier Days committee has made requests to use certain city facilities and public spaces. She stated a list has been provided in the council packet, which includes the Downtown Greenspace, City Offices at 312 E Nelson, City Hall outside of normal business hours, and others. She stated also included in this resolution is the approval of certain service requests to support the Frontier Days Festival. These requests are also included in the packet. She stated they include waiving special event permit fee, city to order dumpsters related to the event, no parking signage, event flyer printing, street sweeping before and after event, employees to be public safety liaisons during the event, etc. She stated staff is

recommending approval of the resolution pending submission/proof of special event permit, certificate of insurance for Edgerton Frontier Days and for each vendor.

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 05-11-23C.

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

**13. CONSIDER RESOLUTION NO. 05-11-23D RECOGNIZING THE EDGERTON FRONTIER DAYS AS A "PUBLIC FESTIVAL" FOR PURPOSES OF THE CITY'S NOISE RESTRICTIONS**

Ms. Paddock stated this resolution for approval is to recognize Frontier Days as a public festival in order to waive the city's noise restrictions during the event.

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 05-11-23D.

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

**14. Report by the City Administrator**

- Q1 2023 Finance Update

Ms. Kindle referenced the first quarter finance report provided. She stated the general fund revenue line items are about where they are expected to be. She reviewed some of the revenue sources and expenditures. She stated the estimated fund balance is within the required reserves and within budget authority.

She stated the water fund revenues are where they are expected to be. She stated we are seeing benefits from higher interest rates. She stated debt service is at 50% because the City has already made the first payment of two this year. She stated this fund is within the reserve and budget authority.

She stated in the sewer fund, the charges for services are a little lower. The city purchased Gardner interest in the plant, so they are no longer sending flow. She stated this fund is within the reserve and budget authority.

There were no questions or comments.

Ms. Linn stated the recreation department is kicking off the first movie night of the year with E.T. at Martin Creek. She stated Brittany acts as the city's liaison for Frontier Days and is getting ready to kick off the busy season for the City's recreation department.

She reminded Council that the Budget Work Session will be held on July 6<sup>th</sup>, which is an off night for Council. She added that representatives from outside agencies will be in attendance to present their funding requests at the next council meeting.

**15. Report by the Mayor**

Mayor Roberts stated it was brought up at a previous meeting snow removal in the downtown area. He stated he would like staff to research how other cities handle snow removal adjacent to city property but privately owned. He would like it to be put on the agenda for discussion at an upcoming council meeting.

**16. Adjourn**

Councilmember Beem moved to adjourn, seconded by Councilmember Longanecker. All in favor. The meeting was adjourned at 7:28PM.

Submitted by Alexandria Clower, City Clerk