

City of Edgerton, Kansas
Minutes of City Council Regular Session
May 12, 2022

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on May 12, 2022. The meeting convened at 7:00PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	present
Josh Beem	absent
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 Superintendent, Trey Whitaker
- CIP Manager, Brian Stanley
- Finance Director, Karen Kindle
- Accountant, Justin Vermillion
- Development Services Director, Katy Crow
- Marketing & Communications Manager, Kara Banks
- Recreation Coordinator, Brittany Paddock

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 April 28, 2022 Regular City Council Meeting
5. Approve Resolution No. 05-12-22A Recognizing the Edgerton Frontier Days as a "Public Festival" for Purposes of the City's Noise Restrictions
6. Approve Resolution No. 05-12-22B for Temporary No Parking Related to Frontier Days
7. Approve Resolution No. 05-12-22C Authorizing Permission to Use Requested City Buildings/Public Spaces, and the Approval of Additional Service Requests for Edgerton Frontier Days Festival

Ms. Linn requested items 6 and 7 be removed for updates provided by city staff.

Mayor Roberts removed the items for further discussion, he then requested a motion to approve the consent agenda items 4 and 5.

Councilmember Longanecker moved to approve the consent agenda items 4 and 5, seconded by Councilmember Lewis. The items were approved, 3-0.

Ms. Brittany Paddock, Recreation Coordinator, addressed the Council. She stated after publication of the packet, staff noticed that although the resolution approved for street closures and no parking was correct, the map provided showed incorrect labeling. She stated the map now provided to the governing body is corrected to show that Hulett St., from East 4th to East 5th should be a no parking zone and not a street closure.

With no questions or comments, Mayor Roberts requested a motion to approve Resolution No. 05-12-22B for temporary no parking related to Frontier Days.

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

Ms. Paddock stated item 7 also needed some further revisions after publication of the packet related to facilities used during the festival and services carried out by City Staff. She stated Yellow House, located at 305 E. Nelson, was not previously listed, this space is used during the festival for the bands to get ready in. She stated the drafted resolution did not previously list the remaining services carried out by city staff for the festival, such as, no parking signage, street sweeping before and after the event, event flyer printing, advertisement, employees provided for the event to be Public Safety liaisons, and coordination with the Sheriff's Office.

With no questions or comments, Mayor Roberts requested a motion to approve Resolution No. 05-12-22C authorizing permission to use buildings/public spaces and approval of additional service requests for Frontier Days.

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

Regular Agenda

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

9. **Public Comments.** There were no public comments made.

Business Requiring Action

10. PUBLIC HEARING FOR RESOLUTION NO. 05-12-22D TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY

Ms. Paddock addressed the Council. She stated like years past, the city must hold a public hearing and approve a resolution to allow for sale and consumption of alcohol within 200 feet of any church, school, nursing home, library, or hospital. Because the proposed space for the bar at Frontier Days is located at the red barn by the Yellow House, the city must first complete this process due to the proximity of the Edgerton Library. If approved, this resolution would grant the wavier requested with the stipulations as listed in the Council packet. She stated City Staff

will inform the Sheriff's Office of the proposed request to serve alcohol on the mentioned dates and times.

Mayor Roberts opened the public hearing at 7:07PM.

With no questions or comments from the public or the governing body, Mayor Roberts then closed the public hearing at 7:07PM.

11. CONSIDER RESOLUTION NO. 05-12-22D TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY

Mayor Roberts requested a motion to approve Resolution No. 05-12-22D temporarily waiving the City prohibition as to the sale and consumption of alcoholic liquor on certain public property.

Councilmember Lewis moved to approve the resolution, seconded by Councilmember Longanecker. Resolution No. 05-12-22D was approved, 3-0.

12. CONSIDER RESOLUTION NO. 05-12-22E AUTHORIZING SPECIAL EVENT PERMIT FOR SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS

Ms. Paddock addressed the Council. She stated the Governing Body was provided the current special event permit application submitted from the Frontier Days Committee, along with the alcohol permit submitted by City Center Pub, LLC for serving alcohol at the event. She stated this resolution would approve the permit and allow for the serving of alcohol at the event between certain hours as listed in the Council packet, as well as allow for the serving of alcohol by a licensed party.

With no questions or comments, Mayor Roberts requested a motion to approve Resolution No. 05-12-22E authorizing the special even permit for the sale and consumption of alcoholic liquor on certain public property.

Councilmember Longanecker moved to approve the resolution, seconded by Councilmember Stambaugh. Resolution No. 05-12-22E was approved, 3-0.

Mayor Roberts stated he would like to point out that the Frontier Days flyer has been provided to the Governing Body and it has all the events listed for this year as well as the performers. He stated the flyer will go out in the newsletter, but if there are people asking about the event, Council now has the flyer to give them some details.

13. PUBLIC HEARING FOR 1ST & HULETT SANITARY SEWER PROJECT APPLICATION TO JOHNSON COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR 2023

Mr. Brian Stanley, CIP Manager, addressed the Council. He stated cities who are interested in submitting a CDBG application to the County are required to obtain the views of citizens through at least one public hearing held before the City Council and advertised at least fourteen (14) days in advance in the City's newspaper of record. He stated a Public Hearing Notice was published in the Gardner News on April 25th. At time of preparation of the packet, the City has received no comments. He stated CDBG is a reimbursement program in which cities may apply for up to \$200,000. If Edgerton applies for \$200,000 in 2022, for funding in 2023, Edgerton would be ineligible to apply for a grant in 2023 for funding in 2024.

Mayor Roberts opened the public hearing at 7:11PM.

With no questions or comments from the public or the governing body, Mayor Roberts then closed the public hearing at 7:11PM.

**14. CONSIDER SUBMITTAL OF 1ST & HULETT SANITARY SEWER PROJECT
APPLICATION TO JOHNSON COUNTY FOR COMMUNITY DEVELOPMENT BLOCK
GRANT (CDBG) FUNDING FOR 2023**

Mr. Stanley stated each year, Johnson County invites cities to submit applications for Community Development Block Grant funds made available by the federal government. He stated the county states their primary goal of this program is to provide federal financial assistance to eligible applicants for the purpose of community development.

He stated the 1st and Hulett Sanitary Sewer Project will take place East of the 2021 CDBG Project, consisting of Cured In Place Pipe (CIPP), Manhole Patches, and Point Repairs. Quantities of each repair type will be analyzed by an engineer, but it is anticipated to be approximately three to six thousand (3,000-6,000) linear feet of CIPP.

He stated the project continues the City's replacement of aging sanitary sewer infrastructure to reduce the amount of Inflow and Infiltration (I&I) from this area. I&I is the wastewater system receiving stormwater, then conveying it to the plant for treatment.

He stated staff would recommend using sewer funds as leverage dollars for project costs over the \$200,000 allowed by CDBG. Funds in the amount of \$125,000 were set aside in the 2022 Budget for sewer projects. He stated this project is currently unfunded within the CIP, but staff will include the project with a recommendation for funding with this year's CIP discussion.

With no questions or comments, Mayor Roberts requested a motion to approve the submittal of the application for CBDG Funding.

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

15. Report by the City Administrator

- 2022 Street Preservation Program

Mr. Trey Whitaker, Public Works Superintendent, addressed the Council. He stated in 2020 the City contracted out a company to do a pavement condition survey to give the city a better idea of what kinds of treatments are acceptable for specific sections of roadway. He stated based on inspections and assessment, staff recommends specific sections of roadway, as included in the Council packet, to be included in the 2022 Street Preservation Program for UBAS treatment.

He stated the 2022 Street Preservation Program was included as a bid alternate with the Nelson Street CARS Project. That bid opening will be held on May 17, 2022. He stated following the bid opening, staff will bring the final selections to the governing body for approval.

He stated with the CARS project, the City will utilize UBAS and localized patching, which will extend the longevity of the roadways.

Ms. Linn stated a significant portion to be reconstructed is the entrance to Edgerton Elementary School where the roadway holds significant amounts of water.

Mr. Whitaker stated staff is working to add these sections of roadway to a maintenance schedule for patching and crack sealing as needed, which in turn, increases the longevity of the roads.

- Report on 1st & Meriwood Stormwater Repairs Project

Ms. Linn stated she would like to give an update on 1st & Meriwood Stormwater Repairs Project and stated the City Engineer, David Hamby, was in attendance tonight should the Governing Body have any questions.

She stated in October 2019, the City Council approved the 2020-2024 CIP which included the 1st Street and W. Meriwood Street Stormwater Repairs. She stated this project was approved for funding based on public input from residents due to the known flooding in the area.

She stated in June 2020, City Council approved the agreement with BG Consultants for the engineering and design services for this project. The project consisted of replacement of the crossroad pipe in the west road right-of-way of 1st Street and crossing under W Meriwood Street. She stated this section of storm-pipe has caused issues in the area including water overtopping the roadway, residential flooding issues, degradation of the stormwater network in the area and damage to the edge of the adjacent roadways.

She stated in October 2020, City Council approved the agreement with J. Richardson Construction Co. for construction. Construction was inspected by Renaissance Infrastructure Consulting. Final acceptance of the Project was approved by City Council on August 12, 2021. The project included the following:

- Remove 35 linear feet of existing 18-inch pipe; replace with 41 linear feet of 30-inch pipe
- Install V-bottom ditch to the north and south of the intersection
- Install a new curb inlet with an opening in the back at south end of the project
- New culvert beneath driveway on property to the north of the intersection

She stated on April 28, Councilmember Stambaugh provided a document consisting of several screen shots from a phone conversation between Trey Whitaker and an unknown person. The dates of the texts range from March 9 to May 24, 2021. It is unclear when the photos were taken. She stated these dates are prior to project completion.

She stated the pictures show visible water in the ditch flowing about 10% to 30% full, as well as no established vegetation in the ditch in some pictures. In other pictures vegetation is starting to be established, as well as gutter buddies removed from the flowline of the ditch.

She stated the main purpose of drainage ditches adjacent to roadways is to convey stormwater. It may appear that the ditch holds water as the water level rises, but the water is either being absorbed or moving through the system. She stated once the rainfall event ends, the ditch continues to absorb or drain until the water is gone. Length of time water may remain in the ditch depends on several factors including amount and timing of rainfall, saturation of ground, etc.

She stated one of the critical phases of construction is the establishment of vegetation in the stormwater ditch. While grass becomes established, it is required by KDHE that the contractor maintain certain erosion control measures, such as gutter buddies, to prevent rain from washing away any grass seed placed and causing erosion within the project. She stated erosion in these areas, if not managed, could remove many of the benefits from a project. Once vegetation is established, the flow can be absorbed, as well as conveyed without changing the grade of the ditch.

Councilmember Stambaugh stated she had expressed that the unknown person referenced in the messages was Megan and Kenneth Dorman. She stated the gutter buddies that were placed were clogged and causing a backup of the water flow, most likely due to the gutter buddies not being properly cleaned and kept an eye on while the project was being completed. She stated their house, with the last rainfall, flooded again and that was not a 100-year rainfall event. She stated it would have made more sense to her to have had an entire new pipe laid and the elevation of the ditches lessened. She stated if they are on a riding mower, they cannot mow the ditch because the elevation is so steep. She asked if there was a reason a full pipe was not installed.

Mayor Roberts stated the cost would have been much higher to install a pipe instead of the ditch. He stated ditches are more environmentally friendly because the water goes back into the ground.

Ms. Linn stated Staff is working to complete the stormwater master plan, that includes concerns submitted from citizens. She stated the intention is to present the data this summer. In October, Councilmembers will be able to decide which, if any, stormwater projects would be funded in the CIP. She stated at the time the project at 1st and Meriwood was completed, the project was limited to address specific concerns.

Councilmember Stambaugh asked if there is any future talk about fixing this issue.

Ms. Linn stated yes, at the CIP Work Session in October when Councilmembers will get to decide where they want unfunded vs. funded projects to fall and prioritize each based off the feedback from the community.

Councilmember Stambaugh asked when they get to identify where this project falls.

Ms. Linn stated during the work session there will be a number of projects to identify and prioritize for the community.

Councilmember Longanecker questioned if the pictures were taken before the project was completed, is the ditch still holding water.

Ms. Linn invited Mr. Hamby to address the Councilmembers questions.

Mr. Hamby stated when they were brought on to complete this project, they were doing so to address issues with the street elevation and pipe at 1st & Meriwood. He stated this project was not designed to solve the problems in that entire area, rather it was specifically to address the ditches and over-topping of the roadway. He stated they did replace the pipe with a bigger one under Meriwood and the design of the ditch was completed to hold the flow of that bigger pipe as well as stay within the guidelines of right-of-way. He stated when an underground storm sewer project is done, the entire street is reconstructed, which was not part of the plan or budget at the time. He stated the grade of the ditch is designed to hold water and unless it is raining there should not be more than an inch or two of water at a time. He stated ditches are also not designed to be maintained with a riding mower, they are designed to be pushed mowed.

Mr. Hamby stated gutter buddies are installed during construction to slow down the flow of water and catch debris until the vegetation is 70% established, at which point the gutter buddies can be removed. He stated these guidelines come from the state.

Councilmember Longanecker asked what the percentage of grade on new construction storm sewer is.

Mr. Hamby stated it varies based on the size of pipe and the water flowing through.

16. Report by the Mayor

Mayor Roberts stated this weekend is Cyclones in the Outfield which is a fundraiser for Edgerton Elementary. He stated this fundraiser is great because the money from this event will go toward tuition for the students enrolled at Edgerton Elementary and goes right back to the Edgerton Community. He stated Deputy Johnson has done a great job with this event and hopes to expand it over the years to get other schools in the district involved. He stated he encourages those that can make a donation to the fundraiser and come out to participate at the event.

17. Future Meeting Reminders:

- 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
- July 7th: City Council 2023 Budget Work Session – 7:00PM
- July 12th: Planning Commission – 7:00PM
- July 14th: City Council Meeting – 7:00PM
- July 28th: City Council Meeting – 7:00PM

18. Adjourn

Councilmember Lewis moved to adjourn, seconded by Councilmember Stambaugh. All in favor.
The meeting was adjourned at 7:37PM.

Submitted by Alexandria Clower, City Clerk