

City of Edgerton, Kansas
Minutes of City Council Regular Session
May 25, 2023

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas May 25, 2023. The meeting convened at 7:01PM with Mayor Roberts presiding.

1. ROLL CALL

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

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 present via phone
- Public Works Superintendent, Trey Whitaker
- 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 May 11, 2023 Regular City Council Meeting.

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

Regular Agenda

5. **Declaration.** There were no declarations made, however Mayor Roberts invited Lieutenant Barney to speak regarding the incident involving a vehicle pursuit Wednesday night that ended in Edgerton.

Lieutenant Barney with the Johnson County Sheriff's Office addressed the Council. He stated he was the Watch Commander on scene during the incident. He stated around 11:15PM officers were notified of a vehicle pursuit by local law enforcement ending in the City at 3rd and Nelson

St. with two occupants fleeing the car and remaining two occupants being apprehended. He stated with the help of 15 other law enforcement officers from 6 agencies, they began to set a perimeter to search for the other two offenders and located both within the next few hours.

Mayor Roberts asked where the vehicle pursuit originated.

Lt. Barney responded Wellsville.

Mayor Roberts stated praised the Sheriff's Office and the other law enforcement agencies. He stated he knows there's been some chatter online about notice, but he would rather law enforcement stay on the job and when time allows send necessary notice.

Lt. Barney responded they had three K9 units and two drones out. He stated they captured the last person once everything settled down.

Councilmember Longanecker stated there was a lot of chatter about someone being shot.

Lt. Barney responded that no one was shot in the incident last night.

All Councilmembers stated they were very appreciative of Lt. Barney coming and informing them of what happened in town.

Mayor Roberts stated the Sheriff's Office did use NotifyJoCo to inform those in the surrounding area of the incident. It did reach a small portion of the community, but the range selected was not wide enough. He stated the Sheriff's Office notified residents that they have since fixed that error. He stated people should sign up for this notification system. The City uses it often to notify of large-scale events, floods, road closures, water main breaks, etc.

Lt. Barney stated he is an admin of the notification system with the Sheriff's Office. He stated it is important that everyone use their current address since that is how most notifications are targeted.

Mayor Roberts stated he appreciates the efforts from all agencies in last night's incident and thanked Lt. Barney for coming.

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

7. **Presentations** by Representatives from Outside Agencies for 2024 Budget Requests
Mayor Roberts stated the requests that are brought forward for the budget are not set in stone until budget approval.

- Project Grad, Kim Good and Beth Sebastian

Ms. Kim Good and Ms. Beth Sebastian addressed the Council. They stated they are current members of the 2024 Project Grad Committee. Ms. Good stated they are both residents of

Edgerton and their kids have come up through Edgerton Elementary. She explained Project Grad's mission to provide a safe environment for one last memory for the graduating class at no cost to the seniors. She stated there are all sorts of entertainment, games, DJ, food, etc. She stated the committee is asking the City for \$5,000-\$7,000 due to the increasing costs of everything. She stated their final goal for this year is \$35,000.

Mayor Roberts stated he thinks this is worth funding but would like to know how much the City of Gardner donates to the organization.

Ms. Good stated she does not know what they have donated or will donate this year but would be happy to follow up with an email.

Councilmember Longanecker asked how big the class is this year.

They stated they believe it is around 411 graduating. Last year they believe about 215 students showed up at Project Grad. Each student goes home with a prize, valued at \$100.

Councilmember Lebakken asked if this donation goes toward 2024 Class.

Mayor Roberts stated all budget requests tonight are for 2024 and will be formally approved during the 2024 Budget approval.

Councilmember Beem stated he is comfortable meeting in the middle and bumping this years request to \$6,000.

Mayor Roberts then requested motion for approval of \$6,000 to Project Grad for 2024 Budget approval.

Councilmember Beem moved to approve the motion, seconded by Councilmember Lebakken. All in favor, the motion was approved, 3-0.

- Robert Cook Memorial VoTech Scholarship, Jim Dean
Mr. Jim Dean addressed the Council. He stated he came last year for the first time to request funding to provide scholarships for vo-tech students. He stated there were no Edgerton students who applied last year so the money funding in 2023 is in reserve to use for future Edgerton student. He stated they have also teamed up with Gardner Edgerton School Foundation to help get the word out. He stated last year, the primary funding was from a car show fund raiser which did really well and they were able to increase the scholarships to \$1,500 each. He stated although they received good funding, they were not able to fund as many scholarships as they had hoped. He stated this year, they plan advertise the scholarships more and get the word out. He stated last year, there was funding for four scholarships and only three were given. He stated the additional funding was given to the Gardner Edgerton school foundation to go to their emergency fund which is given back to community when someone needs help with food, bills, etc.

Councilmember Longanecker stated he is impressed with the setup of this scholarship.

Mayor Roberts stated they did not give out the two scholarships that the City previously donated to fund, but because they increased the amount to \$1,500 he would still like to donate an additional \$1,000 this year to keep the ability of funding two scholarships.

Mr. Dean stated he would appreciate the fund of \$1,000 to have \$3,000 in reserves and fund two scholarships. He stated they will work hard to get word out to more students.

Mayor Roberts stated there might be some opportunities to highlight the scholarships to through the City's channels. He asked Mr. Dean to reach out to staff to coordinate with Marketing to allow for some help with marketing the scholarship within the community.

Mayor Roberts then requested motion for approval of \$1,000 to the VoTech Scholarship for 2024 Budget approval.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Beem. All in favor, the motion was approved, 3-0.

Mr. Dean thanked Council for their funding.

Mayor Roberts stated he appreciates it when people are able to come and provide feedback to allow Council to hear how the programs are doing.

Mr. Dean stated the goal is to be able to fund more significant sized scholarships in the future.

- Frontier Days, John Daley

Mr. John Daley stated there will be a carnival and activities throughout the day and music at night. He stated like many things, costs have gone up. He stated they are priced out at carnivals and have to stick with inflatables this year, and unfortunately big-name carnivals might not come back to Edgerton. He stated they are requesting \$30,000 because other donations are drying up, insurance has gone up, they have to pay to staff carnivals, etc. He stated the costs continue to rise.

Councilmember Longanecker asked what happened to carnivals like we used to have.

Mr. Daley stated COVID really wiped out many smaller carnival companies and a lot of them do not want to travel to Kansas. He stated the entire event costs around \$75,000, with donations made from companies at the intermodal, Central Bank of the Midwest, Saint's Pub + Patio, etc.

Mayor Roberts stated a lot of carnivals closed down to insurance and inspections processes.

Councilmember Beem asked if Fun Services was bringing rides.

Mr. Daley stated they're using a competitor out of Missouri, which is bringing their own staff.

Mayor Roberts asked what the dates are.

Mr. Daley stated the third week in June, 16-17th.

Councilmember Longanecker stated he does not have a problem with the \$30,000 because the event brings a lot of fun to Edgerton.

Mayor Roberts stated they have also had to spend a little more this year on generators and will likely have to next year as well.

Mayor Roberts then requested motion for approval of \$30,000 to Frontier Days for 2024 Budget approval.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lebakken. All in favor, the motion was approved, 3-0.

- Johnson County Utility Assistance, Joanne Haworth
Ms. Joanne Haworth thanked the City for their support shown to the program. She stated this program has been around for about 30 years with a location in Gardner serving the southwest area which serves Edgerton, Gardner, and Spring Hill areas. She stated to receive assistance residents must be a Johnson County resident, and to receive Edgerton funding they must reside in Edgerton. She stated they also look at just the last 30 days of income. She stated the utility bill must be in the name of the person requesting assistance and they must show history of account payments within the last 90 days. She stated residents can qualify for \$450 per household with \$150 of that being Edgerton funds, but they want to go up to \$200 because costs are rising. She stated so far this year, 6 households have been served and \$320 of Edgerton funds have been used for utility assistance. She stated additional services are offered such as food pantry, medical vouchers, etc. She stated to date, there's roughly \$2,700 of Edgerton funds remaining and they are requesting a donation of \$1,500 for 2024.

Mayor Roberts stated it looks like it averages 10 households per year receiving assistance.

Councilmember Longanecker stated he is comfortable with the request and would be comfortable raising the donation to \$2,000. He stated he worked with this program last fall to help a resident and was very impressed with what all they do and how well they did.

Ms. Haworth stated they are not only looking at bills, but helping people with tools they need to succeed. She stated if they need help again, they are given resources so that they can succeed.

Mayor Roberts stated he is comfortable with moving to \$200 per person and \$2,000 for the funding request. He stated this does credit back to Edgerton residents and rolls over every year if any money is left over in the Edgerton fund.

Mayor Roberts then requested motion for approval of \$2,000 with \$200 per household, to the Johnson County Utility Assistance for 2024 Budget approval.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lebakken. All in favor, the motion was approved, 3-0.

- United Community Services (HSF), Christina Ashie Guidry
Ms. Christina Ashie Guidry thanked the City for their support. She stated because of the 13 other cities in Johnson County that provide funding, their services are provided throughout the county. She stated the focus tonight is the Human Service Fund which is safety based programs, mental health, transportation, and core services to allow recipients to be productive members of the community. She stated they have a competitive grant review process, supporting 20 different programs with 4 of those being grassroots based. She stated larger grants go to larger organizations for job training support, children support, and things like Salvation Army for homelessness. She stated in 2022 they saw an increase in the number of services provided, with 221 units of service compared to 158 units of service in 2021. She stated in 2021, they came and asked permission to open a small grants pool for smaller grassroots-based organizations to access up to \$5,000 with membership to build grant writing skills. She stated she's happy to say, they've been able to build and produce significant outcomes. This year they are asking for \$2,625 for 2024 to try to stay consistent with the population and growth in service requests.

Mayor Roberts stated he really appreciates UCS because they are so data driven. He stated they are not making decisions without the data to back it and the footwork they put in to know the numbers. He stated about 230 families received assistance from UCS.

Councilmember Longanecker stated their request is only \$125 more than last year, about 5%, so not asking for anything outrageous.

Councilmember Lebakken stated she would be comfortable seeing this amount increase.

Mayor Roberts stated they did not 100 percent fund every grant program, however extra money to the program does not hurt. He reiterated that all of the presentations tonight are just a request and Council has not formally adopted the budget yet, so this amount could change. He stated he is comfortable putting a line item in for \$3,000.

Councilmember Longanecker agreed and stated this does our community good.

Councilmember Lebakken stated 230 is over 10% of our population.

Mayor Roberts stated the funds help those that are Edgerton related, they may be homeless in Olathe but will receive help.

Mayor Roberts then requested motion for approval of \$3,000 to United Community Services for 2024 Budget approval.

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Longanecker. All in favor, the motion was approved, 3-0.

- Miami County Conservation District, Kaitlin Knauss

Ms. Linn stated staff was notified this afternoon that due to some unforeseen circumstances, Ms. Knauss is unable to attend this event. She stated it is important in the budget process to receive direction from Council to include funding at this point and staff can work with them to attend a future meeting.

Mayor Roberts stated Hillsdale Lake supplies the water for Edgerton, and Miami County Conservation is the group that helps protect the lake. He stated he would recommend keeping the budget there.

Ms. Linn stated normally a representative from Miami County Conservation shares their 3 year grant cycle, which is helpful for Council to set a number to use for now and continue to work through the budget process.

Councilmember Longanecker stated he is comfortable budgeting for \$5,000, same as last year.

Mayor Roberts then requested motion for approval of \$5,000 to Miami County Conservation District for 2024 Budget approval.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Beem. All in favor, the motion was approved, 3-0.

- ElevateEdgerton!, James Oltman

Mr. James Oltman stated ElevateEdgerton! was formed in 2017 as the lead economic development organization for the City of Edgerton. He stated it is a 501(c)6, membership-based organization with the majority of funding coming from the private businesses. He stated they work with the city on contract for economic development services. He shared with Council some highlights of the last year, including the approval of Dwyer Farms development and the addition of Goodcents at the Travel Plaza. He stated they will continue to keep working to provide other food establishments in the general area. He stated ElevateEdgerton! began the Edge Grant Program last year and he is excited to see how that program progresses. He stated just recently ElevateEdgerton! worked with Edgerton Elementary PTO to construct a sensory garden at the school. He stated activity at LPKC is good, with the addition of Simmons Pet Food, and expansions at JB Hunt and TSL. He

stated a new container storage facility is working its way through Planning Commission and the next spec building at LPKC is being developed at about 1 million square feet, bringing 16.5 Million square feet of industrial to LPKC. He stated many tenants at LPKC continue to make their own financial contributions to community organizations.

He stated the scope has not changed over the last several years. He stated housing is still a priority and retail and commercial recruitment efforts are still in progress. He stated work force is a huge topic among employers. He stated they have worked hard to reconnect and forge a good continuing relationship with USD231, which recently joined as a paying dues member of ElevateEdgerton!. He stated included in the packet is the 2024 scope of services to be provided with the proposed financial terms, which is structured slightly differently with no budget increase. He stated this year, the budget is shifted to include more flexibility in the cash contributions for general operating expenses.

Councilmember Longanecker stated he thinks Elevate does good work. He stated he is surprised they are not asking for more.

Mr. Oltman stated they work hard and work to be cognizant and good stewards of their finances as they continue to add new members each year. He stated this has really helped absorb costs.

Mayor Roberts then requested motion for approval of \$65,000 of contributions, and \$10,000 in-kind from City of Edgerton for use of Marketing and Communications employee to ElevateEdgerton! for 2024 Budget approval.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lebakken. All in favor, the motion was approved, 3-0.

Funding Request added: Mayor Roberts stated he would like to discuss an additional funding option. He stated he is a huge fan of the Edge Grant Program for housing. ElevateEdgerton! is planning to keep the commercial side of this program, but his hope is to pull the residential side into the city. He stated he would like to target \$25,000 for that grant program and begin structuring what this looks like for this next year with staff.

Ms. Linn stated this year ElevateEdgerton! will continue to run this program.

Mr. Oltman stated currently \$10,000 is allotted to this program. He stated Mayor, staff and himself have had conversations about how to make this program long-term and get more money into the program to provide more benefit to the residents. He stated they would like to move the beautification from ElevateEdgerton! to the City to allow for the programs to be funded more robustly. He stated ElevateEdgerton! would keep control of the small business and attraction grant. He stated he thinks the City could likely expand this portion faster than Elevate could and put a larger benefit back into the community with either more grant opportunities or increase in funding.

Mayor Roberts stated the focus for the City would be residential properties, not business. The concept behind this is to improve the community as a whole through this grant program. He pointed to Louisburg as a good example. He stated he would like to put this as a place holder right now and work through the details later.

Ms. Linn stated preservation of housing is a direct benefit to the city.

Councilmember Longanecker stated he is good with that amount because it enhances the community. He asked if all dollars have been awarded.

Mr. Oltman stated last year, yes, but not all has been awarded yet this year.

Mayor Roberts then requested motion for approval of \$25,000 to be listed as a place holder for the City with the Edge Grant Program for residential beautification for 2024 Budget approval.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Beem. All in favor, the motion was approved, 3-0.

8. PUBLIC HEARING FOR ORDINANCE NO. 2137 ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH

Mayor Roberts stated he would like to reopen the Public Hearing from the previous council meeting.

He then opened the public hearing at 8:12PM

With no questions or comments, he then closed the public hearing at 8:12PM.

9. CONSIDER ORDINANCE NO. 2137 ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH

Ms. Linn stated the City has agreed to construct certain public infrastructure to serve the housing development, the City plans to reimburse itself for the public infrastructure by creating a rural housing incentive district. She stated the City took the first step toward creating the RHID when it considered the housing study. The City has also obtained the approval of the Secretary of Commerce to create the district.

She stated as required by Kansas Statute, a public hearing notice was issued, however the hearing publication was not legible. She stated the city then adopted Resolution No. 04-13-23A

which held the same findings and called for a continuation of the public hearing to this evening. She stated notice was published of such public hearing as required.

She stated the Ordinance for approval establishes the RHID and approves the plan for development of housing and public facilities.

With no questions or comments, Mayor Roberts requested approval of Ordinance No. 2137, establishing a rural housing incentive district, and adopting a plan for the development of housing and public facilities in such district.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lebakken. Ordinance No. 2137 was approved, 3-0.

10. CONSIDER RESOLUTION NO. 05-25-23A AUTHORIZING THE CITY TO EXECUTE AND DELIVER A LEASE SUBORDINATION AGREEMENT IN CONNECTION WITH THE ELHC LII, LLC PROJECT

Ms. Linn stated the City previously approved and issued an IRB for Inland Port 52, where Simmons Pet food is located on 20500 Corliss Rd. She stated this was financed on an interim basis and they would now like to obtain permanent financing.

With no questions or comments, Mayor Roberts requested approval of Resolution No. 05-25-23A, authorizing the city to execute and deliver a lease subordination agreement in connection with the ELHC LII, LLC project.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Beem. Resolution No. 05-25-23A was approved, 3-0.

11. PUBLIC HEARING FOR THE SUBMITTAL OF E 2ND & E HULETT SANITARY SEWER PROJECT APPLICATION TO JOHNSON COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR 2024

Mayor Roberts opened the public hearing at 8:20PM

With no questions or comments, he then closed the public hearing at 8:20PM.

12. CONSIDER SUBMITTAL OF E 2ND & E HULETT SANITARY SEWER PROJECT APPLICATION TO JOHNSON COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR 2024

Mr. Whitaker stated each year Johnson County invites cities to submit applications for Community Development Block Grant (CDBG) funds made available by the federal government. Johnson County states that the primary goal of Johnson County's Community Development program is to

provide federal financial assistance to eligible applicants for the purpose of community development. Toward this goal, the County has identified a number of strategic priorities.

1. Complete/advance existing projects approved by voters and the Board of County commissioners with efficiency and effectiveness.
2. Strengthen and finance the appropriate level of service to meet the needs of the County's vulnerable populations, pursuing innovative strategies.
3. Develop a creative and innovative vision for a transit plan that is fiscally stable.
4. Focus on developing innovative initiatives that enhance operational effectiveness and efficiency, levels of customer service and stewardship.

Typically, Edgerton has applied for CDBG projects every other year because the City applies for \$200,000, the two-year maximum award amount. However, in 2023 the City did not receive the max amount. In response, staff recommends applying for funding in 2024 to continue maximizing available outside funding to leverage city dollars to continue the replacement of aging city infrastructure.

The E 2nd & E Hulett Sanitary Sewer Project is an eligible Public Facilities and Improvement project for use of CDBG funds. Additionally, all of Edgerton is within a Census Block Group that qualifies for funding by area benefit. The E 2nd and E Hulett Sanitary Sewer Project area would be north of the 2023 CDBG Project. The Project would consist of Cured In Place Pipe (CIPP), Manhole Patches, and Point Repairs. Quantities of each repair type will be analyzed by an engineer but anticipated to be approximately three to six thousand (3,000-6,500) linear feet of CIPP. The project will be sized to maximize budget dollars should the market change drastically before bidding occurs or the award amount differs from the amount applied for.

The project will continue 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.

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. The public comment period begins on the day after publication. The City of Edgerton published a Public Hearing Notice in the Gardner News on May 10th. At time of preparation of the packet, the City has received no comments. The City will hold a Public Hearing on Thursday, May 25th prior to considering this item.

CDBG is a reimbursement program in which cities may apply for up to \$200,000 every two years, or \$100,000 annually. CDBG funds do not have a required match. However, the City is expected to provide leveraged funds in accordance with its financial capability. The application must contain verifiable statements indicating that the local leveraged funds represent the maximum amount available for the activity and that without the requested CDBG funds the activity could not be completed. However, those costs may be documented and used as local leveraged funds. Staff recommends applying for \$200,000 CDBG funding for 2024, to be used together with \$53,300 of unused sewer funds from 2023 CDBG project. If the City is awarded all \$200,000, we would be ineligible to apply for funds in 2025.

This Project is not currently included in the approved 2023-2027 Capital Improvement Plan, because at time of approval the City anticipated being ineligible to apply. If the City is successful in being awarded a grant, staff will include the project with a recommendation for funding during this year's CIP discussion.

Ms. Linn stated the City applied for \$200,000 for 2023, and was awarded \$100,000. She stated the county's amounts are based on request instead of award amount, so the recommendation is to submit for \$100,000 with matching funds left at \$53,300. She stated grant funding like has significant requirements for reporting. She stated staff will report back and make decisions of how to structure projects with the awarded amount. She stated this is not included in the CIP because staff did not know they were not going to award us that amount last year.

Mayor Roberts stated the key to receiving this funding is that the City must have matching funds.

Ms. Linn stated they do not award without the matching funds.

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

13. CONSIDER A PROJECT BUDGET ADJUSTMENT FOR THE NELSON STREET FROM EAST 3RD STREET TO WEST 8TH STREET (CARS) PROJECT, INCLUDING 2022 STREET PRESERVATION PROJECT

Ms. Linn stated during the transition to the new software, it was discovered two project accounts were created for this program and caused an error when balancing the accounts due to the unaccounted expenditures mostly for design of the CARS project, totaling roughly \$19,000 not previously accounted for. She stated to properly close out the 2022 projects and accurately reflect the budget and expenditures, staff recommends approved a budget adjustment by allocating \$19,029 additional funds from the Unallocated Fund Balance/Reserves.

The 2022 City of Edgerton Financial Statements as presented by the auditor show \$270,025 in unallocated funds added to reserves due to 2022 receipts over 2022 expenditures.

Staff has implemented procedures to prevent this error in the future.

With no questions or comments, Mayor Roberts requested approval of the budget adjustment for the 2022 Street Preservation project.

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

14. CONSIDER PROJECT BUDGET ADJUSTMENT FOR THE 2023 STREET PRESERVATION PROGRAM AND AWARD OF CONSTRUCTION TO HARBOUR

**CONSTRUCTION INC. FOR THE UBAS & ASPHALT OVERLAY PORTION OF THE
2023 STREET PRESERVATION PROGRAM**

Mr. Whitaker addressed the Council. He reviewed the description as listed within the council packet and stated the the bids received for this project were all over the engineers estimate. Staff recommends a waiver of the estimate and awarding the UBAS project to the low bid, Harbour Construction. He stated the Chip Seal bids also exceeded the engineers estimate, therefore staff is recommending waiving the engineers estimate and awarding the low bid from Vance Brothers.

He stated the combined bids for the programs total \$187,815. The project budget is \$158,063. The difference is \$29,752. The project manual allows the City to match bid quantities to align with budgeted funds. After reviewing the bids and the proposed project scope, staff recommend allocating additional funding.

Over the last several years the overall project cost related to the Street Preservation Program have been difficult to estimate. To identify trends or the reasons behind the fluctuation in pricing staff reviewed historical data over the last three (3) years. We analyzed the cost per unit as well as the size of the project. He stated the data is listed in the council packet for each and discussed three options with the governing body for moving forward with this project. He stated the pros and cons of each are also listed.

Option #1 (Contractor with Reserves): Award the 2023 Street Preservation Program in totality to the lowest/best bidders as bid.

Budget: Contracted total would be \$187,815. This exceeds the allocated project budget (\$158,063) by \$29,752. Would require a budget adjustment in the amount of \$29,752. Staff recommends use of funds from Unallocated Fund Balance/General Fund Reserves.

Option #2 (Patching by PW with Reserves): Remove the Asphalt Patching line item from Contractor. Perform that work in house by Public Works Staff.

Budget: Contracted total would be \$167,815 with removal of asphalt patching line item. Public Works would need \$12,000 in materials to perform asphalt patching in house. Total project cost \$179,815. This exceeds the allocated project budget (\$158,063) by \$21,752. Would require a budget adjustment in the amount of \$21,752. Staff recommends use of funds from Unallocated Fund Balance/General Fund Reserves.

Option #3 (Patching by PW with Operating Budget): Remove the Asphalt Patching line item from Contractor. Perform that work in house by Public Works Staff. Scope of work for Option #2 vs Option #3 is the same with the exception of method of funding.

Budget: Contracted total would be \$167,815 with removal of asphalt patching line item. Total project cost would be \$167,815. This exceeds the allocated project budget (\$158,063) by \$9,752. Would require a budget adjustment in the amount of \$9,752. Staff recommends use of funds from Unallocated Fund Balance/General Fund Reserves.

Public Works would need \$12,000 in materials to perform asphalt patching in house. This cost would be absorbed by 2023 Public Works Operating Budget for street maintenance activities. This allocation would use ALL funds dedicated in the PW Operating Budget for street maintenance.

He stated based on the analysis of each option, staff is recommending option 1 as described in the council packet and to approve the budget adjustment of \$29,752 from general fund unallocated fund balance/reserves and award the 2023 Street Preservation Program to the two lowest/best bidders.

Councilmember Longanecker stated he does not know where the time would come from for Public Works to do this work on top of the work they already do.

Councilmember Lebakken stated the other options seem to be more of a band aid, and option one makes more sense. Prices will continue to only go up.

With no further questions or comments, Mayor Roberts requested motion to move forward with Option 1 as presented.

Councilmember Longanecker made motion, seconded by Councilmember Beem. The motion was approved, 3-0.

15. CONSIDER AWARD OF CONSTRUCTION TO VANCE BROTHERS INC. FOR THE CHIP SEAL PORTION OF THE 2023 STREET PRESERVATION PROGRAM

Mayor Roberts stated the description was given on the prior item and asked if there were any further questions or comments.

With no questions or comments, he then requested motion to approve the item as presented with option 1.

Councilmember Longanecker made motion, seconded by Councilmember Lebakken. The motion was approved, 3-0.

16. PUBLIC HEARING FOR RESOLUTION NO. 05-25-23B TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY

Ms. Paddock addressed the Council. She stated to serve and consume alcohol at the Frontier Days event, the city must waive the prohibition of such within 200 feet of a church, school, nursing home, library or hospital, as listed within the city code. She stated this can be done following a public hearing and finding by the governing body.

She stated if approved, the resolution would grant the wavier requested by Frontier Days with stipulations as listed. She stated the Johnson County Sheriff's Office has already been informed that alcohol may be served.

Mayor Roberts opened the public hearing at 8:41PM.

With no questions or comments, he then closed the public hearing at 8:42PM.

17. CONSIDER RESOLUTION NO. 05-25-23B TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 05-25-23B.

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

Mayor Roberts stated he would like to see about removing the public hearing portion of this. He stated he feels that notice of the item itself on the agenda is notice enough and asked Mr. Hendricks if there was anything surrounding that where it may cause issue to not have the public hearing.

Mr. Hendricks stated no, this was a city code rule and can be changed. He agreed that notice enough is the item on the agenda.

Mayor Roberts asked staff to work on bringing an ordinance back to council at a future date to update the code.

18. CONSIDER RESOLUTION NO. 05-25-23C AUTHORIZING SPECIAL EVENT PERMIT FOR SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS

Ms. Paddock stated this resolution will approve the special event permit provided by Frontier Days Association to allow for their event within downtown Edgerton from June 16-17th. She stated approval of this resolution is pending review of applicable documents associated with the city permit, the approval of the alcohol permit with the state, and the insurance for the event.

With no questions or comments, Mayor Roberts requested motion to approve the resolution for the special event permit.

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

19. Report by the City Administrator

Ms. Linn stated The Greenspace Project is out to bid. She stated if demo of the yellow house and red garage cannot be completed before the 13th of June, they will have to wait until after Frontier Days. She stated the plan is for demo to take place anywhere from June 7th-13th. All utilities have been removed and the buildings are ready to come down. She stated the Fire Department has been using the empty buildings for some training exercises.

20. Report by the Mayor

Mayor Roberts stated he does not have a report to give but would like to allow some time for Councilmember Lebakken to address her concerns.

Councilmember Lebakken stated she was absent at the last meeting but when reading the minutes from that meeting, she then had a conversation with the gentleman who sent in the comment regarding scooters. She stated she would like to revisit this policy because as it stands today, she feels it is extreme. She stated if parents are there and they are old enough or have valid license, they should know the rules of the road and drive adhering to those.

Mayor Roberts stated he would like to allow staff some time to look into what other communities do such as Olathe and Overland Park. He stated he knows there are some geographic rules regarding the scooters people can take on sidewalks around. He asked staff to do some research and bring back information and let the Klamm's know what meeting conversations will be had. He stated it may need to be a work session.

Mayor Roberts then asked Ms. Linn to discuss the email sent to Councilmembers.

Ms. Linn read the email on behalf of the citizen and discussed items throughout.

Subject: Signage on South Bound I-35 regarding warehouses on 207th

As you all are aware, or should be, the Johnson County Commissioners, in response to numerous complaints from southern rural Johnson County residents, have prohibited semi-truck traffic on 199th, 207th and 215th. They are now going to do the same for Gardner Road from 199th to 215th.

Back in November 2021 when 207th west of Gardner Road was closed and no detour signs were placed for the traffic to the warehouses on 207th, I sent an email regarding signage be placed on south bound I-35 to make the semi-truck drivers aware to use the multi-million dollar 4 land interchange on Homestead to access the warehouses. I received a response from Beth Linn stating the KDOT denied the request. I am somewhat reluctant to believe that a request was even sent to KDOT, but I took it at her word.

So fast forward to May, 2023. Once a semi-truck exits SB I-35 at the Gardner road exit and turns left and commits to going south on Gardner Road, there are no truck routes that allow them to access the warehouses on 207th street. Unfortunately, there is no signage on I-35 to give them a heads up. I count at least 5 trucks every day on Gardner Road turning west on 207th to access the warehouses.

If I were a tenant in one of your leased warehouses on 207th, I would be livid that the distribution chain is disrupted by the city in which the warehouses are built. Just 2 nights ago, 2 semi-trucks had to back out of 215th onto Gardner road which disrupted many local residents from getting to and from their homes. Again, as you are aware, or should be aware, Gardner Road is a narrow 2 lane road with no shoulders and some

parts have steep ditches on either side. Have all of your tenants in the warehouses on 207th been made aware of the prohibition of semi-truck traffic on the roads listed?

My question is, if KDOT denied the request for signage in 2021, has an appeal been filed? Has a new application been made? If not, why? It seems it would be a better working relationship with your tenants if you took the steps necessary to keep the supply lines open and not put the semi-truck drivers at risk of a ticket for using a prohibited road to reach your buildings.

Joyce Ghaisarnia
21725 S Waverly Rd
Spring Hill, KS 66083

Ms. Linn stated the Johnson County Commissioners did approve a resolution to prohibit truck traffic on Gardner Road from 199th to 215th Street. She stated the City of Edgerton has attempted numerous times to have additional signage placed but have been denied. She stated she would also like to note that the reference to no signs on I-35 is also not City of Edgerton jurisdiction. She stated there is not a formal process for requesting these signs, so there is no appeal. The City has, however, made numerous attempts to have KDOT place signs and will continue to do so. She stated KDOT in the past has voiced concerns that if they add signage here, they will then have to provide signage for numerous areas, so they continue to say no.

Ms. Linn stated the City works diligently to have strong relationships with the tenants at LPKC. She stated millions of dollars have been spent on infrastructure made for truck traffic and we would like to see them use it, however from her experience when the GPS says to go the shortest route, that's what people take.

She stated she wanted to provide clarification and if council has any questions, she's happy to answer them.

Mayor Roberts stated he would love to respond or sign a response drafted with staff. He stated she did copy Commissioner O'Hara on the email thread, so he would like to respond to both that state and federal roadways are not the jurisdiction of the city, that requests for signs have been made and denied, and to say Council discussed this tonight.

He asked if Council is supportive of that decision. All were in favor of this approach.

He stated the county did approve a letter to KDOT to place signage at all exits that are not Homestead Lane, prohibiting truck traffic. He stated he believes KDOT cannot say yes, as those are not their roadways, and it will likely get denied. He stated there have been discussions and he believes there should be more regarding 199th Street and 191st Street. He stated Council has discussed safety issues before and there is most certainly a reason to consider truck prohibition at 191st Street.

He stated it is worth watching the Board of County Commissioners meeting from today. He stated he appreciates the comments brought forward. He stated Edgerton has always been on the side of logical truck routes of people and goods across the county. He stated the Logistics Park serves all the surrounding areas with movement of goods that people order on a regular basis. He stated without things like the intermodal, prices would go up because of the demand and lack of supply or the inability to get it here.

Adjourn

Councilmember Beem moved to adjourn, seconded by Councilmember Lebakken. All in favor.
The meeting was adjourned at 9:03PM.

Submitted by Alexandria Clower, City Clerk