

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**May 26, 2022**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on May 26, 2022. The meeting convened at 7:03 PM with Mayor Roberts presiding.

**1. ROLL CALL**

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present
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 Director, Dan Merkh
- 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
- Planning & Zoning Coordinator, Chris Clinton

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**Business Requiring Action**

**4. CONSIDER APPOINTMENT OF DEB LEBAKKEN TO CITY COUNCIL MEMBER**

Mayor Roberts stated Ms. Lebakken has served for many years on Planning Commission. He stated he would like to suggest the appointment of Ms. Lebakken to fulfill the term of the vacant seat on Council. He stated he believes she will be a great asset to Council and provide valuable opinions for the community and growth of Edgerton.

Councilmember Longanecker moved to approve the appointment of Ms. Lebakken as Councilmember, seconded by Councilmember Lewis. The appointment was approved 3-1, with Councilmember Stambaugh voting against.

**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)*

5. Approve Minutes from May 12, 2022 Regular City Council Meeting
6. Approve Appointment of Adam Draskovich to the Edgerton Planning Commission for a term ending in September 2022
7. Approve Final Acceptance for 2021 CDBG 7th and Nelson Sanitary Sewer Rehabilitation Project

Councilmember Longanecker requested to remove item 6 for further discussion.

Councilmember Lewis moved to approve items 5 and 7 of the consent agenda, seconded by Councilmember Longanecker. The items were approved, 5-0.

Mayor Roberts stated item 6 is the recommendation to appoint Mr. Adam Draskovich to Planning Commission to fulfill Tim Berger's term ending in September 2022. He invited Mr. Draskovich to introduce himself to the Governing Body.

Mr. Draskovich stated he has lived in Egerton for 12 years and currently works for Burlington Northern Santa Fe. He stated he loves living here, he like the rural aspect that Edgerton offers but also encourages the expansion and growth.

Mayor Roberts stated he believes Adam will provide a great resource to Planning Commission and does what he feels is best for the community.

Councilmember Longanecker moved to approve the appointment of Mr. Draskovich to the Planning Commission for a term ending in September 2022, seconded by Councilmember Beem. The appointment was approved, 5-0.

**Regular Agenda**

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

9. **Public Comments.**

Sue Pearce, 20465 S. Gardner Rd., addressed the Council. She stated she would like to bring concerns forward again related to Martin Street and provided the Governing Body with pictures of the property.

She stated whenever there is rain, the run-off goes into the property, and it pools and floods the inside of the home. She stated at the fire hydrant there is a hole under the curb. She stated this house is brand new inside and has great tenants with young children who now have to use sandbags to try to prevent flooding in their home. She stated she would also like to note the property next door has seemingly been under construction for years now with no work being done. She stated there is no grass and the home is sitting unfinished. She asked how this property owner gets by without violation for neglecting their property.

Councilmember Beem confirmed which house was the one under construction.

Ms. Pearce stated yes, the home is next door to the West Side of 113 W Martin, belonging to Danny O'Neal. She asked for silt fences to be put up to help stop the erosion going into the driveway. She stated she realizes there is a lot going on and would like Council to consider come October that there are other neighborhoods that really need streets fixed before 2<sup>nd</sup> Street is worked on again.

Councilmember Stambaugh asked how response times for the community would be impacted if the fire station relocates.

Mayor Roberts stated within the agreement with the Johnson County Fire District No. 1 (JCFD1), the City waived permit fees, etc. for the construction of the new station located within LPKC and in return JCFD1 agreed to always have a station at its current location in Downtown Edgerton or within 1 mile of the current Downtown Edgerton station.

#### 10. **Presentations** by Representatives from Outside Agencies for 2023 Budget Requests

Ms. Linn stated as part of the budget process, the city invites representatives from outside funding agencies to present to the governing body what their program is about and request funding for the following budget year. She stated council then gives a consensus direction for funding that staff will then put into the budget which will be formally adopted in September.

- Project Grad, Andrea Kleinsorge

Ms. Kleinsorge addressed the Council. She stated in the past the Governing Body has been generous to give \$3,000 to Project Grad, but this year they are asking for \$5,000 due to increases in overall costs for food, facility space, and equipment. She stated the class size has grown tremendously. In 2022 the graduating class was 383, and in 2023 the class size is close to 500.

Mayor Roberts stated he is a huge supporter of Project Grad.

Ms. Kleinsorge stated they would appreciate any amount given.

The Governing Body unanimously agreed to the funding request of \$5,000 for the 2023 Budget.

- Robert Cook Memorial Vo-Tech Scholarship, Jim Dean

Mr. Dean addressed the Council. He stated the scholarship was established to memorialize Robert Cook who was a long-time resident of the Gardner-Edgerton area and an auto mechanic. He stated after Cook passed, a group of his friends decided to establish a Vo-Tech Scholarship in his name. The first scholarships were given away in 2018. He stated this year, they want to provide more scholarships, which is why they are requesting money from the Governing Body. He stated they are requesting a donation for a \$1,000 scholarship that will be earmarked for an Edgerton resident. He stated the hope is to grow and give larger scholarships to Vo-Tech students for their career paths.

Mayor Roberts stated this is a new request for the city. He stated there is a huge demand for Vo-Tech jobs and a lot of them are local today. He stated if Council chooses to fund it, the scholarship will go toward an Edgerton student and help them start a career.

Councilmember Lewis stated he thinks this is a great idea. He stated vocational schools are great and need to be recognized as a excellent career pathway for young people. He stated he would like to see 2 scholarships awarded for \$1,000 each.

Mayor Roberts reiterated that this is preliminary, but Council can decide to do two scholarships as a place holder and approve them at budget time.

Councilmember Lewis stated this is something kids should be proud of doing.

The Governing Body unanimously agreed to fund two scholarships in the amount of \$1,000 each for the 2023 Budget.

- Frontier Days, John Daley

Mr. Daley addressed the council. He stated the City's donation is what keeps Frontier Days going. He stated the costs continue to rise, so they are requesting \$27,500 so Frontier Days committee can pay a little more to keep costs low for the community.

Mayor Roberts asked Mr. Daley to talk about some of the highlights of the festival.

Mr. Daley stated they are bringing back the Western Show this year with gun fights, etc. They will have four bands playing, including three local bands, and a cast iron cook-off that they hope to continue for many years.

Councilmember Longanecker stated community events and donations like this are what sets Edgerton apart. As property values are increasing, the city continues to lower the mill levy. Inflation is impacting everyone and to continue to donate to events like this, Council has to keep the tax base steady.

Mayor Roberts stated this event has been alive for 51 years.

Mr. Daley stated other than the 3<sup>rd</sup> of July fireworks, this event brings the most people out into the community.

The Governing Body unanimously agreed to the funding request of \$27,500 for the 2023 Budget.

- Johnson County Utility Assistance, Joanne Haworth

Ms. Haworth addressed the Council. She stated Johnson County Utility Assistance is handling more case management this last year with COVID. She stated they provide funding to families to help pay bills. As part of the program, they have a 501C3 catch all account that is set up to

for those that would otherwise not be granted funding. She stated Edgerton statistics show that 6 households were served in 2021 with the dollars utilized most for electric and water services. She stated the number of households served in Edgerton continue to decrease. Due to this, they are requesting a lesser amount for 2023 because of roll over funding that is still available from previous years. She stated currently \$2,059.25 is remaining for Edgerton funds. In 2021 the city pledged \$2,000, but this budget season they are requesting \$1,500.

Ms. Linn stated staff regularly refers residents to Johnson County Utility Assistance who call or come in with concerns about an inability to make bill payments.

Councilmember Longanecker asked how people who are outside city limits but have an Edgerton address receive funds.

Ms. Linn stated this program is also available in the County, so they would apply the same but would not receive the Edgerton specific funds.

Ms. Haworth agreed and stated they try their best to find resources for people as much as possible and turn very few away with no help.

The Governing Body unanimously agreed to the funding request of \$1,500 for the 2023 Budget.

- United Community Services (HSF), Julie Brewer

Ms. Brewer addressed the Council. She stated recently they partnered with MARC for a Planning Commission Members meeting for housing development. She stated they come out a couple times a year and have been receiving support from Edgerton since 2012. She stated the priority of UCS is to provide programs that support the well-being, personal safety, and stability of Johnson County residents with the primary beneficiaries being residents at or below 200% of the federal poverty line. She stated in 2022, they opened a small grants pool for less than \$5,000 to growing nonprofits. She stated for this next budget season, they are requesting \$2,500, the same amount that was provided last year as support.

Mayor Roberts stated he appreciates all the work UCS does and that they advocate for human service activities for public transportation, etc. He added they are always data driven to provide services that match the needs of the communities they serve.

Ms. Brewer stated she is thankful for the continued support of Edgerton and that the Mayor serves on the board and has for four years. She stated it is always great to have those people on the board who bring ideas and needs to help the communities.

The Governing Body unanimously agreed to the funding request of \$2,500 for the 2023 Budget.

- Miami County Conservation District, Lesley Rigney

Ms. Rigney addressed the council. She stated the Miami Co. Conservation District sponsors the Hillsdale watershed. She stated for the last 6 years, Edgerton had been one of the entities to

contribute to matching funds. She stated they are requesting \$5,000 for 2023 budget year. She stated the Miami Co. Conservation District works to find ways to reduce pollutants in the soil, water, etc. in the surrounding area. She stated currently work being done is based on the impairment of Hillsdale Lake, which means the lake is taking in more nutrients than it can process. She stated funding comes from the state and is going into their 7<sup>th</sup> year in the program, which awards \$300,000 every three years. She stated there are goals in place and new strategies to continue to look for ways to reduce nutrient loading in the lake. She stated in this next 3-year term, they are looking at simplifying their strategies and working to improve the function of surrounding landscapes, such as native landscaping for cities, cover crops for farmers, etc.

Councilmember Longanecker asked about the intermodal and stated the Miami County Conservation District had said last year that it was quite a big problem.

Ms. Rigney stated it is a hot topic in the watershed because impervious surfaces cause drainage into a small area. She stated the water coming off hard surfaces include things like salt, chemicals and heat.

Ms. Linn stated she would like to point out that Council and Planning Commission had asked staff to reach out to KDHE to work with them and included Ms. Rigney in those conversations. She stated last fall, the City hosted KDHE and toured LPKC to see the measures Edgerton has already taken and put in place to protect the watershed. She stated this next week, they will be hosting Hillsdale area water at the Learning and Career Center, and they are excited to have more conversations and learn about what can be done to improve the watershed with the surrounding communities, which will put everyone on the same page.

Councilmember Longanecker stated he would like to hold off on donation until after that meeting.

Ms. Linn stated staff is asking that there be direction given as a place holder, but the amount donated can change later if need be. She stated it would be staff's suggestion that \$5,000 be a place holder and changes can be made during the budget process.

Mayor Roberts stated Edgerton uses best management practices, but there is always room to improve. He asked Ms. Rigney to explain how they know they are reducing the nutrient loading rates.

Ms. Rigney stated every project with watershed funding is modeled so they can tell how much is spent per pound of Phosphorous removed or prevented from running off.

Mayor Roberts asked if there is a point testing is done to confirm those numbers.

Ms. Rigney stated the lake is still an impaired water body. All funds are targeted within a 3-mile buffer area, and they are not there yet to give a definitive answer. She stated modeling is done, but they do not have measured results. She stated she does not see Hillsdale Lake being de-listed anytime soon.

Councilmember Longanecker asked how often tests are done.

Ms. Rigney stated every few years the state will do intensive testing on each of the lakes, and anyone can sign up to view the results.

Councilmember Longanecker asked if there has been any reduction in farm chemicals.

Ms. Rigney stated the KDHE takes their data and analyzes it. She stated it is a complicated process because they cannot test every month. She stated testing is done occasionally, they do edge field testing. She stated what they do know is that there are more cover crops seen in farm fields now which is huge in reducing chemical run off.

Councilmember Longanecker asked if lakes ever get de-listed.

Ms. Rigney stated it is very rare and it happens more often to rivers or streams than it does to lakes. She stated she can say, in the last 6 years there is a difference in this area like cover crops being established.

Councilmember Longanecker asked where the dollars go that are donated from the city.

Ms. Rigney stated it is different every year. She stated match dollars may go to funding education at the High School, cost share with city residents on implementing a native rain garden, etc. She stated they do have a new program called Contain the Rain, which is \$1,000 per resident with these cost share funds. She stated they have helped people in Gardner access those funds. Edgerton residents are eligible for a native plant cost-share program of up to \$1,000 through the Hillsdale Watershed Coalition.

The Governing Body unanimously agreed to the funding request of \$5,000 as a place holder for the 2023 Budget.

- ElevateEdgerton!, James Oltman

Mr. Oltman addressed the Council. He introduced the Board Chairman, Chip Corcoran, and Vice Chair, Eric Goodman, in the audience. He referenced the memo provided in the Council Packet and gave the overview of ElevateEdgerton! and walked through the community contributions since January 2021. He pointed out that prior to 2017, the city had a contract for the same services with Southwest Johnson County Economic Development Corporation, in the amount of \$35,000/year. He stated SWJCEDC split their efforts between the City of Edgerton, Gardner, and New Century.

He referenced the 2023 Scope of Economic Development Services as provided in the packet and requested \$55,000 cash contribution, which includes \$10,000 in-kind contribution for services provided by the City's Marketing and Communications Manager, as well as \$10,000 of targeted allocation funding. He stated the target allocation funding is unbudgeted and is submitted to

the city as a reimbursement. He stated it will only be paid if it is something that is taken advantage of.

Councilmember Longanecker asked if this is the same request amount as last year.

Mr. Oltman stated yes, this will be the 4<sup>th</sup> year they are requesting the same amount. He stated with the increased support of memberships every year and being fiscally responsible with their budget they have been able to keep the contract stable.

Councilmember Stambaugh stated she would like more information before she votes in favor. She stated she had asked for detailed financials and has yet to receive them. She asked Mr. Oltman if ElevateEdgerton! will be more open with how they spend the \$55,000 donation.

Mr. Oltman stated the Scope of Services provided in the packet is where the money goes.

Councilmember Stambaugh stated she remembers specifically that Mr. Oltman spent 4 months working on trying to get residential development to no avail. She asked what the goals are this year for that.

Mr. Oltman stated as it pertains to residential development there are currently a host of unique challenges, with most, if not all, of them being out of the control of the City or ElevateEdgerton!. He stated this includes land availability, utilities, sale price, investment by a developer, etc. He stated what they can do is raise awareness of Edgerton as a viable market and that has been done by completing the housing study. He stated projects take time but he is cautiously optimistic that they will begin to see fruits of the efforts in the very near future.

Mayor Roberts stated Gardner had infield lots available and those were developed quickly, but Edgerton does not have those. He stated the challenge is that Edgerton does not have small parcels available. He stated had we had those small parcels, he is confident that years ago Edgerton would have seen development.

Councilmember Stambaugh stated she would like more clarity.

Councilmember Lewis stated as a new Councilmember he had the same question, but now in his 5<sup>th</sup> year on Council, he can see where the money goes, especially on the commercial side. He stated it is just a matter of time for residential development. He stated a good chunk of the growth is attributed to ElevateEdgerton! going to meetings, conferences, etc. and talking to developers. He stated he believes the city has seen growth with the investment put in.

Councilmember Stambaugh asked Mr. Oltman if he follows the citizens page on Facebook and asked if he has seen the comments and reviews on the truck stop, as it is one of the bullet points on the contributions made to the city.

Mayor Roberts stated Mr. Oltman cannot and does not control the businesses that are in Edgerton, rather he facilitates the development of commercial and residential growth. He stated



if people feel the way they do, they need to contact the state as they are the agency to correct the issues.

Ms. Linn stated the majority of the issues that people are raising about the truck stop are regulated by the state, not the city.

Mayor Roberts stated the job of ElevateEdgerton! is to attract development, not maintain it.

The Governing Body unanimously agreed to the entire funding request to include \$55,000 annual contribution; \$10,000 in kind contributions from the City of Edgerton Marketing and Communications Manager; and up to \$10,000 reimbursement targeted allocation for Commercial Development Recruiting Fund for the 2023 Budget.

### **Business Requiring Action**

#### **11. CONSIDER ORDINANCE NO. 2106 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE EDGERTON UNIFIED DEVELOPMENT CODE TO INCLUDE ARTICLE 9, SECTIONS 9.1 (B)(7) AND 9.6(E) AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Ms. Crow addressed the Council. She stated the following ordinances are being brought forward for approval on the Planning Commission's recommendation to amend the Unified Development Code to reflect a change in deadlines for Planning Commission items. She stated Planning Commission has asked to receive their packets earlier than the Friday before the Tuesday meeting, and in doing so, the deadlines for specific applications will have to be moved earlier. She stated there are three sections of the code that must be amended, so each ordinance following specifically outlines those sections.

Councilmember Longanecker moved to approve the ordinance, seconded by Councilmember Lewis. Ordinance No. 2106 was approved, 5-0.

#### **12. CONSIDER ORDINANCE NO. 2107 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE EDGERTON UNIFIED DEVELOPMENT CODE TO INCLUDE ARTICLE 10, SECTION 10.1(E) AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Councilmember Beem moved to approve the ordinance, seconded by Councilmember Longanecker. Ordinance No. 2107 was approved, 5-0.

#### **13. CONSIDER ORDINANCE NO. 2108 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE EDGERTON UNIFIED DEVELOPMENT CODE TO INCLUDE ARTICLE 13, SECTIONS 13.3(B)(1) AND 13.3(F)(1) AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Councilmember Lewis moved to approve the ordinance, seconded by Councilmember Lebakken. Ordinance No. 2108 was approved, 5-0.

**14. CONSIDER AWARD OF CONSTRUCTION OF NELSON STREET FROM EAST 3RD STREET TO WEST 8TH STREET (CARS) PROJECT, INCLUDING STREET MAINTENANCE PROGRAM 2022 ROADWAY SECTIONS (WEST 5TH STREET & WEST MARTIN STREET) TO MCANANY CONSTRUCTION INC. AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT**

Mr. Merkh addressed the Council. He stated in March 2022, the Governing Body approved the concurrence to bid the Nelson Street from East 3<sup>rd</sup> to West 8<sup>th</sup> (CARS) project. He stated the City held a public bid opening and received a single bid from McAnany Construction Inc. He stated the bid received exceeded the project budget and the engineers estimate. After discussions with the City Engineer, staff and the city engineer are recommending waiving the Engineer's Estimate and awarding the project to McAnany Construction Inc. He stated after discussing options with the City Engineer, staff recommends prioritizing budgeted funds to focus on the specific scope of work as outlined in the packet with a not to exceed budget of \$279,280.

Councilmember Lewis asked for more information regarding reduction of surfaces, amount of curb and gutter, etc.

Mr. Merkh stated after walking the project location, varying levels of degradation in the curb were identified and staff compiled linear footage of curb needing replaced. He stated UBAS and curb repair are not connected, but they were listed as part of the project to complete work at same place and same time. He stated it is not in budget to complete all curb and gutter, but instead they would complete about half while focusing on the higher failed areas. He stated the remaining portions that need to be done, can be completed in-house or at a later date. He stated as far as concrete drive, instead of cutting into driveways and removing curb, they would stay on the roadways and focus on sections needing replaced.

He stated McAnany has completed similar work for the city in the past and staff is very familiar with the quality performed.

Councilmember Longanecker moved to approve the construction award to McAnany Construction Inc. and authorizes the Mayor to execute the contract, seconded by Councilmember Stambaugh. The motion was approved, 5-0.

**15. Report by the City Administrator**

- Water Emergency & Conservation Plan Annual Review

Mr. Merkh addressed the Council. He stated in September 2020, City Council approved the Water Conservation Plan and Water Emergency Plan and are required to review these plans annually. He stated if any changes are made, approval is required by the Council and then submitted to the state for review and acceptance. He stated major revisions were completed in

2020 and no substantial revisions to the plans are recommended at this time. He stated there were minor revisions made, which have been noted in the memo provided in the packet.

Councilmember Longanecker asked what the updating of gallons means.

Mr. Merkh stated it's updated to reflect the numbers that are accurate with today's data.

Ms. Linn stated there is no formal motion on this item, the minutes are to reflect that the item has been presented to and reviewed by Council to submit to the state for acceptance.

- Public Notice from Douglas County

Ms. Linn handed out a Public Notice from Douglas County along with a memo from 2021 from Mayor Roberts to Miami County.

She stated similar to the request in 2021 from Miami County regarding a petition they received for incorporation, Douglas County has received a petition and as part of their process, they have to notify surrounding City's/County's of their public hearing date. She stated they are requesting public comment and will hold the hearing on June 15, 2022. She stated she is just notifying the Governing Body that they have received the notification and asked if Council would like to respond similarly to the City's response to Miami County.

Mayor Roberts stated it is the County's decision to decide if a new city is created.

Councilmember Longanecker asked if this is related to solar.

Mayor Roberts stated it could be. In Johnson County, they are allowing a buffer for cities but he is not sure what other counties regulations are.

Councilmember Stambaugh stated she would like to review the information prior to approving a letter being sent with the opinion of the City.

Ms. Linn clarified the letter sent in 2021 to Miami County was sent at the direction of the Governing Body and signed by the Mayor on behalf of Council as a whole. She stated they asked specific questions and the city simply answered them, there was no opinion given. She stated it would be the same intent for a letter sent to Douglas County.

She asked that the governing body review and bring back any questions or comments to the next meeting so there is time to send on to Douglas County prior to their Public Hearing.

Mr. Hendricks stated the letter is not an opinion letter, it is a letter that specifically states how Edgerton handles specific processes. He stated he would suggest the City send the same letter to Douglas County, stating how we approach certain matters and does not provide an opinion on said matter.

## **16. Report by the Mayor**

Mayor Roberts had no report to give at this time.

**17. Future Meeting Reminders:**

- June 9<sup>th</sup>: City Council Meeting – 7:00PM
- June 14<sup>th</sup>: Planning Commission – 7:00PM
- June 23<sup>rd</sup>: City Council Meeting – 7:00PM
- July 7<sup>th</sup>: City Council 2023 Budget Work Session – 7:00PM
- July 12<sup>th</sup>: Planning Commission – 7:00PM
- July 14<sup>th</sup>: City Council Meeting – 7:00PM
- July 28<sup>th</sup>: City Council Meeting – 7:00PM

**18. Adjourn**

Councilmember Lewis moved to adjourn, seconded by Councilmember Stambaugh. All in favor.  
The meeting was adjourned at 8:56 PM.

Submitted by Alexandria Clower, City Clerk