

City of Edgerton, Kansas
Minutes of City Council Regular Session
May 9, 2024

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas May 9, 2024. The meeting convened at 7:00 PM with Mayor Donald Roberts presiding.

1. ROLL CALL

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

With a quorum present, the meeting commenced.

Staff in attendance:

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

2. WELCOME. Mayor Roberts welcomed all in attendance.

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

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

4. Approve Minutes from April 25th, 2024, Regular City Council Meeting

5. Consider Resolution No. 05-09-2024A Approving The Mayoral Appointment For Certain Public Officials For The City Of Edgerton, Kansas

Councilmember Longanecker moved to approve the Consent Agenda, seconded by Councilmember Conus. The Consent Agenda was approved, 3-0.

Regular Agenda

6. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.

No declarations were made.

7. **Public Comments.**

Charlie Troutner of 707 W. Nelson Street, addressed the Council about the new Gardner Edgerton School District Hall of Fame. He stated that he was on the committee and nominated former Mayor Ray Braun for the inaugural class. Mr. Troutner stated each nominee had to meet specific criteria and the committee ranked each person according to a point/scoring system. Mr. Braun's accomplishments included efforts in the creation and building of Hillsdale Lake, he was a town sheriff, and was responsible for bringing water and sewer to Edgerton, among many other accomplishments. September the 7th will be the induction ceremony. The other two inductees are Dr. Roy Jensen and Shirley Bruce Brown-VanArsdale. Mr. Troutner stated that they are accepting nominations for the 2025 class now.

Mayor Roberts thanked Mr. Troutner for his presentation and stated that all three nominations are amazing candidates, and they could not have chosen 3 individuals that were more deserving to be in this Hall of Fame for their communities.

Business Requiring Action

8. **PUBLIC HEARING RELATED TO A POSSIBLE DANGEROUS AND UNSAFE BUILDING EXISTING AT 312 E. 5TH STREET IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS**

Mr. Moore addressed the Council. He stated that on March 14th the Council approved a resolution providing for a public hearing to discuss a possible dangerous and unsafe building at 312 E 5th Street in Edgerton. This public hearing provides an opportunity for the property's owner, owner's agent, any lien holders of record, and any occupant of the property may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Mr. Moore stated since Resolution 03-14-24A was approved the property owner and representative have been in contact with staff regarding the status of the property. The property owners notified staff that they have been getting bids to do more work. Mr. Moore stated they have made progress including removing exterior storage of junk and debris, but the modified sheds and the dilapidated camper remain on the property. The new owners have also been asked to change utilities into their name, but they have not done so at this point.

Bill Meyer of South Law PC in Overland Park, who is the attorney for Lakeview the owner of the property and its servicer M&T Bank, addressed the Council. He stated the company foreclosed on the property earlier this year and they have made some minor changes to the property at this time. Mr. Meyer handed out Exhibit Lakeview/M&T 1, to show the bids that have been received. There are bids obtained but have not hired any of the bidders as of

yet. Mr. Meyer requested Council continue this hearing for 60 days as the owners continue to clean up the property.

With no additional testimony, Mayor Roberts closed the public hearing at 7:21 PM. Mayor asked if anyone has any questions for Mr. Meyer, Mr. Moore, or staff.

Councilmember Conus asked Mr. Moore about the bids and if this work is done would this be enough. Mr. Moore answered that this was the first time he has seen the bids that Mr. Meyer handed out, but that it appears these would address a majority of the exterior conditions, but does not appear to address the structural issues identified by the building inspector.

Councilmember Longanecker asked Mr. Meyer what has been started from the list provided. Mr. Meyer replied that they are working on it, but he is not certain of the project's value. He asked to continue the hearing, adding that economically this is a tough project to make work, especially with the location so close to the railroad crossing. He stated that continuing the hearing gives everyone a timeline to get the work done.

Mayor Roberts asks Mr. Meyer if there is a timeline. Mr. Meyer states that he does not know if there is a timeline, but the goal is to sell the house to either a new property owner or investor. He asked Council to move to be on a rotating 60-day schedule to show progress and establish a timeline.

Mayor Roberts asked City Attorney Lee Hendricks to remind him of the process that they took with the house on 2nd Street. Mr. Hendricks answered that this is a two-tiered process: Council makes a resolution to have the public hearing like we are doing now and then move to approve of the property being unsafe or not tonight and then provide a deadline for the property to be in compliance with the city ordinance or torn down. He suggested deeming the house unfit for human habitation because it does not have running water, despite multiple attempts from staff to have the new owners put the utilities under their name. He asked Ms. Karen Kindle, Finance Director, how many times her department has reached out to someone in the company to add utilities to this property and get it transferred into their name. She answers that there were several attempts and they just kept getting transferred from person to person within the company and affiliated companies.

Mr. Hendricks stated it is important to hold the foreclosure company to the same standard that the City holds other property owners. He recommended a 60 days extension as long as they remain in contact with staff and can show progress being made. He suggested Council make a motion to empower the mayor to sign a revised resolution that recommends a 60-day extension, provided utilities are added within 7 days.

Councilmember Longanecker said without water it is deemed uninhabitable.

Mayor is in favor of passing a revised resolution, but he does not want to wait 60 days. Mr. Hendricks stated he would rather they be connected within 7 days.

Councilmember Conus asked Mr. Moore about the structural issues identified by the building inspector. Mr. Moore referenced the report, specifically Items 3 and 4. Item three being the structural foundation elements of the southeast enclosed porch area is in extreme disrepair and the lack of stability being instrumental to the structure becoming detached or dislodged. Item four being that the structure shows evidence of extreme dilapidation and deterioration with evidence of faulty construction and structural support columns that could become dislodged and the structure falling.

Councilmember Conus says it seems like the bids are superficial fixes and asked Mr. Meyer if his client has plans to fix the structure of the building.

Mr. Meyer says that this has been happening over years and said that it seems unfair to put the responsibility of the issues that have happened over time to put on the owner with such a strict timeline.

Mayor stated that cleaning up the exterior does improve the property and that as long as it is uninhabited, the larger repairs are not immediately required.

Councilmember Longanecker stated that in other instances like this, they have given the owners time to fix things up, but he wants to see proof of progress. Mayor Roberts adds that the difference here is that they could still decide to tear it down. He feels that a 30-day check-in would be good to have a conversation about what improvements have been made and to see progress.

Councilmember Conus agrees and would like to see improvements.

Mr. Meyer asks for 14 days for utility turn on instead of 7 days. Mr. Hendricks answered stating that the company has been given ample opportunity and time to add the business on as the utility user but has yet to do so. Mr. Hendricks does not recommend the 14 days as 7 days should be enough time.

Ms. Linn said that it is not a hard process and that the City can allow the owners to put the property in their name over the phone.

Councilmember Longanecker moved to empower the Mayor to sign a revised Resolution 05-09-24B deeming the property at 312 E. 5th Street in the City of Edgerton, Johnson County, Kansas unfit but providing a 30-day progress report, so long as the utilities are placed within the owner of the properties name within 7 days, pursuant to City of Edgerton Municipal Code, Chapter IV, Article 4, Section 4-405.

The motion is seconded by Councilmember Conus. The Resolution was approved, 3-0.

9. CONSIDER RESOLUTION NO. 05-09-2024C CONSENTING TO THE EXECUTION AND DELIVERY OF ESTOPPEL CERTIFICATES, CONSENTS TO COLLATERAL ASSIGNMENTS, AND SUBORDINATION AGREEMENTS IN CONNECTION WITH NINE LOGISTICS PARK PROJECTS

Bond Counsel Scott Anderson addressed the Council. He stated that ELHC is refinancing 10 projects and they are asking the City to sign three forms: an estoppel certificate, a consent to collateral assignment of IRB (Industrial Revenue Bonds) Documents and a subordination/attornment agreement. He stated this is standard documentation for IRB refinancing. He added that the City is only dealing with 9 buildings instead because one of the abatements has already ended. That property is valued at over \$32 million and is paying over \$1 million in property taxes to the County in 2024.

Councilmember Longanecker clarified that this one resolution covers all the properties. Mr. Anderson confirmed it does.

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

10. PUBLIC HEARING RELATED TO SUBMITTAL OF 3RD & E HULETT SANITARY SEWER PROJECT APPLICATION TO JOHNSON COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR 2025

Dan Merkh, Public Works Director, presented the 3rd and Hulett Sanitary Sewer Rehabilitation Project. He stated the City is working strategically to redo the sewer lines all over town. He gave background on the Community Development Block Grant funding. He stated Edgerton is asking for \$200,000 again in 2025, hoping to get back on the two-year cycle.

Mayor Roberts opened the Public Hearing at 7:50 p.m. No one addresses the Council, so he closed the hearing at 7:51 p.m.

11. CONSIDER SUBMITTAL OF 3RD & E HULETT SANITARY SEWER PROJECT APPLICATION TO JOHNSON COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR 2025

Councilmember Longanecker asked Mr. Merkh if the City only receives half of the request, does half of the project get done. Mr. Merkh replied that staff would look at the market, compare pricing, etc. before making that determination. However, he stated if the City only receives half of the request, we would probably only be able to do 20-30% because costs increase on a smaller project.

Ms. Linn adds that CDBG awards have gone down across the board for many communities. She added that it becomes more difficult to mobilize contractors for smaller projects and per item costs often go up.

Mr. Merkh says that the scope is significantly smaller due to this funding being small for the last couple of years. The first year they had remaining funding from previous years to carry

out the project but there are no remaining funds from the previous years this time around, so he is unsure how that will work out with the funding in the long term.

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

12. CONSIDER AWARD OF CONSTRUCTION OF THE DWYER FARMS – SANITARY SEWER EXTENSION PROJECT TO BEEMER CONSTRUCTION CO., INC. FOR \$747,900.00 FOR THE BASE BID TOTAL

Mayor Roberts says staff would like to request this item to be tabled until May 23. Councilmember Conus asked why. Ms. Linn replied that staff is working with KDHE on some additional information that they need. Councilmember Conus moved to table the Resolution, seconded by Councilmember Longanecker. The Resolution was tabled, 3-0.

13. CONSIDER AWARD OF CONTRACT WITH KDHE TO ACCEPT AWARD OF THE KDHE WASTE TIRE GRANT OF \$24,791.36 FOR THE GLENDELL ACRES PARK IMPROVEMENTS PROJECT

Holly Robertson, CIP Project Manager, addressed the Council. She gave background on the Waste Tire Grant Award and stated that Edgerton was awarded \$24,791.36, which covers about half the cost of the resurfacing project including material and labor.

Councilmember Longanecker asks what kind of material the resurfacing will be. Mr. Merkh says that this is shredded tire with a sealant to keep it all together. Ms. Linn added that Edgerton received the second highest award for this grant in the state.

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

14. Report by the City Administrator

- Community Development 1st Quarter Report

Mr. Moore reviewed planning and development highlights, including 12 building permits were issued with total permit valuation just short of 5 million dollars. He reviewed a couple of major projects, including the JCCC CDL Training Facility and the Edgerton Crossing development for Maverick Gas Station. He stated staff is working with SWT Design on creating a trails master plan. He also reviewed code enforcement and animal control statistics for the first three months of the year.

Council members did not have any questions.

Ms. Linn stated Councilmember Conus had asked at the previous meeting for an estimate on how much of the budget for building permits was related to the Dwyer Farms development. She stated that staff estimated \$165,000 from LPKC and other commercial was about \$31,000

- Update to Safety Manual

Ms. Linn handed out the City's Safety Manual and a memo to Council. She stated an employee-led safety committee has been updating the draft safety manual. She stated this will be up for Council's approval in two weeks. Members of safety committee will be in attendance.

15. **Report by the Mayor**

- There was no report given by Mayor Roberts.

16. **Future Meeting Reminders**

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

17. **Adjourn**

Councilmember Longanecker moved to adjourn, seconded by Councilmember Conus. The meeting was adjourned at **08:08 PM, 3-0.**

Submitted by Alex Firth, Assistant City Clerk