

City of Edgerton, Kansas
Minutes of City Council Regular Session
June 27, 2019

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on June 27, 2019. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

Ron Conus	present
Clay Longanecker	present
Josh Lewis	absent
Katee Smith	present
Jody Brown	absent

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- Assistant City Administrator Scott Peterson
- City Attorney Lee Hendricks
- City Clerk Rachel James
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Public Works Director Dan Merkh
- Public Works Superintendent Trey Whitaker
- Marketing and Communications Manager Kara Banks
- Utilities Superintendent Mike Mabrey

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for June 13, 2019 Regular City Council Meeting
5. Approve Minutes for April 1, 2019 Special Council Meeting
6. Approve Ordinance No. 2013 Ordering the Vacation of Right-Of-Way Adjacent to Inland Port VII – Montrose Street and 185th Street
7. Approve Contract with Strategy New Media for IT Services

Mayor Roberts asked that Item 7 be removed from the consent agenda for discussion.

Motion by Smith, Second by Longanecker to approve items 4,5, and 6 on the consent agenda.

Motion passed, 3-0.

Item #7:

Scott Peterson, Assistant City Administrator, overviewed the Contract with Strategy New Media. Mr. Peterson stated there needs to be a minor change, a language revision, per Mr. Hendrick's approval. Lee Hendricks, City Attorney, stated in the previous contracts with Strategy New Media, we have asked for the limited liability language to be removed. Jordan List, Strategy New Media representative, stated he is fine with this update.

Councilmember Conus asked about the difference between the afterhours billing category and the general support category. Mr. List stated this is for additional projects or after hour problems the network might experience.

There was a general discussion about the cyber threats facing municipalities today and Strategy's plan for protection and recovery.

Motion by Conus, Second by Longanecker to approve contract upon attorney review.

Motion passed, 3-0.

REGULAR AGENDA

8. Public Comments.

Pete Kirwan, New City Church Pastor, addressed a concern for provisions regarding adult businesses in the Unified Development Code and asked council to consider the impact of these types of business in Edgerton.

9. Declaration. None.

BUSINESS REQUIRING ACTION

10. CONSIDER ORDINANCE NO. 2014 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE AN AMENDMENT TO THE CITY OF EDGERTON UNIFIED DEVELOPMENT CODE TO INCLUDE UPDATED VERSIONS OF ARTICLE 4, SECTIONS 4.1, 4.2, 4.3, 4.4, 4.6 AND 4.7, ARTICLE 10 AND ARTICLE 16

Katy Crow, Development Services Director, overviewed the process of updating the City of Edgerton's Unified Development Code (UDC). These first article updates are part of a revision process that will bring the UDC up-to-date and in line with Edgerton's Comprehensive Plan, other planning documents, and the Governing Body's vision for the growth of Edgerton.

Discussions were held with the Planning Commission during several Planning Commission Public Hearings and work sessions. Article 10 focuses on Site Plans, Article 16 focuses on Parking and Loading Regulations, and Article 4 addresses uses, design standards and landscaping for Commercial Zoning Districts. Article 4 specifically covers Downtown Commercial, General Commercial, Heavy Service Commercial, and Highway Commercial Zoning Districts.

Councilmember Conus had a question on page 4-5, item 9 which references tree canopies. Councilmember Conus asked for the reasoning behind the height clearance (7 foot) for landscaping in this District compared to other Districts. Ms. Crow responded that this regulation addresses the Commercial Downtown Area and the Commercial Downtown Plan outlines a slightly different look and feel than the other commercial districts. Councilmember Conus asked why every other section but 4.1 has a maintenance requirement. Ms. Crow stated that the challenge with the Downtown District is that some of the landscaping would be installed in the right-of-way as part of a streetscape plan and if that is the case it would be managed by City Staff. Ms. Crow also stated that revisions could be made if needed and the plan moving forward is to review and update the UDC every June.

Mayor Roberts and Councilmember Longanecker wanted to discuss the C-2, Heavy Commercial section 4.3D "Uses Permitted by Condition (Conditional Uses)" which includes adult entertainment businesses. Councilmember Longanecker asked for an explanation of the inclusion. Mr. Hendricks addressed Mr. Kirwan and the Council and stated that allowing adult entertainment businesses to continue to exist in the C-2 Zoning District is the best approach for the City. The City cannot prohibit such businesses from existing in every zoning district without violating their constitutional rights. Ms. Crow stated that a Public Hearing would be required for a Conditional Use Permit operation such as an adult entertainment business in a C-2 Zoning District. Mayor Roberts stated that the public hearing requirement ensures that the whole community has a voice with regard to these businesses. There was a general discussion of the C-2 Heavy Service Commercial district areas within the City.

Motion by Longanecker, Second by Smith to approve Ordinance No. 2014.

Motion passed 3-0.

Councilmember Longanecker wanted to extend a thank you to Ms. Crow and the Planning Commission. He stated he was proud Ms. Crow and of the work that has gone into the code. Mr. Longanecker also stated he thought other towns will want to borrow from the City of Edgerton's code in the future.

Councilmember Conus wanted to extend a special thank you to the Planning Commission.

Councilmember Smith stated she appreciated all of the detail that has gone into the UDC update.

11. CONSIDER APPROVAL OF TYPICAL STREET SECTION FOR 2019 STREET RECONSTRUCTION PROJECT

Dan Merkh, Public Works Director, overviewed the request by staff for Council to approve the typical street section of roadway for the 2019 Street Reconstruction Project.

Staff recommended that Council approve the following standard roadway section: the road width set at 28 feet from back of curb to back of curb; right-of-way (ROW) width is 50 foot (no change to existing); the curb will be 2 foot low back (mountable) curb; sidewalk width set at 5 feet; sidewalk location is 1 foot inside the ROW; When sidewalk does exist, it will be

reinstalled on the same side; when sidewalk does not exist it will be installed on the North or West side of the road. There was general discussion about sidewalks and sidewalk repair.

Motion by Smith, Second by Longanecker to approve the Typical Street Section for 2019 Street Reconstruction Project.

Motion passed, 3-0.

11.5 CONSIDER RESOLUTION NO. 06-27-19A FOR TEMPORARY NO PARKING RELATED TO COMMUNITY PICNIC AND FIREWORKS SHOW

Item Walked-On by Mayor Roberts

A part of the preparation for 2019 Annual Community Picnic and Fireworks Show held on July 3rd, 2019, City Staff requests parking be prohibited on both sides of the road along Sunflower Road from East 6th Street (the entrance to the Lake) around the curve to the entrance of Martin Creek Park. This temporary no parking resolution is important to help with traffic around the curve and protect the ability for the public to safely maneuver this area. The time frame for the temporary no parking would be from July 1, 2019 at 7:00 AM until July 5, 2019 at 4:30 PM.

Motion by Conus, Second by Smith to approve Resolution No. 06-27-19A.

12. Report by the City Administrator

Echoed the sentiment of the Council on the hard work that Ms. Crow and the Planning Commission put into the Unified Development Code update.

13. Report by the Mayor

14. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR, AND ECONOMIC DEVELOPMENT COUNCIL

Motion by Smith, Second by Conus to recess into executive session pursuant to K.S.A. 75-4319 (b)(2) for the purpose of discussing contract negotiations to include City Attorney, City Administrator, and Economic Development Counsel for fifteen (15) minutes.

Motion was approved, 3-0.

Session recessed at 8:00 pm. Meeting reconvened at 8:15 pm.

Motion by Longanecker, Second by Conus to return to open session.

Motion was approved, 3-0.

Scott Anderson, Economic Development Counsel, outlined the Development Agreement for a 2 or 3 story, 10,000 square foot office building located at 191st and Waverly Road.

Motion by Longanecker, Second by Smith to approve the development agreement in the form with the caveat on pushing dates back to October and the removal of the definition of "City Project"

Motion passed, 3-0.

15. Future Meeting/Event Reminders:

- July 3rd: Community Picnic & Fireworks Show – 6PM to 10:30PM

16. Adjourn

Motion by Smith, Second by Conus to adjourn.

Motion was approved 3-0. The meeting adjourned at 8:35 pm.