

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**July 13, 2023**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas July 13, 2023. The meeting convened at 7:00 PM 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 Superintendent, Trey Whitaker  
   Development Services Director, Zachary Moore  
   Finance Director, Karen Kindle

**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 June 22, 2023 Regular City Council Meeting.

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

**Regular Agenda**

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

**6. Public Comments.**

Beth Gifford, 713 W Meriwood Ln., addressed the council. She stated she is concerned with parking at 8<sup>th</sup> & Meriwood. She stated the brown house across from hers continues to park cars on both sides of the street, preventing traffic from moving through that area safely. She stated she has tried to speak to the residents, and she is met with resistance and vulgar language. She

stated it's a safety issue and she's at a loss of what to do. She stated she would like to see no parking, there is plenty of room in their driveway for their vehicles they just continually use the street for vehicles that do not move and cause traffic issues. She stated she's not going to call the police every time there's an issue, especially when a long-term solution needs to be addressed.

Councilmember Longanecker stated he's talked to Brad about this issue, and he spoke to the residents who then put the vehicle on jacks. He stated he'd like to find out traffic codes and rules around something like this.

Ms. Gifford stated someone called the police on them awhile ago, made them measure and they're exactly the distance away from the road entrance that's required. She stated she doesn't mind calling the Sheriff but would prefer not to do it every time, they have greater things to be worrying about. She stated they keep their vehicles in their driveway, even when family comes over, they keep their vehicles away from the entrance. She stated they've had an ambulance to their house before, they'd like to see them be able to get there with no issues.

Mayor Roberts stated he'd like staff to look into doing something similar to the no parking that was just approved on 8<sup>th</sup> Street.

Ms. Linn stated staff will research regulations that apply and work to bring something back for approval.

Ms. Gifford stated she knows this sounds trivial but would appreciate any help she can get.

Councilmember Longanecker stated he deals with this area everyday and understands the problem with traffic and the mess that's caused there.

Mayor Roberts stated his number one concern is public safety and this is a real concern of that.

Mr. Lee Hendricks, City Attorney, asked if the vehicles on the street move daily.

Ms. Gifford stated no, the green vehicle that has been parked in the street has been there for 3-4 weeks, the other cars move daily. She stated she has been in communication with Charlie about the issue.

Ms. Donna White addressed the council. She stated she had spoken with Councilmember Longanecker previously about her issue. She stated on July 4<sup>th</sup> and the week before, the noise is outrageous. She stated it's also very loud during Frontier Days and there's no way to go to sleep when they continue on into the morning. She stated it sounds like a war zone and there needs to be a noise ordinance passed where people can't go passed 10pm so people can sleep and work the next day.

Mayor Roberts stated fireworks are only legal the 3<sup>rd</sup> from 10am to 10pm and the 4<sup>th</sup> from 10am to midnight. He stated this is what's legal, that doesn't mean people follow that and the

Sheriff's Office can and does take action. He stated as far as Frontier Days, they are exempt from the noise ordinance and time frame included in that, this is something approved by the governing body each year.

Councilmember Longanecker stated she's not the first to complain, there have been others.

Ms. White stated she wondered if they couldn't do it in the housing area.

Mayor Roberts stated this may be a little bit of a spoiler alert before Frontier Days presents, but they have been talking about moving the event to Martin Creek Park, at least for next year.

Ms. White stated music is one thing, but the banging of the drums all hours of the night is something else.

Mayor Roberts thanked Ms. White for coming to speak to council, he stated this helps council understand and discuss options when moving forward.

### **Business Requiring Action**

#### **7. CONSIDER ORDINANCE NO. 2140 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT (CU2023-02) ALLOWING A CHILD CARE FACILITY FOR SIX (6) OR MORE PERSONS FOR NEW CITY CHURCH ON THE PROPERTY LOCATED AT 517 MORGAN STREET, EDGERTON, KANSAS.**

Mr. Moore stated New City Church has submitted a request to allow for an Early Learning Academy at their church, he stated it is currently zoned R1 which requires a permit to allow this type of facility. He stated planning commission held the Public Hearing in which two people addressed the Planning Commission in support of this. He stated the daycare facility would be open from 6:30am – 5:30pm in the basement of New City Church, which has been previously used as a daycare in years past. He stated staff has reviewed against criteria and recommends approval with stipulations as outlined. He stated the permit is valid for a period of 10 years following date of approval and all state laws pertaining to operating a childcare facility must be followed.

Councilmember Beem stated the information states 6 or more persons, and asked if there is a maximum.

Mr. Moore stated they would have to follow state regulations regarding that and make sure they meet all requirements.

Mayor Roberts stated he would like to thank New City Church for thinking of Edgerton and working hard to get this facility established. He stated he has heard for many years this is a huge need for the community.

With no further questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2140, approving a Conditional Use Permit to allow for Child Care Facility at 517 Morgan Street.

Councilmember Longanecker moved to approve, seconded by Councilmember Lebakken. Ordinance No. 2140 was approved, 3-0.

**8. CONSIDER ORDINANCE NO. 2141 AN ORDINANCE RESTATING CHAPTER XI, ARTICLE 7 OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS REGARDING THE REGULATION OF WHEELED DEVICES AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Ms. Borth addressed the council. She stated the City Attorney prepared the draft ordinance for recommended approval based on the work session held in June where Council discussed the possibility of allowing electric scooters and bikes on certain roadways as well as toy vehicles on sidewalks within city limits. She stated the new ordinance, if approved, would restate the City Code to define certain exceptions as discussed, and approved by Council. She stated those exceptions are included. She stated this ordinance also defines a toy vehicle, as you would buy at a retail store in the toy section that is battery operated and has a maximum speed of 5mph. She stated these cannot be driven in the street, but on residential sidewalks, multi-use paths, and trails, and adults must be present at all times. She stated this ordinance also makes enforcement of the regulations the parent's responsibility, if the operator is not considered an adult, and any violation against this ordinance would be deemed a traffic infraction.

Councilmember Lebakken asked about hover boards.

Ms. Borth stated based on the feedback received at the work session, they are not covered in this ordinance and not permitted at this time.

With no further questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2141, Restating the City Code regarding the regulation of Wheeled Devices.

Councilmember Lebakken moved to approved, seconded by Councilmember Longanecker. Ordinance No. 2141 was approved, 3-0.

Mayor Roberts stated he would like to add an executive session to the agenda.

**9. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO THE EXCEPTION FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP FOR THE PURPOSES OF CONTRACT NEGOTIATIONS. (K.S.A. 75-4319(B)(2))**

Mayor Roberts stated he would like to recess into executive session pursuant to KSA 75-4319(B)(2) to include City Attorney and City Administrator to discuss contract negotiations for 10 minutes.

Mayor Roberts then requested motion to recess into executive session.

Councilmember Longanecker moved to recess into executive session for 10 minutes, seconded by Councilmember Beem.

The meeting recessed into executive session at 7:24PM, 3-0.

Councilmember Longanecker made motion to return to open session with no action taken, seconded by Councilmember Lebakken.

Open session resumed at 7:34PM, 3-0.

**10. CONSIDER AWARD OF CONSTRUCTION OF THE GREENSPACE PROJECT TO COMBES CONSTRUCTION LLC AT \$6,761,000 TO INCLUDE THE BASE BID AND ALTERNATES 1, 2, 4 AND 5**

Mayor Roberts requested motion to approve the award of construction to Combes Construction for \$6,761,000 to include alternates 1, 2, 4 and 5 for The Greenspace Project. He stated staff has prepared all information in the council packet.

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

Mayor Roberts stated this is a super exciting and historic moment for Edgerton.

Mr. Bryant Combes with Combes Construction stated they're excited to be apart of it.

Councilmember Longanecker asked if they're local.

Ms. Annie Wallace, Project Coordinator for Combes Construction, stated they are close to Stillwell, Bucyrus area, and they will be using a lot of local subs.

Ms. Linn stated this was a huge step forward in this process, and next on our list will be discussion related to groundbreaking.

Mayor Roberts stated it would be nice to have Council present for that for shovel duty. This is huge impact in a positive way for our community.

**11. CONSIDER AGREEMENT BETWEEN CITY OF EDGERTON AND EDGERTON LAND HOLDING COMPANY FOR SNOW DEPOT AGREEMENT**

Mr. Moore stated in August 2022, the City sent a letter to NorthPoint Development and The Martz Bros., their snow removal contractor, regarding outside storage of equipment and materials. This letter was issued in response to an ongoing challenge related to winter weather operations in Logistics Park Kansas City (LPKC). The letter temporarily granted exceptions to the outside storage of equipment and materials related to snow removal, which is not permitted in the Edgerton Unified Development Code (UDC), while NorthPoint developed a long-term solution.

He stated NorthPoint previously submitted development applications to permit the construction of a permanent snow depot along 191<sup>st</sup> Street. These applications were originally intended to be considered at the July 11, 2023 Planning Commission meeting, but continuances are required for their public hearing. He stated since then, an alternative location for the permanent snow depot has been identified by NorthPoint Development that will allow for more appropriate use of land throughout Logistics Park Kansas City (LPKC). The proposed alternative site is west of Waverly Road, and just northwest of the current western terminus of W. 193<sup>rd</sup> Street, which is a private street.

He stated to ensure that the snow depot is constructed in advance of the 2024 winter season, staff approached NorthPoint with the terms of an Agreement (enclosed), which they are amenable to. He stated the Agreement outlines deadlines for applications such as Final Site Plans, Final Plats, and Building Permits to be submitted, as well as ultimately, the deadline for the Development team to obtain a Certificate of Occupancy from the City.

He stated the draft Agreement is still under review by the City Attorney and City's Economic Development Counsel. Staff would recommend approval of the Agreement pending any changes from these individuals and allow for the Mayor to execute the contract once reviewed.

Councilmember Longanecker stated the City does the streets there and asked if this is for the parking lots.

Ms. Linn stated, correct, they have many acres of parking lots and sidewalks which they are to maintain. She stated they also maintain about 95% of the buildings at the Logistics Park by hiring one company to complete all areas instead of each tenant finding their own. She stated similar to the HOA, on the business side, the tenants pay in to have their facility taken care of.

With no further questions or comments, Mayor Roberts requested motion to approve the agreement pending reviews needed and authorize the Mayor to execute once complete.

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

## **12. Report by the City Administrator**

- Envision Edgerton Open House

Mr. Moore stated staff and the Comprehensive Plan Committee have been working hard to draft up an updated Comprehensive Plan since April 2022. He stated they are currently wrapping up stage 3 of the proposed plan, the draft phase. He stated a key component in this phase is the open house for the community. This will be held on August 7<sup>th</sup> from 5-8pm. He stated this is a very exciting step for the community as this plans out to 2050 and really begins the focus for the next generation of Edgerton residents.

Councilmember Longanecker asked if this can be updated 10 years down the line.

Mr. Moore stated the state requires review to be done at a staff level, annually. He stated significant changes can be adjusted and approved accordingly, but not all changes from review would need to come back to the governing body.

- Discussion Regarding Snow Removal on Private Property in Downtown Edgerton  
Ms. Borth stated she researched different city's that do privately owned clearing of sidewalks. She stated out of the 15 or so cities she looked at, none of them do private property clearing. She stated Kansas City, Missouri does it, but it's through a levied tax that pays for it.

Councilmember Longanecker stated it's a questionable topic, but it is private property. He stated maybe this is something the owners should be addressing.

Councilmember Beem asked where are they shoveling the snow now when they clear it.

Ms. Pattie Stuteville stated to the parking area.

Ms. Linn stated she is aware that yes, when the sidewalks are cleared, she would assume it gets plowed into the street and the City plows may end up clearing it. She stated that area of parking lot however is done at a lower priority of the main roadways.

Councilmember Longanecker asked what the ordinance says currently about property owner's responsibility.

Mayor Roberts stated if the City had to enforce, it would be on the owner of the property.

Mr. Hendricks, City Attorney, stated the lease agreement can require certain things, however in this instance, we as the City cannot get in the middle of that nor do we know what their lease says. The city would send notice of violation according to our code. He stated action would be against the owner of the property.

Ms. Linn stated persons are notified of violation with a door hanger. She stated this has been the most efficient way and staff can look at making sure owners are notified for those downtown businesses.

Mr. Hendricks stated by giving notice to property owner, the City has done their due diligence.

Mayor Roberts stated City's priority during a snow event are the major roadways and is the public's safety to and from their destinations. He stated he's not in favor of staff out of the trucks to clear sidewalks but he's willing to look into contract services if that's what council is wanting.

Ms. Stuteville stated she's talking about a little strip of sidewalk. She's seen staff clear the other side of the street.

Mayor Roberts stated the City is responsible because it's adjacent to City property.

Ms. Stuteville stated employees walk that sidewalk everyday to and from City offices. She stated staff clears that little area in front of their offices and asked why they can't come down the sidewalk.

Ms. Linn stated it sets precedence for all the other businesses in town. She stated the City can't say this area is a small so we can do it and not be willing to address the idea of cleaning other businesses like Dee's Mini Mart or Dollar General. She stated she or Veronica are likely the ones from City Hall who clear the sidewalks at City Hall and the parking areas.

Mr. Hendricks stated the key element here is the property across is the responsibility of the City to clear. He stated he understands it sounds like a simple quick fix, however he sees it all too often where people/businesses will come back and say "why not mine". He stated the City has to keep it black and white and keep the rules the same.

Mayor Roberts stated staff in their buildings are responsible for clearing their sidewalks.

Ms. Stuteville stated she's seen the staff members come from down the street and do the sidewalks.

Councilmember Beem asked if the issue is that she cannot do her own sidewalks.

Pattie stated yes.

Councilmember Beem told Pattie to message him later and he will help her figure out how to get it cleared. He stated he's around plowing anyway.

Councilmember Longanecker stated he'd like to research options to what the City has now to put the consequence more so on the owner instead of the tenant and maybe changing it to have less time to fix the issue for businesses.

Councilmember Beem stated it would have to change it across the board for everyone.



Councilmember Longanecker stated some business owners are not going to do it unless they have to, homeowners are not walking down their sidewalks near as much. This would be more so for business aspect.

Mr. Hendricks stated the problem here is to what extent is the City then trying to legislate what should be in someone's lease. He stated if anything, this conversation he would hope this would lead them to ask these types of questions regarding their leases and to make sure it's included in their contract that someone is held responsible. He stated the City however, should not be in the business of designating contracts.

Councilmember Longanecker stated the problem is it's not getting done by anyone even in the time frame given. He stated if it was a harder deadline, maybe they'd have more responsibility to get it done. He stated many times, he as a landlord has to go out and clear sidewalks for his tenants so he's not in violation.

Mr. Hendricks stated staff can revisit timeline, however it's already 48 hours' notice, and that's pretty consistent to surrounding areas. He stated the difficulty too is not every landlord is willing and consistent to take care of a problem before getting to a point of violation.

Councilmember Lebakken stated not everyone is an amazing landlord. She stated she sees this as another way to help protect business owners that rent and residents as well.

Ms. Linn stated the rules would need to be across the board, there are tenants in LPKC who rent from NorthPoint, Dollar General has a very different relationship with their owner. If the rules are changed for some businesses, they have to be changed for all.

Mr. Hendricks stated correct. He stated he understands the issue of this small business, however in the long term of things, there can be a domino effect.

Councilmember Longanecker stated NorthPoint takes care of their problem, and they take care of it without us being involved. He asked, realistically how does that fit with small businesses.

Mr. Hendricks stated parties leasing from NorthPoint have good landlords who likely have it listed in their terms how the property is cared for. He stated the City cannot step in the middle of that. He stated what the City can do is review the time, if the Governing Body feels the 48 hour time frame is too long for everyone, it can be reviewed. If word isn't getting out to landlords and homeowners in that time frame, fines can be assessed.

Councilmember Longanecker stated as a landlord, he feels this is picking on landlords.

Mr. Hendricks stated it's the opposite, they are trying to make it equal across the board.

Mayor Roberts stated if the City just does door hangers right now, he'd like to see a notice sent as follow up to the owner of the property. If those owners want to go take care of the problem, they can. He stated not sure this fixes the problem but it's a start.

Pattie stated this won't fix anything, if a letter is sent to the landlord, she's just going to see her rent goes up and it will take her out of business. She stated this is ridiculous, she came to ask for help to clear a little piece of a sidewalk that City employees walk up and down all day long. She stated it's for their safety too.

Mayor Roberts stated he understands, but from a city perspective it's not just about one tiny section of sidewalk.

Pattie stated bigger businesses can afford help.

Mayor Roberts stated they may be able to, however it's susceptible to all places, why wouldn't they want the same treatment your business is getting.

Pattie stated they don't care, small businesses like hers can't afford it. She stated she's worried about people falling on the sidewalk, but evidently, she cares too much. She stated she cannot physically get out and clear the sidewalk so she's asking for help. She stated it's nice to know what tax dollars are going to.

Councilmember Beem stated Charlie from the museum came last year and asked for help, he was also told to reach out to the community and see if there's any kids willing to make some extra money. He stated as a councilmember, he sees the city's perspective and cannot do it for all. He stated as a person, he's willing to help and told Pattie to reach out to him.

Councilmember Longanecker stated he'd like to have staff research time frames of other cities for notice given and how they handle things like this.

### **13. Report by the Mayor**

- Update from Frontier Days Association regarding Frontier Days 2023

Mr. Nathan Eggleston and Darlene Brown addressed the council and gave copies of messages from Ms. Pattie Stuteville regarding Frontier Days for the council to review. He stated he was blind sided by the reaction of Pattie and her coming to council. He stated he never once said she wasn't able to have a vendor spot for the event, just that she needed to fill out a vendor form prior to a spot being given. He stated Holly and Scott both filled out the forms, Holly just wanted a walkway to her shop, and we did that. He stated he thought they were very accommodating for the shops downtown, Pattie never filled out the form to allow the association to keep track of vendors and costs associated.

Councilmember Beem stated if the rule this year was to fill out forms, then it should have been done.

Mr. Eggleston stated they understand people in the past did not require them, but this year it changed. He stated the spot she was wanting had already been filled because she didn't submit the form in time.

Councilmember Longanecker stated from what he's reading, she just didn't want to fill out a form.

Mr. Eggleston stated correct, he actually then talked to Holly after the conversation shown and she filled out paperwork and they were able to make her area work. He stated Scott came to a meeting and they were both told they were not guaranteed a spot in front of their shops but would get something. He stated last year, there were 3 food trucks, this year there was 6 so there wasn't much space.

Mayor Roberts stated he has interest in allowing the community to participate which includes downtown business, and appreciates they are not charged vendor fees to be apart of it.

Mr. Eggleston stated they do not charge residents either if they want to be a vendor.

Mayor Roberts stated this is a volunteer event and it takes a ton of time and effort. He stated he appreciates all the committee does to keep the event running. He stated he would like to speak to next years event and having it out at the park, council is in favor of helping with cost of fencing and bussing services to the event from downtown.

Councilmember Longanecker asked if they could have gone out a month earlier and reminded them of paperwork needed.

Mr. Eggleston stated they could have, but there was so many last-minute things going on it was hard to keep track of who had turned in paperwork and who hadn't. He stated all information was given to those that asked in a timely manner.

Mayor Roberts asked them to give an update on this year's event.

Mr. Eggleston stated this year was great, there were more food trucks than last year, games that kids loved to play, and the bands were great. He stated he talked to food truck owners and all of them want to come back, they were very happy with the diversity and that not one food truck served the same base food. He stated there was a couple of unhappy vendors that were selling the same thing, however by their contracts they're not supposed to be at the same event. He stated he doesn't have control over seeing their contracts. He stated overall it was a great event. He would like to thank council for sponsoring, the donation from the city is everything for Frontier Days. He stated Brittany Paddock has been a life saver, and all staff that helped at the event. He stated there are many others to thank who help in many different ways for the event, including the Mayor and his guidance, NorthPoint and their donation, New City Church for volunteers and many ideas, and many others for donating their time. He stated next year, they're looking at taking a step back and

seeing about making the event a little smaller and cheaper to save some money. He stated next year, the event will be at Martin Creek Park.

Councilmember Beem asked what the meeting schedule is.

They stated third Wednesday of every month at City Hall, 7PM.

Councilmember Longanecker stated he really likes how New City Church is very pro city. They are really stepping up and are at almost all events in some way.

Mr. Eggleston stated they will try to have church service on Sunday after Frontier Days is done, it's an idea they've had, and we will try to do what we can to help them with that.

Mayor Roberts stated next event is Halloween.

Ms. Brown stated yes, it will be at City Hall, they are in the process of planning that now. She stated more info will come, it is the Sunday before Halloween.

Councilmember Beem asked if they update Facebook throughout the year.

Mr. Eggleston stated they do.

There were no further questions or comments.

Mayor Roberts stated he would like to take a moment to introduce Chief Trig Morley at his first council meeting.

He thanked Mayor for having him. He stated on June 30<sup>th</sup>, Dennis Meyers retired after 54 years in service. He stated after his retirement he was named as Interim Chief and would like to spend this interim period in the community and continue to work on better interactions with community partners. He stated his goal is to attend a meeting one a month and address any concerns the city or community may have. He stated they are community partners, they are Edgerton's Fire Department. He stated Edgerton is actually unique in that many areas, their stations are in more industrial areas. He stated Edgerton has a neighborhood fire station and the firefighters really love it here. He stated he's happy to be representing in this interim period.

Mayor Roberts stated he appreciates partnerships for many things with the Fire District and he's thankful to Trig for coming tonight to help continue that partnership with the community. He stated they truly are America's heroes today, needed on people's worst days but great to see them out and about in the community on just a normal day.

Trig stated he appreciates being able to come and continue the relationship on a regular basis.

**Adjourn**

Councilmember Longanecker moved to adjourn, seconded by Councilmember Lebakken. All in favor. The meeting was adjourned at 8:34PM.

Submitted by Alexandria Clower, City Clerk