

**City of Edgerton, Kansas  
Minutes of City Council Regular Session  
July 23, 2020**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on July 23, 2020. The meeting convened at 7:01 PM with Mayor Roberts presiding.

**1. ROLL CALL**

Ron Conus	present
Clay Longanecker	present
Josh Lewis	absent
Katee Smith	present
Josh Beem	absent

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- City Clerk/Planning and Zoning Coordinator Chris Clinton
- 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 Make Mabrey
- Accountant Justin Vermillion

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

4. Approve Minutes for July 9, 2020 Regular City Council Meeting
5. Approve Large Animal Permit for Toby J. Carpenter at 715 W. 8<sup>th</sup> Street

Councilmember Longanecker requested the Large Animal Permit be removed from the Consent Agenda for discussion.

Councilmember Longanecker motioned to approve Item 4, Minutes from July 6, 2020, on the Consent Agenda, motion seconded by Councilmember Smith. Item 4 on the Consent Agenda was approved, 3-0.

Ms. Katy Crow, Development Services Director, stated the applicant is requesting approval of a Large Animal Permit for a peacock and peahen. The applicant currently owns just over twenty (20) acres. She said the applicant has applied for a Large Animal Permit and meets the requirements for the permit.

Councilmember Longanecker expressed his concern regarding the noise peacocks can make. Mayor Roberts inquired if the animals would need to be contained in a coup or allowed free roam. Councilmember Smith stated she has heard from friends that previously owned peacocks and peahens that the animals are loud, messy, and can get aggressive. Ms. Beth Linn, City Administrator, replied the permit requires the animals be contained to the applicants' property. Mayor Roberts asked what the process is to review the permit. Ms. Crow answered Large Animal Permits have to be renewed annually and will come back to the Council in December. She said City Staff will monitor any complaints regarding these animals if the permit is approved. Councilmember Longanecker stated said he is worried about the noise neighboring properties could hear. Ms. Linn stated the permit can be brought back to the Council before December if there are many complaints. Councilmember Longanecker asked if the applicant has to send certified letters to neighboring properties. Ms. Linn replied the applicants are below the limit that would trigger that requirement. Councilmember Smith inquired if approval of this permit would open up the possibility of any property to own peacocks or peahens. Mayor Roberts replied residents would have to meet the requirements for a Large Animal Permit for these animals. He said if these two animals become a nuisance then the Council could ban them through an ordinance. Councilmember Longanecker requested City Staff to notify the applicant about the concerns raised by the Council and the requirements set forth by the permit if approved.

Councilmember Longanecker motioned to approve the Large Animal Permit for Mr. Toby J. Carpenter at 715 W. 8<sup>th</sup> Street, Councilmember Smith seconded the motion. The Large Animal Permit was approved, 3-0.

## **REGULAR AGENDA**

### **6. Public Comments**

No public comments were made.

### **7. Declarations**

Councilmember Smith inquired if there is a way to get better internet to the City, especially since the certainty of children going to school is in doubt. Mayor Roberts replied Edgerton does not meet the requirements for rural internet, so it is difficult to have a fiber internet provider due to the lack of incentives and possible revenue. He explained there would have to be a public-private partnership in place. Councilmember Smith said the current providers are being overloaded and that can lead to outages. Mayor Roberts stated the key issue is providing access to the internet, but, unfortunately, the City does not have the power to provide that utility. Councilmember Smith said people having to work from home doesn't help the providers' load either. Councilmember Conus stated he has not had any issues with his internet and has the same provider as Councilmember Smith. Mayor Roberts said not having internet access is a quality of life issue right now during the pandemic.

### **8. ORDINANCE NO. 2042 PROVIDING FOR THE RANGE OF SALARIES AND COMPENSATION OF VARIOUS CITY OFFICERS AND EMPLOYEES OF THE CITY OF EDGERTON, KANSAS, EFFECTIVE UPON PUBLICATION AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH**

Ms. Karen Kindle, Finance Director, spoke before the Council. She stated the City changed prosecutors on May 28, 2020, due to the resignation of the previous prosecutor. Lee Hendricks from Stumbo Hanson Law Firm was appointed by the Council as the City Prosecutor in Resolution No. 05-28-20A. Ms. Kindle explained the ordinance updates the hourly rate for the Prosecutor from \$110 to \$150 per hour. The rate increase is the rate charged by the law firm for those services. The previous update to this rate was in 2015 when it was increased from \$75 per hour to \$110 per hour. She said the ordinance would go into effect after the publication of the ordinance and repeal the previous salary ordinances.

Ms. Linn stated the level of services is the best the City has probably ever had in terms of the City Prosecutor. Mayor Roberts stated this will allow the Council to direct policy due to the City Prosecutor being in the same firm as the City Attorney. He said it is nice to have the communication stream readily available and drive the issues closest to the Council and the citizens.

Councilmember Smith motioned to approve Ordinance No. 2042 providing for the range of salaries and compensation of various City Officers and employees of the City of Edgerton, Kansas, effective upon publication and releasing all ordinances in conflict therewith. Motioned seconded by Councilmember Longanecker. Ordinance No. 2042 was approved, 3-0.

## 9. **Report by The City Administrator**

- Second Quarter Financial Report

Ms. Kindle addressed the Council. She stated the provided fund balances are through June 30, 2020. She said the format was updated to match the budget handouts provided to the Council during the Work Sessions. This allows the Council to see where the funds are compared to the budget authority and the estimated total for the end of the year. Ms. Kindle explained the City is on target with the revenues in the General Fund. She hopes to get the sales tax numbers next week from the County. The previous distribution was higher than City Staff than expected. She explained expenditures should be around half the budget authority and that currently numbers are below that mark. She said the Information Technology line item is above the 50% mark because the equipment was upgraded earlier in the year than it has been done in the past. Ms. Kindle stated the General Fund reserves are within the policy limits and is under the budget authority. Councilmember Conus inquired as to why the Ad Valorem Tax revenues are higher than expected. Ms. Kindle answered property tax and Payments-In-Lieu-Of-Taxes are not broken up by the County, but City Staff will divide those payments to the corresponding line items later. Councilmember Conus asked if those distributions are done twice a year. Ms. Kindle replied there are two larger distributions in January and June, but the City does get other distributions throughout the year.

Ms. Kindle stated the Water Fund revenues and expenditures are around the 50% mark that City Staff expects to see. She stated the Fines and Forfeitures line item is behind due to the policy the Council set in place during the pandemic shutdown. She said there is only one more debt services payment to be made this year. The Water Fund is in compliance with the City's reserve policies and is under the budget authority.

Ms. Kindle stated the revenues for the Sewer Fund is behind due to less than expected usage at Logistics Park Kansas City. The expenditures are in line with what is expected, and all debt services have been paid. She stated the Sewer Fund is in compliance with the City's policy for reserve funds and is under the budget authority.

- 410 W. Braun Street

Mr. Dan Merkh, Public Work Director, approached the Council. He stated the property owner is selling the house at 410 W. Braun Street and they would like to remove it from the parcel. Their plan is to turn east out of the driveway and use West 207<sup>th</sup> Street to get to Sunflower Road. The applicant would then turn south onto Sunflower Road to Interstate 35. Mr. Merkh explained the Council can require a surety bond for the amount of possible damage to City property. He said the only likely damage to City property would be a few signs that could be knocked down. With that in mind, City Staff is not recommending a surety bond be required. Mayor Roberts inquired if City Staff would monitor the move. Ms. Linn replied City Staff recommends the Council require that the structure be moved during business hours so City Staff can monitor the progress. City Staff will be drafting an application for the property owner to complete. Ms. Linn stated it would be up to the applicant to notify any utilities and other public entities. Mayor Roberts said the safety of disconnected utilities after the move will need to be monitored as well. Mr. Merkh replied that will be a requirement on the permit. He stated the utility companies will have to do shut offs and ensure the area is safe. Councilmember Longanecker inquired to what happens if the house collapses on the road or other debris is left. Mr. Merkh answered said City Staff will monitor to ensure the cleanup is done well and all debris is removed. Mayor Roberts said it does not sound like there is a lot of risk to the City and agrees with City Staff's recommendation of not requiring a surety bond. The Council agreed with Mayor Roberts.

## **10. Report by the Mayor**

Mayor Roberts provided an update on the coronavirus outbreak in Johnson County. He provided statistics from the Johnson County Department of Health regarding testing, positive and negative tests. Mayor Roberts stated the percentage of positive cases is increasing and it appears the positive cases across Kansas are on the rise. He stated as much as people don't like masks or washing their hands, he strongly recommends wearing one.

## **11. Future Meeting Reminders:**

- August 11<sup>th</sup>: Board of Zoning Appeals Meeting – 6:30 PM
- August 11<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- August 13<sup>th</sup>: City Council Meeting – 7:00 PM
- August 27<sup>th</sup>: City Council Meeting – 7:00 PM
- September 8<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- September 10<sup>th</sup>: City Council Meeting – 7:00 PM
- September 24<sup>th</sup>: City Council Meeting – 7:00 PM

Mayor Roberts said the National Wild Turkey Federation Chapter will be holding an event this Saturday, July 25, 2020, at the Full Draw Bar and Grill. Former Councilmember Jody Brown will be hosting the event and the National Wild Turkey Federation has turned its focus towards children and veterans hunting. He encourages those who can to support the event.

**12. 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, PUBLIC WORKS DIRECTOR, AND CITY ADMINISTRATOR FOR THE PURPOSE OF PENDING LITIGATION**

Ms. Linn stated this item is not needed.

**13. Adjourn**

Councilmember Smith motioned to adjourn the meeting, seconded by Councilmember Longanecker. The motion carried and the meeting adjourned at 7:29 PM, 3-0.

**EVENTS**

July 28<sup>th</sup>: Municipal Court