

City of Edgerton, Kansas
Minutes of City Council Regular Session
July 27, 2023

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas July 27, 2023. The meeting convened at 7:00PM 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 Director, Dan Merkh
- Public Works Superintendent, Trey Whitaker
- CIP Project Manager, Holly Robertson
- Development Services Director, Zachary Moore
- Finance Director, Karen Kindle
- Accountant, Justin Vermillion
- Recreation Coordinator, Brittany Paddock

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 July 13, 2023 Regular City Council Meeting.
- 5. Approve Final Change Order and Final Acceptance of 207th Grade Separation Project
- 6. Approve Concurrence To Bid Dwyer Farms – Sanitary Sewer Extension Project

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

Regular Agenda

7. Declaration. There were no declarations made.

8. **Public Comments.** There were no public comments made.

9. **Introduction of New Hire.** Holly Robertson, CIP Project Manager. Mr. Dan Merkh introduced Ms. Holly Robertson, newly hired to fulfill the role of CIP Project Manager.

Ms. Robertson addressed the council. She stated that she comes from a background in civil engineering and spent the last 9 years in Geotech engineering. She is a licensed professional engineer in both Kansas and Missouri. She stated in her free time, she likes to volunteer. She stated she is excited to move her career in the direction of project management.

Mayor Roberts and the Councilmembers welcomed her to the team.

Business Requiring Action

10. CONSIDER AMENDMENT #2 TO AGREEMENT WITH SWT DESIGN FOR GLENDELL ACRES PARK RENOVATION PROJECT

Mr. Merkh addressed the Council. He stated in October 2019, the City Council approved the 2020-2024 CIP which included the Glendell Acres Park Renovation Project, with funding identified to come from the Park Impact Fee. He stated in November 2020, the Council approved the next iteration of the project to include the updated scheduling with no changes to the project cost.

He stated in May 2021, Council approved an agreement with SWT Design for design services for the renovation of Glendell Acres Park. The initial approval was for a not to exceed budget with a lower finalized fee. He stated an amendment was approved for a third-party company to complete potholing which increased the contract amount while staying within the approved budget. He stated staff would recommend approval of Amendment 2 to increase the contract with SWT.

He stated Amendment 2 includes additional design services as outlined in the council packet. He stated the funding source for the project is identified as the Park Impact Fee, by the CIP. He stated the total budget for the project is \$740,867. He stated staff is working with SWT to finalize early estimates to bring forward to council at a later date.

Mayor Roberts stated the details suggest lighting and the potential of Wi-Fi at the pavilion structure. He stated he is not sure Wi-Fi is necessary, however he would like to see lighting there. He stated he specifically thinks motion sensor lighting would be better to potentially draw attention when people are there.

Mr. Merkh stated there are many options to consider as we begin narrowing down the final steps and want final product to look like and specifically the costs associated with the project.

Councilmember Longanecker voiced concerns about vandalism without lights.

Mr. Merkh stated as part of the street lighting that will take place, staff can work to bring back options for council for lighting there as well.

Councilmember Lebakken asked what potholing is.

Mr. Merkh stated it is considered a non-intrusive excavation to get exact depth of utility lines.

With no further questions or comments, Mayor Roberts requested motion to approve Amendment #2 to the Agreement with SWT Design for Glendell Acres Renovation Project pending approval from all needed and authorizing Mayor to execute the agreement.

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

11. CONSIDER UPDATED SCOPE AND BUDGET FOR THE 2ND STREET RECONSTRUCTION PROJECT.

Mr. Merkh stated in in March 2023, the City issued an RFQ seeking engineering teams for the 2nd Street Reconstruction Project. In June, the City Council approved the design contract with Renaissance Infrastructure Consulting for this project. He stated the project scope approved in the CIP includes reconstruction from Nelson Street to the terminus of the Grade Separation project, approximately 1,350 LF of this roadway is within the County. He stated after direction from Council, the County elected not to participate financially in the project. Based on this, staff would recommend removing the roadway within the County and include the reconstruction of Edgewood Drive, approximately 1,300 LF.

He stated this scope revision will require a change order to contract with RIC, which is included in this council packet immediately following this item. He stated the project budget included in the 2023-2027 adopted CIP is roughly \$4.9 million. This budget included roughly \$1.9 million coming from participating agencies. He stated the entire project budget amount is now proposed to come from the Public Infrastructure Fund, which will include leftover funding from the 207th Street Grade Separation Project.

He stated staff would recommend the revision of the scope to include the segment of Edgewood Drive and transfer roughly \$1.7 million from the Public Infrastructure Fund to increase the project budget to a little over \$4.7 million.

Ms. Linn stated it is worth noting that the project funding is completely from LPKC funding in the Public Infrastructure Fund with left over surplus dollars from LPKC funding.

Councilmember Longanecker asked what the plan is for the county portion of the roadway.

Ms. Linn stated the city will make no improvement. If they choose to reconstruct at a later date, then they can do so but they did not want to participate at this time.

Councilmember Longanecker stated most trucks go that way, so he is surprised the county is not wanting to participate.

Mr. Merkh stated the County said they would help obtain easements if needed, but they would not help financially. He stated Edgewood is in dire need of repair, so Edgerton taxpayers will see improvements.

With no further questions or comments, Mayor Roberts requested motion to approve the updated scope and budget for 2nd Street Reconstruction.

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

12. CONSIDER CHANGE ORDER #1 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF EDGERTON AND RENAISSANCE INFRASTRUCTURE CONSULTING, INC. FOR THE 2ND STREET RECONSTRUCTION PROJECT

Mr. Merkh stated this item is the change order that will remove the county section of the roadway design and add Edgewood.

With no questions or comments, Mayor Roberts requested motion to approve the change order to the agreement with RIC for the 2nd Street Reconstruction Project.

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

13. CONSIDER RESOLUTION NO. 07-27-23A AUTHORIZING THE CLOSURE OF A PUBLIC STREET DURING EDGERTON'S GROUNDBREAKING CEREMONY FOR THE GREENSPACE.

Ms. Brittany Paddock addressed the council. She stated the City will host a groundbreaking ceremony in downtown Edgerton with inflatables, music, touch a truck, food, treats, and more from 6:30-9:30PM on August 11th. She stated to provide a safe environment for this event, they are requesting closure of Nelson Street, from E 4th to E 3rd Streets. She stated the intersections at both will remain open and staff will notify all emergency personnel of the closings.

She stated following The Greenspace groundbreaking, the City will host the back-to-school glo-foam party in the greenspace.

All Councilmembers expressed their excitement in this event and the milestone this is for the community. Mayor Roberts stated staff is putting together an event that really exemplifies the area and how it has been and will continue to be the gathering space for the community.

With no further comments, Mayor Roberts then requested motion to approve Resolution No. 07-27-23A allowing for a street closure for The Greenspace Groundbreaking Ceremony and Community Event.

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

14. CONSIDER RESOLUTION NO. 07-27-23B AUTHORIZING THE CLOSURE OF CERTAIN PUBLIC STREETS FOR MEAT INFERNO.

Ms. Paddock stated the resolution before Council for approval is to authorize closure of certain streets for the Meat Inferno event in October. She stated this is the second year of the event and they are hoping to have an event better turn out for the community. She stated this year, there will be food trucks, a live band, street performances, etc. She stated the proposed street closures have been reviewed by staff and no conflicts or issues are anticipated. She stated city staff will work to notify the surrounding residents affected, the Sheriff's Office, Fire District and Johnson County Med-Act of the proposed closings.

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 07-27-23B authorizing certain street closures for the Meat Inferno event.

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

15. CONSIDER RESOLUTION NO. 07-27-23C FOR TEMPORARY NO PARKING RELATED TO MEAT INFERNO

Ms. Paddock stated similar to the road closures, staff is requesting certain no parking areas during the event to help with the traffic around the event and protect pedestrian safety. She stated certain streets will be marked no parking on both sides, and others just on one side. She stated all streets being requested can be found in the packet and resolution. The no parking will be zoned as such from Thursday, October 5th at 12:00PM to Monday, October 9th at 12:00PM.

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 07-27-23C authorizing no parking on certain streets for the Meat Inferno event.

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

16. CONSIDER RESOLUTION NO. 07-27-23D RECOGNIZING MEAT INFERNO AS A "PUBLIC FESTIVAL" FOR PURPOSES OF THE CITY'S NOISE RESTRICTIONS

Ms. Paddock stated on Friday October 6th, there will be a Kids 'Q barbeque competition, food trucks, street performances, and a live band for the community to enjoy. She stated on Saturday, October 7th there will be a pancake breakfast and an Edgerton Steak Master grilling competition for the community. She stated this resolution will allow for permission to waive the City's noise restrictions for Friday evening and Saturday afternoon.

Councilmember Longanecker asked what time the band usually shuts down.

Ms. Paddock stated they will go until about 10pm. She stated this event is a little calmer than Frontier Days.

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 07-27-23C authorizing no parking on certain streets for the Meat Inferno event.

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

17. Report by the City Administrator

- 2nd Quarter Community Development Report

Mr. Zach Moore addressed the Council. He stated there have been 13 residential permits issued, and 8 nonresidential permits. He stated the total permit valuation has significantly increased with the majority of the increase being driven by IP 9 and Project Door. He stated staff is continuing work to update the building code and the Council's next work session will be over the International Fire Code.

He stated behind the scenes, staff is working on implementing a new permitting software. They are currently in the user acceptance testing stage where they are trying to find any errors before the system goes live. He stated they are looking at go live this fall and once fully implemented, contractors and residents will be able to submit applications and documentation through an online portal.

Mayor Roberts asked if people can still submit hard copies.

Mr. Moore stated yes, adding the new software allows for signed and sealed digital copies.

Councilmember Lebakken asked where this will be hosted.

Mr. Moore stated through Tyler like the other software already implemented, there are 3 different modules with 45 different record types.

Ms. Linn stated his portion of the software will include planning, code enforcement and inspections.

Mr. Moore stated the comp plan is in full swing. They are working now to wrap up the draft plan stage and they will be hosting an open house in City Hall for the community in the next few weeks. He stated after that, they are planning to have a joint planning commission and city council work session to go over information more in depth with adoption in October/November of this year.

He stated on the animal control side, the number of loose animals and unregistered violations is up a little bit. He stated with the summer season, the number of boats and RV violations is also a little higher, as well as tall grass and weeds.

Mayor Roberts stated he thinks this report is really coming together and he appreciates how hard staff has worked to get it to this point. He stated plenty of people like to say they are the only ones who get talked to, but this report proves otherwise. He stated he thinks it is valuable information.

Mr. Moore stated the information proves that in many cases although a resident had a violation, they have not had a citation, which shows how hard Code Enforcement Officer Charlie Lydon works to address issues with residents before it goes to another level.

WALK ON: Glendell Acres Project Update

Mr. Merkh handed out a project update cost sheet. He stated this is a typical CIP sheet, showing the original project scope cost and the budget now. He also reviewed a timeline of the project since it was first funded.

Mayor Roberts stated these numbers are just estimates and until the bids are in, they don't know a full cost yet.

Mr. Merkh stated the timeline for the project to be complete is still not known for sure and there is no guarantee it will happen this year. He stated construction will be awarded this year.

Councilmember Longanecker asked if it will be open by spring.

Ms. Linn stated she thinks spring is an aggressive time frame. She stated when the project goes out for bid there will be a better time frame. She stated unfortunately right now, the City is at the mercy of skate park contractors.

Mr. Merkh stated the playground itself requires a licensed installer, so there are many specialized pieces moving in this project.

Ms. Linn stated there also must be a licensed inspector for the playground, which we do have on staff.

WALK ON: Update Regarding Snow Removal and Parking Issue on 8th & Meriwood

Ms. Meagan Borth handed out documents related to parking and snow removal.

She stated regarding the 8th & Meriwood parking issue, the current ordinance references the STO, allows for 20 feet on both sides from cross walk and 30 feet from stop signs. She stated the pictures show that where the vehicles are currently parked is outside of that 20 foot mark.

Councilmember Beem asked if it is a functioning, registered vehicle.

Ms. Borth stated yes, it has tags. The residents have said it does not move, so Deputy Johnson is monitoring.

Mayor Roberts stated he had a phone call last week with similar problem by the Catholic Church and traffic congestion. He stated his thought, would be to globalize this next conversation regarding no parking.

Ms. Linn stated staff can research more if council would like, specifically related to intersections and bring back some options to council.

Mayor Roberts stated his concern is public safety. He stated he would like to know what is reasonable. He added he thinks where signs were put on Edgerton Rd. make sense because it was a huge safety issue, but residents have a valid concern that there is nowhere to park when people come to visit for holidays and such. He stated he would like to understand what is reasonable, adding safety is key. He'd like to know the rules surround visibility and setbacks.

Mr. Lee Hendricks, City Attorney, asked what Mayor meant by globalize.

Mayor Roberts stated he's really meaning residential, and then taking other approaches related to truck routes, etc.

Ms. Linn stated they would like to figure out a uniform way to not have to sign every street.

Mr. Hendricks stated if it is required uniformly on certain streets, then do not add signs. If no parking is going to be just a certain area, then do.

Mayor Roberts stated there have been similar issues on the horseshoe, which could be looked at as a no parking area too.

Ms. Linn stated Meagan will follow up with the resident that brought the concern to Council and staff will work to bring back information and let the resident know so they could attend if they'd like to.

Ms. Borth stated regarding snow removal, staff was directed to research the time frame other cities have established for snow removal. She referenced the information given to them related to the current city code, and what the surrounding city's codes currently are.

Ms. Linn stated to her knowledge, Lawrence is the only other municipality that enforces their snow removal code.

Mayor Roberts stated Olathe actively promotes their snow angels, which are volunteers that come out to help seniors and disabled who cannot care for their sidewalks and driveways.

Councilmember Longanecker asked how many times a citation has been written for those that do not adhere to the code.

Ms. Linn stated the enacting of the current code was a heavy lift. She stated this really started from kids not having anywhere to stand for bus stops. Sidewalks were not clear and they were

standing in the road. She stated generally this policy polices itself and there have been very few citations written in regard to this.

Mayor Roberts and Council agreed the consensus is to leave the code the way it is now.

Ms. Linn stated the final item she has tonight is that a land disturbance permit has been issued for Dwyer Farms and shovels are in the ground.

18. Report by the Mayor

Mayor Roberts stated he had no report to give.

19. Future Meeting Reminders:

- August 7: Envision Edgerton Open House – 5:00PM-8:00PM
- August 8: Planning Commission – 7:00PM
- August 10: City Council Meeting – 7:00PM
- August 24: City Council Meeting – 7:00PM
- September 12: Planning Commission – 7:00PM
- September 14: City Council Meeting – 7:00PM
- September 28: City Council Meeting – 7:00PM

20. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B(2)) UNDER THE ATTORNEY/CLIENT EXCEPTION TO INCLUDE THE CITY ATTORNEY, CITY ADMINISTRATOR, AND PUBLIC WORKS DIRECTOR

Mayor Roberts stated he would like to recess into executive session pursuant to KSA 75-4319(B)(2) to include City Attorney, City Administrator and Public Works Director to for 15 minutes.

Mayor Roberts then requested motion to recess into executive session.

Councilmember Beem moved to recess into executive session for 15 minutes, seconded by Councilmember Longanecker.

The meeting recessed into executive session at 7:22PM, 3-0.

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

Open session resumed at 7:37PM, 3-0.

Adjourn

Councilmember Beem moved to adjourn, seconded by Councilmember Longanecker. All in favor. The meeting was adjourned at 8:38PM.

Submitted by Alexandria Clower, City Clerk