

City of Edgerton, Kansas
Minutes of City Council *Special* Session
July 2, 2024

A Special Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas July 2, 2024. The meeting convened at 5:00PM with Mayor Donald Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	present
Deb Lebakken	present
Bill Malloy	present
Ron Conus	present

With a quorum present, the meeting commenced.

Staff in attendance: City Administrator, Beth Linn
 City Clerk, Alex Clower
 Assistant to the City Administrator, Kara Banks
 Public Works Director, Dan Merkh
 Public Work Superintendent, Trey Whitaker
 Parks and Recreation Director, Levi Meyer
 CIP Project Manager, Holly Robertson
 Development Services Director, Zach Moore

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 13, 2024 Regular City Council Meeting
5. Approve Application FP2024-0001, Final Plat for Replat of Lots 9-12, Block 25, Town of Martin, Located At The Northwest Corner Of E. 4th Street and Hulett Street, Edgerton, Kansas.
6. Approve Application FP2024-0002, Final Plat for Replat of Logistics Park Kansas City – Southeast, Fourth Plat, Located At The Southeast Corner Of W. 191st Street and Montrose Street, Edgerton, Kansas.

Councilmember Lewis moved to approve the Consent Agenda, seconded by Councilmember Conus. The Consent Agenda was approved, 5-0.

Regular Agenda

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

8. Public Comments.

Mr. Bill Lafalce thanked the council for having him and wished everyone a happy and safe 4th of July.

He stated he would like to see about the possibility of having a shred event at future city-wide clean up days. He stated he would also like to address the drainage issue on West 4th. He stated since Bridgewater was established, water run off has been a huge issue in every direction, causing property drainage issues. He stated he had City Public Works staff come out to his property and clear out the drain this morning. He stated he hopes to see some resolution to these problems and see some kind of new drainage solution put in to keep water out. He stated he has invested thousands of dollars into leveling his property and installing French drains, but flooding is still occurring. He added the county assesses his house at \$200,000 but he does not think he could sell it for that amount due to these issues. He stated there is money coming into the City and would like to see it allocated to projects like this.

He stated he would also like to see a Veteran's Monument established. He suggested the City host a contest to get better feedback. He stated this would be a great way to honor our veterans in the community, including the medal of honor recipient from WWI. He would also like to see Rays old gas station dedicated as a historic monument. He added the building looks junky more than ever before and by putting it on the historic register, maybe it could be preserved. He stated Ray was an icon for this town and those that have been here know how important he is to this community.

He stated he would like to recognize the tremendous staff the City has, they really do set the standard for excellence. He stated each member of City staff he has worked with has been great help and always kind to him. He stated they deal often with unruly or rude people, so it's nice for them to be recognized for the great work they do and for them to know the community is thankful. He also gave a special mention Charlie Troutner for all the work he does for the museum.

There were no further public comments made.

Mayor Roberts addressed the public comments made by Mr. Lafalce.

He stated in regard to the shred truck, if people in the community are interested in something like this, they should let staff know so that we can consider that through budget talks.

He then addressed the flooding around Mr. Lafalce's home. Mayor Roberts stated stormwater master plan showed that there would need to be approximately \$6 million in repairs throughout the city with a third of that total just around Mr. Lafalce's neighborhood. He stated those types of projects are listed in the CIP list; however, currently none are funded other than some repairs on Second Street for 2025 as road work is being done. He stated he would encourage this issue to be on kept on peoples minds as Council works through the CIP lists.

Ms. Linn stated the CIP Work Session is open to the public to attend, this is usually the second council meeting in October.

Mayor Roberts stated he thinks the Veteran's Monument is a great idea and he for years has tried to convince Eagle Scouts to work on a project for this. He stated the City could then help fund. He stated the sign on the highway was actually started by the mother of Shane Austin; the City did not initiate that project, but did help fund the sign costs when approached. He stated this is something that can be done by anyone, it does not have to be the City to start an item like this.

Ms. Linn stated staff can get Mr. Lafalce the info to start the process.

As to the comments about adding Rays gas station to the historic register, Mayor Roberts stated he is not sure about that process. He stated he does not believe it has to be the owner that does this, anyone can do it. He stated it does not guarantee any maintenance is completed and the designation can increase costs because there are only certain materials, etc. you can use and things you can do. He stated having it as historic though could potentially bring grant money in to help offset costs of maintenance.

He stated he does appreciate Mr. Lafalce expressing his positive comments toward staff. He stated they do not often receive the positive feedback. He believes the City does have a great staff and they do not often get recognized for it.

There were no further public comments made.

9. CONSIDER A CONTRACT WITH ECOTURF PLAYGROUND SURFACING FOR PLAYGROUND AND FITNESS SURFACING OF \$49,582.72 FOR THE GLENDELL ACRES PARK IMPROVEMENTS PROJECT.

Ms. Holly Robertson addressed the Council. She stated in February, City Council approved an update to the project budget and contract with CM Concrete for construction of the improvements at Glendell Acres Park. She stated construction is currently underway and scheduled to be completed later this year.

She stated in May, Council approved a contract with KDHE for the Waste Tire Grant Program where the city was awarded \$24,000, approximately half the cost of supplies, labor, shipping, and equipment for the playground surfacing.

She stated attached is the Ecoturf Playground surfacing contract for \$49,582.72 for the playground surfacing at Glendell Acres. She stated staff recommends contracting directly with Ecoturf to better control the deliverables required by KDHE as part of the loan process. She stated additionally, Ecoturf has experience with project specifications and has worked with the equipment manufacturers. She stated Ecoturf has also worked on projects of similar size and larger, as well as projects that incorporate KDHE funding. She stated CM Concrete also recommends them, having worked with them on past projects.

She stated the cost summary is included in the Council packet. In accordance with the City's purchasing policy, the City Administrator has approved a deduct of \$44,490 from CM Concretes contract for their quoted price of playground resurfacing. She stated this amount is the cost of the playground minus \$5,092.72, which is their cost for administration/scheduling on the project.

With no questions or comments, Mayor Roberts requested motion to approve the contract with Ecoturf for Glendell Acres Park resurfacing for a total cost of \$49,458.72.

Councilmember Longanecker moved to approve, seconded by Councilmember Lebakken. The agreement was approved, 5-0.

10. CONSIDER DESIGNATION OF OFFICIAL CITY NEWSPAPER

Ms. Kara Banks addressed the Council. She stated the City currently designates The Gardner News as its official city newspaper for legal records and notices, however The Gardner News is no longer in operation as of July 1st. She stated the owner, CherryRoad Media, made the announcement on June 27th, stating the paper is not financially viable. She stated in a letter on their website, CherryRoad CEO Jeremy Gulban wrote the paid circulation for the paper was less than 200.

She stated under KSA 12-1651, the City now must designate a new official City newspaper within certain requirements:

1. It must be published at least weekly 50 times per year for at least one year prior to any publication of any official city publication
2. It must be entered at the post office of publication as second-class mail matter
3. More than 50% of the circulation must be sold to the subscribers either on a daily, weekly, monthly or yearly basis
4. It shall have general paid circulation on a daily, weekly, monthly or yearly basis in the county and shall not be a trade, religious or fraternal publication.

She stated under these requirements, the City has two options: the Kansas City Star or the Legal Record. She stated after research, the Legal Record is significantly less expensive for the City, however the subscriber cost is much higher.

She stated the City may have a third option for most legal publications. The KS Attorney General's Office released an opinion last year that allows cities of the second and third class to use Home Rule powers to opt out of the newspaper publication requirements because they are not uniformly applied to cities across the state. She stated the city may then publish official city business on its own website. She stated this does not apply to budget publications or where service by publication requires notice to be published in a newspaper in the county where a lawsuit is filed.

She stated for these reasons, staff is recommending legally required publications and notifications be published in the Legal Record and a new legal record page be created on the City's website.

Councilmember Conus asked if the KC Star or Legal Record will provide news and event coverage for the city.

Ms. Banks stated they will not.

Councilmember Lewis stated social media can be the outlet for that.

Ms. Linn stated having an outside newspaper allows for third party proof of publication and provides that transparency element.

With no further questions or comments, Mayor Roberts requested motion to approve the designation of the Legal Record as the City's official newspaper.

Councilmember Conus moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 5-0.

11. Report by the City Administrator

- Right-of-Way Restoration Update

Mr. Whitaker addressed the Council. He stated as of June 17th, Kwikcom is done with their project and is working on wrapping up a few items. NPL, as of today, is working on restoration for vegetation and has filled in the holes. He stated they could potentially wait to complete vegetation portion, so they are not wasting effort. He stated this has been 358 days of staff time working with them and monitoring their efforts.

Mayor Roberts stated would like to add that people often see these projects and think it is the City, but he would like to note that both of these were not City projects. He stated staff does not inspect other projects, we just try to maintain the right of way and it is the individual company's job to remediate what they have touched. He encouraged residents that have had issues to reach out directly to the company.

12. Report by the Mayor

Mayor Roberts stated tomorrow is 3rd of July and encouraged everyone to come to the party. He stated the show is on despite the weather, but there will be no parking on the soccer field, so he heavily encourages people to use the shuttle stops. He stated shuttle will be at the Elementary School and City Hall.

Councilmember Conus thanked Dan Merkh for his tour of the Sewer Plant. He stated he now has a new appreciation for what goes on behind the scenes and how complicated it really is to run the Treatment Plant.

Mayor Roberts stated Edgerton is pretty unique because we have very stringent standards for wastewater.

13. Future Meeting Reminders

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

14. Adjourn

Councilmember Lewis moved to adjourn, seconded by Councilmember Malloy. The meeting was adjourned at 5:31 PM 5-0.

Submitted by Alexandria Clower, City Clerk