

City of Edgerton, Kansas
Minutes of City Council Session
July 11, 2024

A Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas July 11, 2024. The meeting convened at 7:00 PM with Council President Clay Longanecker presiding.

1. ROLL CALL

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

With a quorum present, the meeting commenced.

Staff in attendance: City Administrator, Beth Linn
 Assistant City Clerk, Alex Firth
 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
 Director of Finance, Karen Kindle
 City Building Inspector, Jim Brown
 Utilities Superintendent, Mike Mabrey

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 2, 2024, Special City Council Meeting
5. Approve Final Acceptance of the Design/Build of the Skate Park for Glendell Acres Park Improvements.

Councilmember Longanecker motions to remove item 5 from the consent agenda. Motion seconded by Councilmember Lebakken. Motion approved, 4-0.

Councilmember Longanecker asks Mr. Merkh about the warranty and why it is worded the way that it is.

Mr. Merkh states that the warranty is related to how the contractor lays the concrete for the ramp.

Councilmember Conus asks if there is risk with freeze and thawing. Mr. Merkh replied that there will be small cracks that form, and there will always be risk. Mr. Merkh adds the material used for the skate park is the same material that we use for our roadways.

Councilmember Lebakken says that with concrete as the material there will always be a risk of cracks, it is the nature of the material.

Mr. Merkh stated the material used for the skate park is the same material that we use for our roadways and is a KDOT specification.

Councilmember Lebakken moved to approve the Consent Agenda, seconded by Councilmember Conus. The Consent Agenda was approved, 4-0.

Regular Agenda

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

7. **Public Comments.**

Mr. William LaFalce thanked Council for the quick turnaround for the information regarding the historical register and the process for getting a roadside sign.

Mr. LaFalce stated he would like to see new dining options in the area. He would like to encourage fine dining restaurants that are on the higher end like a fish, Greek, Steak, or Italian restaurant come to Edgerton, as well as entertainment like mini golf.

He stated that he lives in the cul-de-sac between West McDonald and W 4th Street and a couple years back some heavy vehicles tore up the street and caused a major pothole. The road was patched but now heavy vehicles have come through the neighborhood and tore the street up again and would like to request that his street get looked at.

Mr. LaFalce also requested Council create an evacuation plan and emergency plan. He stated he served on a taskforce with the U.S. Army during Y2K and he believes a plan would benefit all citizens.

Councilmember Longanecker stated that there could be a few restaurants coming down the line.

Mr. LaFalce stated he is getting older and would like something closer.

There were no further public comments made.

8. **Presentation.** 2024 ETC Citizen Survey Results

Ryan Murray with ETC Institute presented the survey data.

The purpose of doing this survey is for the city to ask questions and see the improvements in categories. Mr. Murray stated that the city does a good job with asking similar questions over the years to target the satisfaction of the populus and target some pressure points.

This is the 6th survey done with Edgerton since 2013. It takes about 13 – 18 minutes completed online. He stated that Edgerton continues to trend well compared with other communities. Benchmarks compared to the national average are significantly above average.

He stated comparative disadvantages that resulted from the survey were the adequacy of city street lighting and infrastructure, which is very common in smaller towns.

Councilmember Longanecker stated that he hopes that the next survey residents remember the major street construction that we will be doing this year.

Councilmember Conus added that even if we were to resurface every road in Edgerton there would be complaints of some sort.

Beth stated that sometimes residents will see a street being resurfaced in another neighborhood and forget that their street was touched 3-5 years ago.

She added the City has quite a few major projects that have a lot longer of a lead time from beginning to end and she is hoping that these projects like the Greenspace, Glendale Park and other park upgrades in the city will be recognized by the time the next survey is released in 2026.

Mr. Murray stated the percentage of return is high compared to other communities. Edgerton gets about 33% of surveys back when other communities are closer to 20%.

Council thanks Mr. Murray for the results.

9. **CONSIDER RESOLUTION NO. 07-11-24A PROVIDING FOR A HEARING TO DISCUSS A POSSIBLE DANGEROUS AND UNSAFE BUILDING EXISTING AT 301 E. 5TH STREET IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EDGERTON MUNICIPAL CODE, CHAPTER IV, ARTICLE 4, SECTION 4-1105**

Development Services Director Zachary Moore stated that Jim Brown, city building inspector, did an inspection and report which is exhibit A.

Councilmember Longanecker says that he went by the property earlier today and there is not a lot happening with the property and that we should pursue action in the best interest of the city.

Councilmember Lebakken says that she did see that there was someone at the property last Friday working over there.

Councilmember Lebakken moved to approve, seconded by Councilmember Malloy. The agreement was approved, 4-0.

10. CONSIDER AMENDMENT TO THE COOPERATION AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY, KANSAS FOR RENEWING PARTICIPATION IN THE JOHNSON COUNTY URBAN COUNTY FOR PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS (HOME), AND EMERGENCY SOLUTIONS GRANT (ESG)

CIP Project Manager Holly Robertson stated there are three programs that the City is able to participate in: Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Emergency Solutions Grant (ESG).

On June 27, 2024, Johnson County Planning, Housing & Community Development issued an amendment to the Cooperation Agreement to the City. The amendment is necessary for the County to continue to meet HUD requirements for cooperation agreements for Urban County Qualifications.

Councilmember Lebakken asked how the word curing was being used in this situation. Ms. Robertson answered curing essentially means remedy in this instance. For example, if a house was out of code and had to be cited for code violations.

Councilmember Conus moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 4-0.

11. CONSIDER ORDINANCE NO. 2162 AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE CITY OF EDGERTON, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND FOR THE PURPOSE OF FINANCING A WASTEWATER TREATMENT PROJECT; ESTABLISHING A DEDICATED REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.

Public Works Director Dan Merkh presented the Dwyer Sewer Sanitary Sewer Extension project.

Councilmember Conus asked if those funds from the development go anywhere besides the City. Ms. Linn answered no.

Councilmember Conus asked if there is a breakeven number of homes to be sold. Ms. Linn answered that there is a cost benefit analysis that was done before the project was started for how many houses it would take for break even for the new homes.

Councilmember Conus follows up asking if the rest of the development is not built who ends up having to pay that money.

City Attorney Lee Hendricks says that the money may fall back on the developer. Ms. Linn states that the Development agreement requires a certain level of construction on the projects.

Ms. Linn adds the benefit of the SRF loan is the low interest rate.

Councilmember Conus moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 4-0.

12. **Report by the City Administrator**

- Senior Property Tax Rebate and HOME Improvements Grant Update

Assistant to the City Administrator, Kara Banks stated Council allocated to \$65,000 to the senior tax rebate program. To date, the City has issued approximately \$27,500 back to seniors and will continue to do so until September 30th. She added the City will do another push in the newsletter for more applicants. The HOME Improvement grant project has \$25,000 allocated. She stated to date there have been 7 projects approved across town and several completed at a total of \$3,675 so far.

Councilmember Conus asked about the process of the project, is it mandatory that you get your application to the city before you start your project. Ms. Banks replies, yes, the resident has to apply before the project is started and get approval before the project begins.

- Update on 312 E 5th St.

Mr. Zachary Moore gave an update on the unsafe structure at 312 E 5th St. He stated the property owner has received a couple of quotes from structural engineers. They have received one and are now awaiting a second and would like the second quote first before deciding on if the building will be demolished.

The owner's lawyer, William Meyer from South Law PC, stated the first engineer was found to not be qualified to make the quote. The appraisal for \$15,000 for as is and in repaired value. He states that he is pretty sure that the owner will make the move to demolish. He is asking Council for approval to move out the next update to 60 days instead of 30 days.

Councilmember Longanecker stated he is still concerned about kids on this property. Mr. Meyer stated he would let his client know about the worry of risk.

Councilmember Longanecker motions to extend the next update to August 22.
Councilmember Conus seconds. Motion was approved 4-0.

- Utilities Quarterly Update

Utilities Superintendent Mike Mabrey presented the Quarterly Utilities update. He stated there were just under 7 million gallons of water pumped from March to May. There were no tests failed and the city had no drinking water violations in the last year. He reviewed the status of the lead service line inventory project, stating the survey received 95 responses from March to May. He also reviewed major repairs at the Big Bull Creek Wastewater Treatment Plant.

Councilmember Longanecker asked how the survey for the lead pipes is coming along. Mr. Mabrey answered that there are four homes that will need additional inspection to determine if they have lead lines. He added the more people that we can get to do the survey the less work the city has to do to get the answers. Councilmember Longanecker asked if the City is getting more responses. Mr. Mabrey replied we have about 140 responses now, but we still have a way to go.

Councilmember Lebakken is asking if there is a non-response does that mean that there is lead. Ms. Linn answers that staff would like to avoid non-answers. An unknown will be treated as a possible lead answer. She stated staff can look at other information to possibly determine if there is lead present in the property, for example if the house was built after 1989 then we can rule out lead.

- Municipal Court Update

Ms. Banks reported a total of 209 citations were given from January to June with an average docket size of 70 cases from February to June. 29% of cases are cleared within 30 days and 71% is cleared within 90 days.

- Johnson County Sheriff's Office Update

Captain Dan Direcks with the Sheriff's office along with the new Administrative Sergeant Erika Simpson presented the update to Council. They reviewed the number of citations and warnings, stating the numbers have increased this year in comparison to 2023. Something to note, these numbers do not represent citations they represent violations. You can have multiple violations on one citation.

Traffic accidents there is not much of a change and sitting low.

Crimes against society had a significant decrease and increase in crime against persons in the first half of 2024. The Sheriff's Office shows close to 4,000 calls for the first half of the year for service in Edgerton. They reviewed CVSA stops.

Master Deputy Brad Johnson is the only level one CVSA inspector. He stated the Sheriff's Office has put 25 drivers out of service and 21 vehicles out of service. There are no seizures this year where there were 2 trucks, two trailers, and a car last year.

Ms. Linn asked how long it takes for a level one inspection. Deputy Johnson responded anywhere from an hour and a half to possibly 10 hours. It is a very lengthy process, and it is a 2-week training course that is very rigorous.

There have been a lot of people ranking up into new positions or retiring and with Master Deputy Brad Johnson being the only inspector right now numbers are a little lower.

Councilmember Conus asked what the driver out of service means. Master Deputy Brad Johnson answers the driver is not allowed to drive and parks them at the truck stop. Reasons for the out of service stop vary.

Councilmember Longanecker asked that there is not a decrease in the number of violations, is the issue the manpower to find the violators. Deputy Johnson agreed.

13. **Report by the Mayor** – Mayor not present, Councilmember Longanecker does not have anything to report.

14. **Future Meeting Reminders**

Councilmember Longanecker reminded the Council of the future meetings for the Council and Planning Commission.

15. **CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO THE ATTORNEY/CLIENT EXCEPTION TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR DISCUSSIONS RELATED TO ACQUISITION OF REAL PROPERTY (K.S.A. 75- 4319(B)(6))**

Councilmember Lebakken motioned to go into Executive Session at 8:43 pm for a duration of 10 minutes. Motion seconded by Councilmember Malloy. Motion approved 4-0.

Councilmember Malloy motioned to re-enter the business session at 8:53 pm. Motion seconded by Councilmember Conus. Approved 4-0.

16. **Adjourn**

Councilmember Longanecker moved to adjourn, seconded by Councilmember Lebakken. The meeting was adjourned at 8:56 PM with a 4-0 vote.

Submitted by Alex Firth, Assistant City Clerk