

**City of Edgerton, Kansas
Minutes of City Council Regular Session
August 12, 2021**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on August 12, 2021. The meeting convened at 7:01 PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present
Jody Brown	absent

With a quorum present, the meeting commenced.

Staff in attendance: City Administrator Beth Linn
 City Attorney Lee Hendricks
 City Clerk Alexandria Clower
 Development Services Director Katy Crow
 Accountant Justin Vermillion
 Public Works Director Dan Merkh
 CIP Manager Brian Stanley

2. WELCOME

3. PLEDGE OF ALLEGIANCE

Consent Agenda

4. Approve Minutes from July 22, 2021 Regular City Council Meeting
5. Approve Final Acceptance of 1st & Meriwood Stormwater Repairs and Final Payment to J. Richardson Construction Co.

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

Regular Agenda

6. **Declaration.** No Councilmember had anything to declare at this time.

Business Requiring Action

7. **CONSIDER THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2020-02 FOR THE REZONING OF APPROXIMATELY 106.131 ACRES OF LAND GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION AT W 199TH STREET AND SOUTH GARDNER ROAD IN EDGERTON, KANSAS FROM JOUHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "L-P" (LOGISTICS PARK) ZONING DISTRICT**

APPLICANT HAS WITHDRAWN APPLICATION ZA2020-02. NO FURTHER ACTION WILL OCCUR RELATED TO THIS APPLICATION.

Mayor Roberts stated the applicant at any point could bring this item back, but in doing so, would have to start the process over completely. This includes letters to surrounding area residents, new applications, etc.

8. CONSIDER ORDINANCE NO. 2087 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT (CU2021-03) ALLOWING AN INTERSTATE POLE SIGN ON PROPERTY LOCATED AT 32501 W. 200TH STREET, EDGERTON, KANSAS

Ms. Katy Crow, Development Services Director, addressed the Council. She stated City Staff received a new Conditional Use Permit (CUP) application which proposed a new location for the pole sign. She stated the sign has been relocated out of the detention basin and onto the paved surface adjacent to the parking lot. She stated the applicant has indicated that the sign needs an access road to allow for easier access for maintenance to be performed on the sign. She stated the only items that change on this Conditional Use from the previous one issued is the location of the sign and the ground elevation. She stated the height of the sign has been changed to 77 feet to comply with the requirements of the City of Edgerton Unified Development Code. She stated the sign display will remain the same.

Ms. Crow stated the Planning Commission did add some stipulations to this CUP, including no blinking lights, the location of sign is to remain in this location, the angle of the sign is perpendicular to I-35, etc. The full list of stipulations is included in Council's packet.

Ms. Crow stated the although the height is different in this CUP, the overall height seen from the horizon is the same height as before, and meets the regulations spelled out by the Edgerton Unified Development Code.

Mayor Roberts asked how many lumens the sign will put out.

Mr. Judd Claussen with Phelps Engineering introduced Mr. Bill Brown from KC Sign Co, the makers of the pole sign.

Mr. Brown stated they do not have an exact number as the sign is internally illuminated and does not project light out. He stated if people are worried about the sign output at night, the sign does dim down at night because it cannot be too bright for those driving by. He stated parking lot lights would have a greater output than the pole sign.

Mr. Brown stated to measure the lumens the sign must be erected and lit.

Mayor Roberts asked what the lumens are for the LEDs within the sign.

Mr. Brown stated he estimates it to be about 85 lumens per square foot within.

Mayor Roberts asked how many square feet the sign is.

Ms. Crow stated the sign is 872 square feet.

Mayor Roberts stated he wants the sign to be seen but does not want it to be a sore thumb either. He asked if this is a standard lit sign and comparable to those in the surrounding area.

Mr. Brown stated this sign is just like the one seen at the truck stop in Wellsville. He stated it is a comparable sign in size and illumination to those in the general area.

Mayor Roberts stated he is asking for the general number of projection of lumens because he would like to see a maximum output level added to our City Code. He asked Mr. Claussen if there was a possibility to get a standard number for lumen output.

Mr. Claussen stated they can work to get a measurement of brightness within, from a certain number of feet away, etc. and work to develop a standard for how it can be measured. He stated this is a light source to allow people driving by to read the sign, and it is not intended to light the surrounding area or illuminate the ground like a streetlight would.

Councilmember Longanecker asked if there could be any adjustments once the sign is up.

Mr. Brown stated no, once the sign is up, it's up and there's no good way to adjust the lights within.

Mayor Roberts stated his thought going forward is that the City have a standard within the code of how bright the sign can be from so many feet away and then any person wanting to submit and have a project similar, will have to provide proof of the tests done.

Councilmember Lewis moved to approve Ordinance No. 2087, adopting the Planning Commission's recommendation to approve CU2021-03, with stipulations listed. Councilmember Longanecker seconded the motion. The Ordinance was approved, 3-0.

9. CONSIDER RESOLUTION 08-12-21A PROVIDING A DEADLINE OF OCTOBER 14, 2021 TO RESOLVE A DANGEROUS AND UNFIT STRUCTURE EXISTING AT 707 W. NELSON STREET, #112, IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EDGERTON CITY CODE, CHAPTER IV, ARTICLE 4, SECTION 4-407

Ms. Crow addressed the Council. She stated on May 18th, 2021, a fire occurred at a mobile home located within the mobile home park. She stated a few days later, staff met on site with the owner(s) of the home, the Fire Department, and the City's contracted building inspector. She stated at this time, it was determined the house was uninhabitable due to the extent of damage from the fire. She stated on May 25th, City Staff sent a letter to the owners of both the trailer and the mobile home park, providing deadline to inform the city of their decision to either repair, or remove the structure. She stated in this letter, staff gave until August 16, 2021 for the mobile home to either be removed, if not being repaired, or

for a building permit to be pulled for the necessary repairs to return the structure to a habitable state.

Ms. Crow stated the city has heard back from both parties regarding the status of the home. The owner of the lot the home sits on responded to the City and stated if he was responsible, he would need more time to remove the house. The owners of the mobile home stated they were unsure that repairs could be made and would need more time to find a contractor to do so, if possible.

Ms. Crow stated as the structure sits today, it is considered uninhabitable. She stated the City Code provides that when it appears to the public officer that the structure is dangerous, unsafe, or unfit for human habitation, the City has the ability to go through a process, have a Public Hearing, and at that time those who own or rent, lienholders, etc. can come forward to make their claim to say why it should not be considered unfit. She stated due to the timeline of this process, the next available date would be October 14th. City Staff along with the City Attorney determined it would be best to start the process and set the date for said Public Hearing.

Ms. Crow stated included in the packet are reports from the Fire Department at the time of the fire and a few days following, and the City's Building Inspector.

Councilmember Longanecker stated based on the report in the packet, the lot owner has said they believe they can remove the structure by the end of September. He stated this would give them plenty of time to do so while not holding up the City's process at the same time.

Ms. Crow agreed and said ultimately there may be some type of legal process for both the owner of the home and the lot.

Mr. Lee Hendricks, City Attorney, asked if there was any conversation as far as insurance proceeds.

Ms. Crow stated she addressed this with the homeowner, and they stated they did not have any insurance.

Mr. Hendricks stated even more reason the City should start the process and set a date for a Public Hearing.

Mayor Roberts asked if the City's process involves the landowner or the trailer owner.

Mr. Hendricks stated the landowner is the responsible party.

Councilmember Longanecker moved to approve Resolution No. 08-12-21A, providing a Public Hearing date of October 14, 2021 to determine if 707 W Nelson Street, Lot 112, is a Dangerous and Unfit Structure and to set a deadline for its repair or removal.

10. CONSIDER ORDINANCE 2088 RESTATING CHAPTER XV OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO REMOVE ACTUAL DOLLAR VALUES RELATED TO APPLICABLE FEES CHARGED AND INSTEAD REFERENCING THE CURRENT FEE RESOLUTION AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

Ms. Katy Crow, Development Service Director, addressed the Council. She stated during conversation between the Governing Body and City Staff, it was noted that the Utilities Chapter of the Municipal Code reflected static dollar amounts rather than referencing the current Fee Resolution.

Ms. Crow stated this Ordinance is considered a restatement of the Utilities Chapter and updates the verbiage throughout to coincide with the remainder of the code where reference for dollar amounts is directed to the current Fee Resolution.

Councilmember Lewis moved to approve Ordinance No. 2088, Restating the Utilities Chapter of the Edgerton Municipal Code, motion seconded by councilmember Beem. The Ordinance was approved, 3-0.

11. CONSIDER ORDINANCE 2089 AMENDING CHAPTER I OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO INCLUDE ARTICLE 8, SECTION 1-801 REGARDING THE COSTS OF COLLECTION AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

Ms. Beth Linn, City Administrator, addressed the Council. She stated at the May 13, 2021, City Council meeting, the Governing Body approved an Agreement with CBK, Inc. for collection services. Council provided direction to staff to bring forward an ordinance that would allow CBK to charge the customer for the collection fees instead of subtracting those amounts from the amount collected and turned over to the City.

Councilmember Lewis moved to approve Ordinance No. 2089, Amending Chapter 1 of the City of Edgerton Municipal Code. Councilmember Longanecker seconded the motion. The Ordinance was approved, 3-0.

12. CONSIDER ORDINANCE 2090 AMENDING CHAPTER IV OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO INCLUDE SECTION 4-414 REGARDING UNFIT DWELLINGS AND CONNECTION TO THE CITY WATER AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

Ms. Linn addressed the council. She stated Ordinances 2090 & 2091 are similar, stating that both are updates to the Municipal Code. She stated at the July 22, 2021 City Council meeting, the Governing Body provided direction to staff to draft ordinances that clarify the requirements for structures to be connected to the City's water system and pay the monthly customer service charges. She stated Ordinance 2090 updates Chapter 4 of the City Code, to deem a structure unfit for human habitation and use, and subject to the Dangerous and

Unfit Structure procedure contained in Section 4-404 of the City Code, if the structure is not connected to the City's water system and paying the monthly service charges.

Mr. Hendricks stated this is an update to the code to allow clarity for residents, using the same language in both chapters of the code, Unfit Dwelling section and Utilities section.

Councilmember Lewis moved to approve Ordinance No. 2090, updating section 4-414 of the Municipal Code to clarify the requirements for structures to be connected to the City's water system. Councilmember Beem seconded the motion. The Ordinance was approved, 3-0.

13. CONSIDER ORDINANCE 2091 AMENDING CHAPTER XV OF THE MUNICIPAL CODE OF THE CITY OF EDGERTON, KANSAS TO INCLUDE SECTION 15-145 REGARDING UNFIT DWELLINGS AND CONNECTION TO THE CITY WATER AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

Ms. Linn stated just like the previous Ordinance, this ordinance amends chapter 15, reflecting section 15-145 of the Municipal Code to clarify requirements for structures to be connected to the City's water system.

Councilmember Lewis moved to approve Ordinance No. 2091, seconded by Councilmember Beem. The Ordinance was approved, 3-0.

14. CONSIDER RESOLUTION NO. 08-12-21B ESTABLISHING FEES AND RATES FOR PERMITS, LICENSES AND SERVICES WITHIN THE CITY OF EDGERTON, KANSAS

Ms. Linn stated as noted, the City keeps the fees associated with permitting, licensing, City rates, etc. in one place: the Fee Resolution. She stated this allows updates to occur on one document, rather than continual updates occurring through ordinance amendments. She stated on occasion, staff must bring forward updates to include new or updated fees.

Ms. Linn stated this resolution provides updates to fees for Open Records, Public Property, and Unconventional Vehicles.

Ms. Linn stated the Open Records amendment allows for the City to fully reflect the costs associated with producing documents and allows for a better record of time for the different levels of staff who work to produce said documents.

Ms. Linn stated after research from City Staff it was noted that a lot of the surrounding area parks charge for non-residential use, but the city does not currently do so. She stated staff would recommend that the city does not charge for residents, but would like to start charging for the non-residents who want to use park shelters. She stated the surrounding parks charged fees from \$0-110 per half day, so staff recommends charging non-residents \$50 per half day.

Ms. Linn stated on July 22, Council approved an ordinance which authorized the operation of UTVs, golf cars, low speed vehicles, etc., on city roadways. She stated with the update to the Fee Resolution, the fees associated to the application and permitting are established.

Councilmember Longanecker moved to approve Resolution No. 08-12-21B, establishing the updated and current Fee Resolution for the City of Edgerton. Councilmember Beem seconded the motion. The Fee Resolution was approved, 3-0.

15. Report by the City Administrator

- Marketing and Communications Update

Ms. Linn gave an update regarding the Marketing and Communications department. She referenced the flyer given to council. She stated the post with the most activity was the City's annual 3rd of July event.

Councilmember Lewis asked if there has been any data received related to Glendell Acres Park.

Ms. Linn stated City Staff is working to bring a report to council, but there were good numbers received and in attendance for public interaction.

Mr. Merkh stated there were about 115 surveys submitted.

- Solid Waste Contract Expiration & Bid

Ms. Linn stated the current contract for Solid Waste, expires at the end of 2021 and with permission from Council, staff would like to start the bid process. She stated staff is looking for direction from Council on what they would like to see included in this years Request for Bid for Solid Waste services.

Ms. Linn stated the City currently contracts with Gardner Disposal for residential solid waste collection, this contract also includes City facilities. She stated the current contracts includes the following items; Solid Waste/Recycle Materials, Yard Waste, Special Bulk Items, City Facilities, Annual Citywide Cleanup, Special Events and Future Facilities. She stated staff looking for direction from the Governing Body as to what they would like to see related to items currently in this contract, and items that could be in a new contract when starting the process for bids. She stated there are specific items for which staff would like direction from Council, however, Council can direct staff to make any changes they see fit for services.

She stated when the request for bids was last done in 2019, the requirements for sludge disposal were changed to allow the use of a third-party contractor, but not a separate contract, this was all handled by the contractor. She asked if Council would like to have this option again. She stated staff could also work to find a contractor who gives preference to an environmentally friendly way to dispose of sludge.

Mayor Roberts stated he would like to see an environmentally friendly manner to dispose of sludge, but that would not necessarily be a break of the main contract if the main contractor cannot. He stated rather the ones who do submit with this ability, giving them a point system to

possibly use for that specific purpose and work as a subcontractor under the main contract holder for that specific purpose.

Councilmember Longanecker stated he knows there are people that haul and take the dump to their farm, etc. and he is in favor of this approach. He stated it might cut down costs for the City and also help the farmers in the long run as well.

Ms. Linn stated the current contract also includes an Annual City-Wide Clean-up Day. She stated a few surrounding city's have already done away with this ability. She stated staff is looking for direction from Council if they would like to keep this service, and if so, are there specific items to explicitly include or prohibit.

Councilmember Longanecker stated tires are a big deal to the residents and he would like to see that remain an option.

Ms. Linn stated tire disposal is not currently offered by Gardner Disposal. She stated the City opens up Public Works for this specific event and residents are charged to drop off tires. She stated the biggest concerns are related to construction debris and clarification to what those items can be, like home improvement projects, carpet, lumber, paving stones, concrete, etc.

Mayor Roberts stated he would consider these items construction material, and if the contract currently states those services, it would be best to gain clarification on items the contractor considers construction debris and specifically list those.

Ms. Linn asked if there should be a weight limit included.

Councilmember Lewis stated if there is a weight limit, will scales be on the truck to make sure the limit is not exceeded. He questioned if the worker on the truck sees the items and thinks it is over the limit, do they just move on to the next house and how would that be enforced.

Councilmember Longanecker mentioned the use of a trash bag. He stated if it can be broken down and fit in a large yard bag, then it can be hauled off.

Mayor Roberts stated there's not currently a limit today on this type of material, so he likes the idea of having certain number of bags people can have out. He stated currently the contractor says if it can be picked up by two men, then it will be taken.

Ms. Linn asked for clarification. She asked if the bags are only related to the construction debris.

Mayor Roberts responded yes.

Councilmember Lewis stated he thinks the bags are a good idea for construction debris and may allow the garbage collectors to get through the process faster.

Mayor Roberts stated it is worth a try to use the bag route, he stated if it doesn't work and it turns out to be a horrible idea, then it can come back and it can be rehashed and a better solution can be found. He asked about computer parts.

Councilmember Lewis stated electronic recycling is a big one. He stated if the current contractor does not have the ability, it might be possible to reach out to Integrity Solutions in Gardner and see if something can be worked out.

Mayor Roberts stated he thinks it would be great to have an electronic recycling date for the community.

Ms. Linn stated staff would also like to know if there should be a more explicit definition for a furniture item.

Mayor and Councilmembers agreed. Mayor stated that it seems to be different with every person asked; for example, one day a mattress is considered furniture, the next day it is not. He stated it would be worth it to have clarity as to what is and is not allowed.

Ms. Linn asked if Council still wanted to offset the costs of services for the residents. She stated currently the City pays for 50% of services provided and this will be what goes out to bid unless Council would like to see something different.

All were in favor of keeping the monetary amount the same.

Ms. Linn stated the final recommendation from staff is to update the language to include future events.

Mayor Roberts asked if it can be added that the City has a certain number of receptacles per year, about 50 or so. He stated he believes this should take care of some larger events that happen throughout the year.

Ms. Linn took note of Mayors request. She stated in the packet, staff has included a calendar for the bidding process.

16. Report by the Mayor

Mayor Roberts stated he had a citizen come to him with a concern regarding response times from the Sheriff's Department. He stated the citizen stated this is specifically related to the time it took for someone from the sheriff's department to respond to the mailbox that was knocked down presumably by a vehicle. It was noted by the citizen that the response time was close to 5 days. He stated he is not sure this is the case, but until it is proven otherwise, he is assuming the 5-day response time is accurate. He stated he will be having a meeting with the Sheriff's Department and would like to understand this issue more and gain more information.

17. Future Meeting Reminders:

- August 26th: City Council Meeting – 7:00PM
- September 9th: Planning Commission Meeting – 7:00PM
- September 14th: City Council Meeting – 7:00PM
- September 23rd: City Council Meeting – 7:00PM

18. 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 AND CITY ADMINISTRATOR FOR THE PURPOSES OF CONTRACT NEGOTIATIONS

Councilmember Beem moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) to include the City Attorney and the City Administrator for the purposes of Contract Negotiations for 15 minutes. The open meeting will resume in the Council Chambers. Councilmember Longanecker seconded the motion.

The meeting recessed into executive session at 8:00 PM, 3-0.

Councilmember Longanecker moved to return to open session with no action being taken. Councilmember Lewis seconded the motion. Open session resumed at 8:15 PM, 3-0.

Mayor Roberts stated the On-the-Go Truck Stop is open for business. They currently do not have their kitchen completed, but people can still stop in and get coffee, breakfast burritos, etc. He stated he has heard some chatter regarding the Goodcents Subs that has been mentioned going in there. He stated because steel shipments are behind, their process is behind schedule as well. He added that it is now expected to be the end of 2022 before the opening.

19. Adjourn

Councilmember Longanecker moved to adjourn, seconded by Councilmember Lewis. The meeting adjourned at 8:22 PM, 3-0.

Submitted by Alexandria Clower, City Clerk

EVENTS

August – Early September: JCPRD Walk & Read at Big Bull Creek Park
August 13th: Yappy Hour Dog Event at Martin Creek Park
August 25th: Wake and Walk
August 28th: Nocturnal Nature at Big Bull Creek
September 6th: City Hall Closed for Labor Day