

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**August 25, 2022**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on August 25, 2022. The meeting convened at 7:00 PM with Mayor Roberts presiding.

**1. ROLL CALL**

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present
Josie Stambaugh	present
Deb Lebakken	present

With a quorum present, the meeting commenced.

Staff in attendance:      City Administrator, Beth Linn  
   City Attorney, Lee Hendricks  
   Planning and Zoning Coordinator/Deputy City Clerk, Chris Clinton  
   Public Works Director, Dan Merkh  
   Communications Director, Kara Banks  
   Accountant, Justin Vermillion  
   Capital Improvement Project Manager, Brian Stanley  
   Finance Director, Karen Kindle  
   Brittany Paddock, Recreation Coordinator

**2. WELCOME**

**3. 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 August 11, 2022 Regular City Council Meeting
5. Approve Resolution No. 08-25-22A Recognizing Meat Inferno as a "Public Festival" for the Purpose of the City's Noise Restrictions
6. Approve Resolution No. 08-25-22B Providing for the Creation of Temporary No Parking Zones on Certain Streets to Permit the Holding of Meat Inferno 2022
7. Approve Ordinance No. 2115 Amending the City of Edgerton Municipal Code, Adding to Chapter 1, Administration, Article 9, Section 1-901, Records Retention Policy for the City of Edgerton, Kansas
8. Approve Renewing the Appointment of Adam Draskovich to the Edgerton Planning Commission for a Term Ending in September 2025
9. Approve Ordinance No. 2116 Amending Chapter XIV Ordinance, Subject to Existing Local Traffic Provisions in the City Code Which Supplement and/or Modify Certain Sections Thereof

10. Approve Ordinance No. 2117 Amending Chapter XI, Article I, Section 11-101 of the Code of the City of Edgerton, Kansas, Concerning the Uniform Public Offense Code
11. Approve Resolution No. 08-25-22C Setting Forth the Authority for Members of the Governing Body and City Staff with Regard to the City's Accounts at Central Bank of the Midwest
12. Approve the Purchase of Five (5) Radar Traffic Counters from Street Smart Rental

Mayor Roberts stated City staff has requested for Item 5 be removed from the consent agenda.

Councilmember Longanecker made motion to approve the consent agenda besides Item 5, seconded by Councilmember Beem. The consent agenda besides Item 5 were approved, 5-0.

Ms. Beth Linn, City Administrator, stated there was an error in the resolution. The resolution provided in the packet said it was for Frontier Days, but it is actually for the Meat Inferno event. She stated an updated copy of the resolution is available at the daises.

Councilmember Beem moved to approved Resolution No. 08-25-22A recognizing Meat Inferno as a "Public Festival" for the purposes of the City's noise restrictions. Councilmember Longanecker seconded the motion. Resolution No. 08-25-22A was approved, 5-0.

### **Regular Agenda**

13. **Declaration.** At this time Councilmembers may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.

There were no declarations made by the Councilmembers.

14. **Public Comments.** The City of Edgerton encourages public participation in local governance issues. To facilitate an efficient and effective meeting, persons wishing to address the City Council must sign-up before the meeting begins. Speakers must provide their name and address for the record and are limited to three (3) minutes. The maximum time limit for all speakers will be thirty (30) minutes. Comments on personnel matters or matters pending before court/other outside tribunals are not permitted. Any comments are for informational purposes only. No action will be taken. The Mayor may modify these provisions, as necessary. The Mayor may limit any unnecessary, off-topic, or redundant comments or presentations. Speakers should address their comments to City Councilmembers only and should not speak to fellow audience members. City Council members should conduct themselves in a civil and respectful manner. Disruptive conduct may result in removal from the meeting.

There were no public comments made at this time.

15. Presentation by Representative Ken Collins regarding designation of a portion of Highway 56 as PFC Shane Austin Memorial Highway

Mayor Roberts explained the State approved dedicating a portion of Highway 56 between Edgerton and Gardner as a memorial highway. He stated Representative Ken Collins is working on getting funds to get the signs installed.

Representative Collins addressed the Council. He stated he is a former resident and Councilmember. He is currently the Representative for the 2<sup>nd</sup> District in the Kansas House of Representatives. He said he is proud of things happening in this community and thanked the Council for giving him the chance to speak to them.

Rep. Collins stated that Private First Class (PFC) Shane Austin was killed in action on October 8, 2006 in Iraq by an enemy grenade. PFC Austin was posthumously awarded the Purple Heart and Bronze Star. Rep. Collins stated he was friends with PFC Austin's father, Terry. Terry and PFC Austin's mother, Debbie, were extremely proud of their son. Rep. Collins said the residents of Edgerton lost a great citizen, former teachers lost a great student, and PFC Austin's friends lost a dear friend. Highway 56 between Edgerton and Gardner is now dedicated as a memorial highway for PFC Austin. However, the signs need the funding per State statute. The amount to raise is the cost of three (3) signs, which is \$4,590. Rep. Collins stated he is trying to raise that amount and would greatly appreciate any amount the City can donate.

Mayor Roberts stated PFC Austin was an American hero and appreciates the sacrifice PFC Austin made for his country. Presentations requesting funds for next year's budget have already been heard, but the budget has not been approved yet. Mayor Roberts explained it is at the discretion of the Council as to how much to donate. This will be a one-time expense and not a reoccurring one. Rep. Collins stated he wants the funds raised regardless of where they come from.

Councilmember Longanecker recommended the City donate \$1,000 for the signs. Councilmember Stambaugh inquired as to the price for one (1) sign. Rep. Collins stated the State requires the amount of two (2) signs plus fifty percent (50%) of the cost of the initial install of the signs, and that totals \$4,590. Rep. Collins explained that is the cost for 2 signs, 1 each way, and the cost of maintenance, repairs, or replacement signs. The State will maintain the sign and replace it as needed. Councilmember Lewis said the City should donate the total amount for the signs. Councilmembers Stambaugh and Lebakken agreed. Mayor Roberts asked if the City includes the amount in the budget, if the price of the signs will change. Rep. Collins stated he does not believe it will, but he will confirm the price with the Kansas Department of Transportation (KDOT). Councilmember Stambaugh moved to donate an amount not to exceed \$4,590 to KDOT for the PFC Austin memorial signs to be placed along Highway 56 and to be paid early 2023. The motion was seconded by Councilmember Lebakken. The Council approved the donation not to exceed \$4,590 for the signs, 5-0.

PFC Austin's mother, Debbie, thanked the Council. She said all of the support she has received since October of 2006 is what made her strong enough to get through the difficult times.

Mayor Roberts said the one-time expense will be adjusted as a line item and will designate the funds to be paid early next year.

### **Business Requiring Action**

**16. PUBLIC HEARING FOR RESOLUTION NO. 08-25-22D OF THE CITY OF EDGERTON, KANSAS TO LEVY A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE**

Ms. Karen Kindle, Finance Director, approached the Council. She stated in March of 2021, Senate Bill 13 (SB 13) was signed by the Governor and became effective beginning with the 2022 Budget. SB 13 repealed the previous tax lid which focused to the total property tax revenue required for the budget. SB 13 focuses on the mill rate and provides for the calculation of the Revenue Neutral Rate (RNR). She explained the RNR calculation uses last year's property tax revenue and this year's estimated assessed valuation to arrive at the mill rate that would be required to receive the same property tax revenue as last year. SB 13 does not provide for any adjustments to the RNR to capture economic growth, issuance of debt or County errors in the assessed valuation numbers. Ms. Kindle stated a Frequently Asked Questions (FAQ) sheet about the RNR was provided in the packet.

Ms. Kindle said at the Council meeting on June 10, 2021, the City's Financial Advisor and City staff presented information about SB 13 and asked for direction from the Council regarding suggested adjustments to the RNR. She explained the resulting policy direction was provided to the Council and the adjustments are: (1) roll-off of all types of incentives like property tax abatements, (2) new territory and annexations, (3) growth in assessed value of non-residential property, (4) growth in assessed value of residential property due to inflation based on the CPI-U, (5) issuance of General Obligation (GO) debt, and (6) errors by Johnson County. The property tax revenue amount included in the 2023 General Fund Budget was calculated based on those adjustments.

Ms. Kindle explained the City is required to hold an RNR Public Hearing and pass a resolution setting the mill rate to be used for the 2023 Budget. The notice of the public hearing was published in the Gardner News on August 3, 2022, and on the City's website, as required by State statute. The RNR Public Hearing was held prior to the consideration of this resolution. The draft of Resolution No. 08-25-22D establishes the City's mill rate at 29.669 mills.

Mayor Roberts opened the public hearing. There were no public comments made at this time. Mayor Roberts closed the public hearing.

**17. CONSIDER RESOLUTION NO. 08-25-22D OF THE CITY OF EDGERTON, KANSAS TO LEVY A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE**

Councilmember Longanecker moved to approve Resolution No. 08-25-22D. Councilmember Beem seconded the motion. Resolution No. 08-25-22D was approved, 5-0.

**18. PUBLIC HEARING FOR THE PROPOSED 2023 BUDGET**

Ms. Kindle stated a public hearing is needed per state statute. The public hearing was published with the notice for the public hearing for Resolution No. 08-25-22D.

Ms. Linn played an informational video for the Council.

Ms. Kindle stated she will go through the different funds and the first fund is the General Fund. She explained the 2022 estimated revenues and expenditures reflect City staff's evaluation of the activity so far in 2022 compared to the budget approved for 2022. She stated there have not been any changes to the proposed budget since it was presented in a Work Session on July 7, 2022. The proposed 2023 budget does decrease the mill rate from 29.913 to 29.669.

Ms. Kindle went over the Utility Funds budget, which is the water and sewer portion of the budget. She stated the utility rate study was included in the packet provided to the Council. There have not been any changes to the revenue and expenditures since the Work Session.

Ms. Kindle stated the last budget is the Other Funds budget. This budget includes the Special Highway Fund, which is funded through gasoline tax; the Special Parks and Recreation Fund, which is funded through alcohol sales; the Bond & Interest Fund, which contains the transactions related to some of the debt obligations of the City; and the TIF projects. None of the funds have any changes from the July 7, 2022 Work Session. Ms. Kindle added the Vehicles and Equipment Replacement Plan was reviewed with no changes made since the Work Session. She explained after the public hearing, the proposed budget will be considered at the September 8, 2022 meeting.

Councilmember Longanecker clarified that nothing in the revenues or expenditures have changed since the Work Session held on July 7, 2022. Ms. Kindle replied he is correct.

Mayor Roberts opened the public hearing for the proposed budget. There were no public comments made at this time. Mayor Roberts closed the public hearing.

Mayor Roberts explained the proposed budget will be voted on at the next meeting. He thanked City staff for the explanation video and requested it be posted somewhere on the City's website.

**19. PUBLIC HEARING FOR RESOLUTION NO. 08-25-22E TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY FOR MEAT INFERNO EVENT**

Ms. Brittany Paddock, Recreation Coordinator, addressed the Council. She stated Edgerton's Meat Inferno event will be held October 7 to 8, 2022. City staff has requested permission to sell and serve alcoholic liquor other than 3.2% beer, also known as cereal malt beverages, at the event. She explained Chapter III, Article I, Section 3-202 of the Code of the City of Edgerton prohibits serving cereal malt beverages or alcoholic liquor within 200 feet of any church, school, nursing home, library, or hospital. This prohibition may be waived by the Governing Body after public notice, which was published on August 17, 2022, followed by a hearing and finding by the Governing Body that the proximity of the location, where the cereal malt beverage or alcoholic liquor will be served, is not averse to the public welfare or safety. She stated the public hearing will be held prior to the consideration of a resolution.

Ms. Paddock said if approved, Resolution No. 08-25-22E would grant the waiver requested by City staff, with the following stipulations:

- The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East 3<sup>rd</sup> Street and East 4<sup>th</sup> Street, specifically designated and approved by the City Administrator, which is the same as Edgerton Frontier Days
- The sale and consumption of alcoholic liquor shall be allowed between the hours of 5:30 PM and 10:00 PM on October 7, 2022
- Point of sale for alcoholic liquor shall be 307 East Nelson Street by properly licensed individuals or groups only, which is the same as Edgerton Frontier Days and the same vendor will be used
- No alcoholic liquor may be sold or dispensed in glass bottle or containers, only plastic or paper cups or cans may be used.

She explained City staff will inform the Johnson County Sheriff's Office and request deputies be present at the event.

Mayor Roberts asked for more information about the event. Ms. Paddock replied it will be on October 7<sup>th</sup> and 8<sup>th</sup>. On Friday the 7<sup>th</sup>, there will be a kids competition for children five (5) to ten (10) and another competition for eleven (11) to fifteen (15) year-olds. She explained that kids will bring their own supplies and all of the meat is donated. There will be a live band that covers many genres, food trucks, and a fire performer as well. The City is not only hosting Kansas City Barbecue Society (KCBS) sanctioned events, but competitions for the community too. There will also be a KCBS one (1) meat competition and, hopefully, the bar on Friday night. She said on Saturday, Chris Cakes will be serving breakfast and the big competition will take place. A fire and ice kids science show is planned as well as a backyard burger competition. She stated she did print flyers for everyone who is interested.

Mayor Roberts opened the public hearing for Resolution No. 08-25-22E. No public comments were made at this time. Mayor Roberts closed the public hearing.

Mayor Roberts said this is a new event for Edgerton but it is popular in other cities. He encouraged people to participate.

**20. CONSIDER RESOLUTION NO. 08-25-22E TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY FOR MEAT INFERNO EVENT**

Councilmember Lewis moved to approve Resolution No. 08-25-22E. Councilmember Lebakken seconded the motion. Resolution No. 08-25-22E was approved, 5-0.

**21. CONSIDER RESOLUTION NO. 08-25-22F AUTHORIZING SPECIAL EVENT PERMIT FOR SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS**

Ms. Paddock stated if approved, Resolution No. 08-25-22F would authorize the Special Event Permit with the following stipulations:

- The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East 3<sup>rd</sup> Street and East 4<sup>th</sup> Street, specifically designated and approved by the City Administrator

- The sale and consumption of alcoholic liquor shall be allowed between the hours of 5:30 PM and 10:00 PM on October 7, 2022
- Point of sale for alcoholic liquor shall be 307 East Nelson Street by properly licensed individuals or groups only
- No alcoholic liquor may be sold or dispensed in glass bottle or containers, only plastic or paper cups or cans may be used.

City staff has requested permission to sell and serve alcoholic liquor other than 3.2% beer, also known as cereal malt beverages, at the event. She explained Chapter III, Article I, Section 3-202 of the Code of the City of Edgerton prohibits serving cereal malt beverages or alcoholic liquor within 200 feet of any church, school, nursing home, library, or hospital. This prohibition may be waived by the Governing Body after public notice, followed by a hearing and finding by the Governing Body that the proximity of the location, where the cereal malt beverage or alcoholic liquor will be served, is not averse to the public welfare or safety. She stated the public hearing was held prior to the consideration of this resolution.

Councilmember Beem moved to approve Resolution No. 08-25-22F. Councilmember Lewis seconded the motion. Resolution No. 08-25-22F was approved, 5-0.

Ms. Linn stated if any of the councilmembers would like to be a judge or volunteer to please let Ms. Paddock know. Ms. Paddock added that to sign up a team or competitor, people can do that at [meatinferno.com](http://meatinferno.com).

## **22. CONSIDER AMENDMENT TO RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL SERVICES CONTRACT**

Mr. Dan Merkh, Public Works Director, spoke before the Council. He said in October of 2021, the Council approved the Residential Solid Waste Collection and Disposal Services Contract with Gardner Disposal Services, Inc. (GDS). The fees for that agreement remained the same with two (2) exceptions. One (1) was a nominal increase in costs for removal of street sweeper debris. The second change was a significant increase in the fees for removal of sludge from Big Bull Creek Wastewater Treatment Facility (BBCWWTF). He explained as part of the 2023 annual budget process, City staff solicited bids from contractors specializing in sludge removal and disposal in hopes of securing better pricing for this service. Upon receiving 2 qualified bids lower than current pricing, City staff approached GDS with the request to consider an amendment to the current contract removing the sludge disposal services.

Mr. Merkh explained the current agreement allows the City and GDS to mutually agree to modify the contract. GDS has agreed to an amendment to the City's contract to remove the sludge disposal services only and the remaining contract remains the same. The draft amendment provided to the Council was drafted by the City Attorney.

Councilmember Longanecker moved to approve the amendment to the residential solid waste collection and disposal services contract. Councilmember Lebakken seconded the motion. The amendment to the contract was approved, 5-0.

## **23. CONSIDER APPROVAL OF AGREEMENT WITH DIGITAL EARTH CONSULTING LLC FOR SLUDGE REMOVAL SERVICES**

Mr. Merkh stated in June of 2022, the City solicited bids for the service of removing and disposing of sanitary sludge produced at BBCWWTF. 2 bids were received, with the lowest and best bid being Digital Earth Consulting LLC for \$585 per truckload. He explained truckloads are typically ten (10) tons or less and Digital Earth Consulting LLC is providing the container. The existing contract for the sludge removal service is a higher cost per ton as well as a trip charge for each visit. Mr. Merkh stated the proposed agreement was provided to the Council and is currently being reviewed by Digital Earth Consulting LLC.

Councilmember Longanecker inquired to the prices of the other bid. Mr. Merkh stated the rate was based on the amount hauled off. The lowest amount started at 10 tons at \$75 per ton. If less was hauled off, it costs more than \$75 per ton.

Councilmember Longanecker moved to approve the agreement with Digital Earth Consulting LLC for sludge removal services. Councilmember Lewis seconded the motion. The agreement was approved,

## **24. Report by the City Administrator**

- State of Kansas Hazard Mitigation Plan

Mr. Merkh stated Hazard Mitigation Planning is an activity that helps reduce the risk to people and property that may be affected by a disaster. This process helps reduce the cost of recovery by improving the community's sustainability and disaster resistance by focusing efforts on areas that are prone to disasters, or simply identifying appropriate mitigation actions based on historical data.

He explained the State of Kansas has a Hazard Mitigation Team (KHMT) Charter with a purpose to develop and implement a statewide hazard mitigation policy, promote coordination of mitigation programs at all levels of government and pursue alternate mitigation funding strategies. To streamline the process, the State allows for counties to participate in Regional Mitigation Plans. Johnson, Wyandotte, and Leavenworth Counties make up Region L and this planning process is under the Kansas Division of Emergency Management (KDEM).

Mr. Merkh stated the City will work with Johnson County Emergency Management Division to facilitate and administer this planning process. To be part of the planning process, the KDEM, via Johnson County Emergency Management, is requesting that a participation form be completed, and City staff attend the meetings through-out the planning process. He said if the City does not participate in the process and provide a completed participation form, the City will not be eligible for potential hazard mitigation grant funding that is available for the 2023-2029 plan years. The participation form is due to KDEM and Johnson County Emergency Management by September 9, 2022.

Mr. Merkh explained some of the different grant programs that are available are explained in the memo he provided the Council. By signing the form, the City would agree to participate in the next Regional Hazard Mitigation Plan Update for Region L,

attend at least two (2) meetings and turn in the required paperwork and sign a resolution to adopt the plan even if there is a change in office holders. City staff wanted to get the approval from Council prior to signing the participation form.

Mayor Roberts said he believes it is imperative that the City participate. A hazard may not happen in the City, but somewhere in the region as a whole and Edgerton should be willing to help when needed.

## 25. Report by the Mayor

- Mayor Roberts did not have anything to report.

## 26. Future Meeting Reminders:

- September 8<sup>th</sup>: City Council Meeting – 7:00PM
- September 13<sup>th</sup>: Planning Commission Meeting and Board of Zoning Appeals Meeting– 7:00PM
- September 22<sup>nd</sup>: City Council Meeting – 7:00PM
- October 11<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- October 13<sup>th</sup>: City Council Meeting – 7:00PM
- October 27<sup>th</sup>: City Council Meeting – 7:00PM

Ms. Kara Banks, Communications Manager, spoke before the Council. She said there is going to be an interactive public workshop for residents to provide input regarding the Comprehensive Plan on September 12, 2022 from 7:00 PM to 8:30 PM at City Hall. She said they want a lot of public input as to how the residents want to see Edgerton in the future. Ms. Linn added it will be posted on social media and yard signs will be posted. Mayor Roberts explained the Comprehensive Plan is a long process and the end document turns out better with lots of participation from the public. He knows this is not the only way to engage but is a great tool. The Steering Committee is working hard on the Plan. He added he is extremely pleased to have Dr. Brian Huff, the Superintendent of the Gardner Edgerton School District participating. Mayor Roberts said he greatly appreciates the cooperation from Dr. Huff since joining the school district.

## 27. **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 EXCEPTION TO INCLUDE THE CITY ATTORNEY, CITY ADMINISTRATOR, AND BOND COUNSEL FOR THE PURPOSES OF CONTRACT NEGOTIATIONS.**

Councilmember Beem moved to recess into executive session pursuant to K.S.A. 75-4319(B)(2) for consultation with an attorney deemed privileged in the attorney/client exception to include the City Attorney, City Administrator, and Bond Counsel for the purposes of contract negotiations for ten (10) minutes. Councilmember Longanecker seconded the motion. The meeting recessed into executive session at 7:46 PM, 5-0.

Councilmember Longanecker moved to rejoin open session with no action being taken. Councilmember Lebakken seconded the motion. The meeting resumed in open session at 7:56 PM, 5-0.

## **28. Adjourn**

Councilmember Beem moved to adjourn the meeting. Councilmember Stambaugh seconded the motion. The meeting was adjourned at 7:57 PM, 5-0.