

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**August 8, 2024**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas August 8, 2024. The meeting convened at 7:00PM with Mayor Roberts presiding.

1. **ROLL CALL**

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

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Clerk, Alex Clower
- City Attorney, Todd Luckman
- Assistant to the City Administrator, Kara Banks
- Public Works Director, Dan Merkh
- Public Work Superintendent, Trey Whitaker
- Parks and Recreation Director, Levi Meyer
- Development Services Director, Zach Moore
- Director of Finance, Karen Kindle

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 25, 2024 Regular City Council Meeting
5. Consider Ordinance No. 2164 Amending Chapter XIV of the Edgerton, Kansas Municipal Code to Incorporate the 2024 Standard Traffic Ordinance, Subject to Existing Local Traffic Provisions in the City Code Which Supplement and/or Modify Certain Sections Thereof
6. Consider Ordinance No. 2165 Amending Chapter XI, Article I, Section 11-101 of the Code of the City of Edgerton, Kansas, Concerning the Uniform Public Offense Code

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

**Regular Agenda**

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

**8. Public Comments.**

Darren Shafer lives at 191<sup>st</sup> and Dilly Road. He thanked the public works team for the maintenance they completed near his home. He stated he reached out to the Mayor last Fall about the road between Dilly and 56 Hwy and how it was washed out and barely drivable. He stated since that time, there has never been an issue. He stated now the road is in excellent shape, the roads stay plowed and there is dust control. He stated he just wanted to say thank you and feels that this is needed sometimes and that staff needs to hear it.

Mayor and Council thanked him for coming to speak on this tonight and agreed that the staff the City has goes above and beyond.

**Business Requiring Action**

**9. CONSIDER AWARD OF THE 2024 STREET PRESERVATION PROJECT PAVEMENT MARKING AND STRIPING SERVICES TO C-HAWKK CONSTRUCTION, INC. FOR \$60,961.62 FOR THE BASE BID TOTAL.**

Mr. Merkh addressed the Council. He stated in March of this year, staff presented an update to Council that included the anticipated scope of work for the 2024-2025 Street Preservation Programs. He stated a portion of the 2024 project is refreshing the markings and striping at three intersections in LPCK where the pavement markings have started to wear away. He stated the intersections include 199<sup>th</sup> & Homestead, 191<sup>st</sup> & Homestead, and 191<sup>st</sup> & Waverly Road.

He stated on July 31<sup>st</sup>, a public bid opening was held, and two bids were received. A copy of the bid tabulations are included in the packet. He stated staff reviewed bid information and qualifications. Following that review, staff and the City Engineer recommends C-Hawkk Construction, Inc. as the most qualified for the project. He stated staff anticipates this project beginning in August of this year and be completed by October/November of this year.

He stated funding for this project is through the Special Highway Fund and PIF Maintenance Fee. The total project is roughly \$148,000, including curb work. He stated the project costs associated with those phases of the 2024 Street Preservation Project will be presented at a later Council meeting. City Staff recommends awarding C-Hawkk Construction, Inc. for the 2024 Street Preservation Program Pavement Markings and Striping for \$60,691.62 for the base bid total.

With no questions or comments, Mayor Roberts requested motion to approve the award to C-Hawkk Construction, Inc. for a base bid total of \$60,961.62.

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

**10. CONSIDER SUBMITTAL OF APPLICATION TO KANSAS WATER OFFICE (KWO) FOR TECHNICAL ASSISTANCE AND WATER PROJECTS GRANTS THROUGH THE STATE WATER PLAN FUND (SWPF) FOR FY2025.**

Mr. Merkh addressed the Council. The Kansas Water Office is administering grant programs to serve Kansas entities to support water-related infrastructure activities that address various water quantity and quality needs. He stated Municipalities of fewer than 2,000 residents will be prioritized for the award of full grants for technical assistance and up to 90% for water projects. He stated the grants may provide full or partial grants with no required match.

He stated on December 14, 2023 City Council approved the submittal of applications for the initial round of funding. City Staff submitted two applications for the initial round of funding, Technical Specifications for Waterline Connections and Dwyer Sanitary Sewer Extension and Wastewater System Upgrades. He stated these projects were not selected for FY2024 funding through the KWO. Since those projects are now funded and underway, City Staff has identified additional projects to consider submitting applications for as listed below. He stated applications for FY2025 are due by September 6, 2024.

He stated City Staff have identified multiple projects that may qualify for both grant opportunities.

**Technical Assistance (<\$1,000,000):**

-Water Master Plan

**Water Projects (<\$8,000,000):**

-Wastewater System Upgrades related to Dwyer Sewer Extension

-Completion of CIPP Lining throughout Downtown Area

He stated staff has been in communication with KWO and confirmed wastewater projects as well as projects currently under consideration for SRF Loans qualify for both grants available through the SWPF.

He stated staff recommends applying for the SWPF Water Projects Grant and Technical Assistance Grant for the projects listed above. Should additional or substitute projects be identified, City Staff would update Council at a future meeting. He stated if the City is notified of any grant awards, this too will be brought before Council for further approvals.

Councilmember Lewis asked if the City received any feedback about why we did not receive grant funds last year.

Mr. Merkh stated he was not sure.

Councilmember Lewis stated he is curious if they tell who gets the award and why other come others were not selected.

Ms. Linn stated staff can find out if feedback is provided and see what the formal process is for that.

Councilmember Lewis stated it may help us potentially get the grant in future years if we knew why we were not selected.

Mr. Merkh stated staff would like to continue to apply as often as possible as long as we meet the requirements.

With no further questions or comments, Mayor Roberts requested motion to approve the submittal of an application to KWO for Technical Assistance and Water Projects Grants through SWPF for FY2025.

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

**11. CONSIDER ORDINANCE NO. 2166 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION RZ2024-0001 FOR THE REZONING OF APPROXIMATELY 15.14± ACRES OF LAND FROM THE C-2 (HEAVY SERVICE COMMERCIAL) DISTRICT TO THE C-3 (HIGHWAY SERVICE COMMERCIAL) DISTRICT LOCATED WEST OF THE HOMESTEAD LANE AND INTERSTATE 35 INTERCHANGE.**

Mr. Moore addressed the Council. He stated before Council this evening is a request to rezone a parcel just west of Homestead and I-35 from C2 to a C3 district. He stated this would allow for the highway service classification for heavy commercial, as well as a truck sales and maintenance facility. He stated the current zoning of C2 would allow for maintenance but not sales. The current property owner has not indicated a timeline for when any construction or projects could begin. Staff has reviewed their request against the City Code, Comprehensive Plan, State Laws, etc. and have found it identified as gateway commercial and C3 designation would be in compliance with that. He stated Planning Commission recommended approval without any stipulation.

Councilmember Lebakken asked if there will be a standard berm in place between them and the residential property neighbors when vertical construction occurs.

Mr. Moore stated all requirements will be implemented.

With no further questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2166 adopting the planning commission's recommendation to rezone approximately 15.14 acres of land from C2 to C3 located west of the Homestead Lane and I35 interchange.

Councilmember Conus moved to approve the motion, seconded by Councilmember Longanecker. Ordinance 2166 was approved, 4-0.

**12. Report by the City Administrator**

- Marketing and Communications Update

Ms. Kara Banks reviewed the provided update. She stated the numbers on social media continue to rise and the City's website saw a spike in views during the July 3<sup>rd</sup> Fireworks Show and Community Picnic.

- The Greenspace Update by Henderson Building Solutions

Scott Crain with HBS provided an update regarding The Greenspace. He stated a lot has changed since he last gave an update 3 months ago. Brick was not yet finished, there was no roof, no improvements on Nelson St., curb, gutter, etc. were not yet in place. He stated the inside of the building is seeing dramatic change as finishes are going in, including tile in the bathroom, paint on walls, ceiling grid going up.

He then reviewed pictures of the building. He stated the building is really taking shape, Nelson improvements are nearly complete, the outside of the building is following close behind. He stated we're starting to see the entertainment district with the canopy there and they're really excited to see the greenspace come to life with plantings. He stated it will be beautiful when complete, very well designed.

He stated there are a few things to finish yet between now and February. Site improvements will wrap up fairly quickly. He stated the storm shelter is to be completed as well as all interior that isn't quite in place yet. He stated there isn't permanent electric quite yet, but that's coming. He stated substantial completion is still set for February. He stated he's very impressed with city staff and the contractor chosen. The community should be very proud of what's happening in the downtown area.

Councilmember Conus asked about special construction techniques for the storm shelter.

Mr. Crain stated there are standards by which you can improve a space and call it a storm shelter. Often there are different techniques related to the wall built to make the structure more stable. He stated there has to be grading in place within that so that if the rest of the building blows away, that structure is still standing without things puncturing the wall. He stated there's a special roof as well.

There were no further questions or comments.

- Martin Creek Park Update.

Parks and Recreation Director Levi Meyer stated the new slide has been installed at the park and all went well.

Mayor Roberts stated that is better than replacing the entire playground.

Ms. Linn agreed and stated thankfully staff was able to work to find the right equipment to fix.

Councilmember Lebakken stated the city does have some amazing staff.

Councilmember Lewis asked how things are going at Glendell.

Ms. Linn invited Mr. Merkh up to speak on that.

Mr. Merkh stated the project is moving along very well. He stated the skate park is complete, the paving under the playground and fitness area, as well as gazebo are all completed and ready for next step. He stated additional sidewalk and signage are to be installed next week.

Ms. Linn stated contractual completion is on target for the end of October. She stated Councilmember Conus reached out to Dan about fencing. She stated there was not fencing before and there is not fencing set to be installed as part of the project. She stated the functionality of the park did not change.

Councilmember Conus stated the park closes at sunset per the updated rules, so this should not be a problem.

Ms. Linn stated Councilmember Lebakken reached out to Mr. Moore about driveways and asked about regulations surrounding those on residential properties.

Mr. Moore shared info from the UDC stating that new driveways in development are not allowed today, however driveways that were gravel before are allowed as existing. He stated an amendment to this portion of the unified development code will be going to the next planning commission meeting for approval.

Ms. Linn stated anytime there are questions regarding items like this, please encourage those residents to reach out to staff. She stated most often than not, they start with one question and end up with quite a few more and it's easier for staff to help address these items as they arise and get information directly from the source.

### **13. Report by the Mayor**

Mayor Roberts stated he had no report to give but would like to add an executive session with no action to follow to the meeting.

### **14. Future Meeting Reminders**

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

### **WALK ON:**

### **CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO THE ATTORNEY/CLIENT EXCEPTION TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR DISCUSSIONS RELATED TO CONTRACT NEGOTIATIONS (K.S.A. 75- 4319(B)(2))**

Mayor Roberts requested motion for the City Council to recess into executive session for discussions related to Contract Negotiations. The justification for such executive session is for a consultation with the City Attorney, which is deemed privileged in an attorney-client relationship (K.S.A. 75-4319B(2)). Present in the executive session will be the Governing Body and the following staff members: City Administrator Beth Linn and City Attorney Todd Luckman.

The executive session will start at 7:30PM and last 10minutes. The open meeting will resume in the Council Chambers.

Councilmember Lewis moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) to discuss contract negotiations. Councilmember Lebakken. seconded the motion. The meeting recessed into executive session at 7:30PM, 4-0.

Councilmember Lewis moved to return to open session to request an additional 5 minutes to continue the discussion as provided in the original motion. Councilmember Lebakken seconded the motion. Council returned to executive session.

Councilmember Longanecker moved to return to open session with no action being taken. Councilmember Lebakken seconded the motion. Open session resumed at 7:45PM, 4-0.

Ms. Linn showed Council the new home sites at Dwyer Farms that are now online and priced to buy. She stated this is a very exciting time and wanted people to know and share.

#### **15. Adjourn**

Councilmember Lewis moved to adjourn, seconded by Councilmember Conus. The meeting was adjourned at 7:47PM with a 4-0 vote.

Submitted by Alex Clower, City Clerk