

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**September 22, 2022**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on September 22, 2022. The meeting convened at 7:01 PM with Mayor Roberts presiding.

**1. ROLL CALL**

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

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Public Works Director, Dan Merkh
- Public Works Superintendent, Trey Whitaker
- Finance Director, Karen Kindle
- Capital Improvement Project Manager, Brian Stanley
- Recreation Coordinator, Brittany Paddock
- Accountant, Justin Vermillion
- Maintenance Tech I, Darren Ross
- Maintenance Tech I, Tristan Godinez

**2. WELCOME**

**3. PLEDGE OF ALLEGIANCE**

Mayor Roberts stated he received an email earlier in the week from Councilmember Stambaugh officially resigning from council. He further stated that Ms. Stambaugh noted she would return her iPad, in which he responded the iPads purchased for Councilmembers are for their use to better stay connected with the city and do not need to be returned should a member leave. He stated the next step in this process is the same as the past, he will go to Planning Commission and ask for volunteers. If there is interest, he will bring them forward for appointment, if there is no interest, there will be a broader community request and interview of candidates. He stated members of Planning Commission have shown to be true community supporters as they are in a volunteer position for the time they serve.

**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 September 8, 2022 Regular City Council Meeting

5. Consider Application FP2021-04, Final Plat for 30650 W. 191<sup>st</sup> Street Located Near the Northeast Corner of 191<sup>st</sup> Street and Montrose Street, Edgerton, Kansas
6. Approve Resolution No. 09-22-22A Establishing Fees and Rates for Permits, Licenses and Services with the City of Edgerton, Kansas
7. Approve Final Acceptance of the Nelson Street from East 3rd Street to West 8th Street (CARS) Project, Including Street Maintenance Program 2022 Roadway Sections (West 5th Street & West Martin Street)

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

### **Regular Agenda**

8. **Declaration.** There were no declarations made.
9. **Public Comments.** There were no public comments made.
10. **Introduction.** Dan Merkh, Public Works Director, Introduces New Employees for the Public Works and Utilities Departments, Tristan and Darren.

Darren Ross stated he was born and raised in Wellsville and currently resides in Baldwin. He stated he enjoys outdoor activities and is excited to be a part of the Edgerton team.

Tristan Godinez stated he is from Ottawa and has lived there all his life. He stated he is new to this type of work, but he is learning as the tasks come along and he is glad to be aboard.

Mayor and Councilmembers welcomed them to the team.

### **Business Requiring Action**

11. **CONSIDER ORDINANCE NO. 2120 AMENDING CITY OF EDGERTON ORDINANCE 2113 WHICH ADOPTED THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2022-01 FOR THE REZONING OF APPROXIMATELY 80.4 ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF 207TH STREET/BRAUN STREET AND 8TH STREET/EDGERTON ROAD, FROM JOHNSON COUNTY "RUR" (RURAL DISTRICT) TO CITY OF EDGERTON "PUD" (PLANNED UNIT DEVELOPMENT) ZONING TO CURE A DEFECTIVE LEGAL DESCRIPTION**

Ms. Linn stated this Ordinance was added to the agenda this morning. She stated in preparing documents, it was noticed that the legal description had been truncated, this ordinance corrects that error.

With no questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2120, amending City of Edgerton Ordinance No. 2113, to cure a defective legal description.

Councilmember Longanecker moved to approve the ordinance, seconded by Councilmember Lebakken. Ordinance No. 2120 was approved, 5-0.

**12. CONSIDER RESOLUTION NO. 09-22-22B AUTHORIZING THE CITY OF EDGERTON, KANSAS TO ENTER INTO A DEVELOPMENT AGREEMENT FOR A HOUSING DEVELOPMENT PROJECT**

Mr. Scott Anderson, Bond Counsel, addressed the Council. He stated Rausch Coleman Homes also known as, Kansas LD, LLC desires to develop a single-family housing division on an 80.4-acre parcel located at the southwest corner of 207<sup>th</sup> St./Braun St. and 8<sup>th</sup> St./Edgerton Rd. He stated this subdivision will be known as Dwyer Farms and will have approximately 275 single-family homes once complete. He stated the resolution for approval, will approve the development agreement between the City and Kansas LD.

He stated the developer has agreed to develop the housing subdivision in four phases, with the first having at least 63 homes built within five years of recording the final plat. He stated the remainder of the subdivision will be built out based on demand. He stated the developer has agreed to pay for and install all infrastructure within the property to serve the houses. The City has agreed to install and pay for all necessary off-site improvements, including streets, sewer and water. He stated the city has discretion to determine when these improvements need to be installed. He stated the principal improvement is the extension of the sewer infrastructure. While there is no specific timeline, it is agreed to be completed in such a time that the City's improvements will not slow down the development of the housing division. He stated the agreement has a blank date, but it is recommended the housing development be established by the end of 2025. He stated this means one house will have to be complete by the end of 2025 or they cancel the agreement. He stated the city intends to reimburse itself for the costs of making the improvements by establishing a Rural Housing Incentive District, but if for some reason the RHID is not approved and put in place, the city is still obligated to install that infrastructure. He stated the Development Agreement requires the developer to post a payment bond. In the event the developer does not build housing at a sufficient rate to generate enough RHID increment to reimburse the city, this bond provides adequate security.

Mr. Coleman stated he is excited to take this next step and ready to get going on the project.

Mayor Roberts stated development pays for development and he feels like this is another partnership, but now on the housing side. He stated this is something the community needs and has needed for a very long time.

Councilmember Lewis asked if money is spent for infrastructure as phases continue or if it is all at once.

Ms. Linn stated the most critical piece to complete is sanitary sewer. She stated work was done with BG Consultants to make sure infrastructure could be placed under the pipeline, but they still intend to study the water line.

Mr. Merkh stated there is a point in the lines that require further study due to a connection point that would be looped on high and normal pressure. He stated this means that an appropriate line would need to be placed to serve this area.

Ms. Linn stated the road on 8<sup>th</sup> Street would likely be in the first phase of updates due to traffic counts indicating some work needing to be completed there. She stated the City did submit on the BASE Grant and still hopeful it is a possibility to receive funds from that for the sewer extension.

Mayor Roberts stated the Surety Bond ensures the city receives revenue to pay back any necessary costs. He stated the sewer itself is tied to a Benefit District and Mr. Coleman will be paying into that, as well as their yearly dues. He stated he is obligated to do that by law.

Ms. Linn stated this agreement really allows for Mr. Coleman to focus on development inside the four corners and the City to provide the back support and provide necessary improvements in the exterior portion.

Councilmember Lewis asked when the other Benefit District will be paid off.

Ms. Linn stated the last year of assessments is 2032.

Councilmember Longanecker asked if the repairs will be held up at Edgerton Rd.

Ms. Linn stated work has been continuing to progress. She added all easements have been complete besides one.

Mr. Merkh stated the design for 8<sup>th</sup> and Braun can easily accommodate the development. The City is currently on schedule to begin as early as October for street improvements.

Ms. Linn stated the valve vault had to be fabricated and laid before roadwork could begin.

Mayor Roberts stated work has already begun, it is just not work that is as noticeable as roadways being constructed, etc.

Councilmember Lebakken ask if delays are due to supply issues.

Mr. Merkh stated yes, the vault had significant delays but so has acquiring easements.

Ms. Linn stated there will be a point where traffic will be detoured for tie ins in the roadway and the City will try to overcommunicate for those that live in and use that area daily.

With no further questions or comments, Mayor Roberts requested motion to approve Resolution No. 09-22-22B, authorizing the City to enter into a Development Agreement for a Housing Development Project with Kansas LD, LLC.

Councilmember Lewis moved to approve the resolution, seconded by Councilmember Longanecker. Resolution No. 09-22-22B was approved, 4-0.

**13. CONSIDER RESOLUTION NO. 09-22-22C MAKING CERTAIN FINDINGS AND DETERMINATIONS AS TO THE NEED FOR HOUSING WITHIN THE CITY OF EDGERTON, KANSAS AND SETTING FORTH THE LEGAL DESCRIPTION OF REAL PROPERTY PROPOSED TO BE DESIGNATED AS A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY**

Mr. Anderson stated Kansas law allows for a city to establish a RHID with a population of 60,000 or less. This is very similar to a tax increment finance district. He stated in a RHID, the tax increment generated from the new housing units is captured and can be used to reimburse the city for eligible project costs, such as streets and utility infrastructure. He stated in a TIF the increment is captured for up to 20 years, a RHID can capture the increment for up to 25 years. He stated unlike a TIF, RHID does capture the 8 mills for the school capital levy. He stated RHID has not been seen in Johnson County until now due previous restrictions on county population. He stated there are six steps to complete when establishing an RHID, the first step is completion of a housing needs analysis. He stated the housing analysis was completed in December 2020 and presented by ElevateEdgerton!. He stated step two is adoption of this resolution which states certain finding such as housing being limited in Edgerton. He stated once the resolution is approved by the Governing Body, it then goes to the Secretary of Commerce for approval and agreement with the findings listed in the resolution. He stated just like a TIF, the RHID is subject to veto by the county and school district, which is why a Public Hearing for the creation of such district must be held.

Councilmember Longanecker asked if the capturing of 8 mills means the school gets that amount.

Mr. Anderson stated unlike a TIF, the RHID gets to capture those mills.

Mayor Roberts stated they will still see revenue from students who will attend in the district.

Councilmember Lewis asked why the county and school get to veto.

Mr. Anderson stated the county and school have 30 days to adopt a resolution to veto. He stated this has been in the law for many years, it is just part of the process and has not changed.

Mayor Roberts stated to date, no county or school has vetoed it.

With no further questions or comments, Mayor Roberts requested motion to approve Resolution No. 09-22-22C Making Certain Findings and Determinations for establishment of a Rural Housing Incentive District.

Councilmember Longanecker moved to approve the resolution, seconded by Councilmember Lebakken. Resolution No. 09-22-22C was approved, 4-0

**14. CONSIDER AN AGREEMENT BETWEEN BG CONSULTANTS AND THE CITY OF EDGERTON, KANSAS FOR THE ENGINEERING SERVICES FOR DWYER FARMS SANITARY SEWER IMPROVEMENTS**

Mr. Merkh stated in August this year, the City Council approved the recommendation of the Planning Commission to approve an application for a Planned Unit Development for Dwyer Farms. He stated this project is proposed single family residential and will need sanitary sewer improvements at the onset of development. He stated the Sanitary Sewer project will have several hurdles as the proposed alignment crosses beneath existing rail, high pressure pipeline and an existing lake.

He stated BG Consultants has worked with the City on numerous occasions. They are available to start immediately and handle the coordination with both the rail and pipeline personnel. He stated city staff along with BG have worked to outline the needed easements.

With no questions or comments, Mayor Roberts requested motion to approve the Agreement with BG Consultants for Engineering Services for Dwyer Farms Sanitary Sewer Improvements.

Councilmember Longanecker moved to approve the agreement, seconded by Councilmember Beem. The agreement with BG Consultants was approved, 4-0.

**15. CONSIDER RESOLUTION NO. 09-22-22D APPROVAL OF INDEMNITY AGREEMENT BETWEEN THE CITY AND THE EDGERTON UNITED METHODIST CHURCH FOR USE OF THE CHURCH PARKING LOTS DURING THE MEAT INFERNO EVENT**

Ms. Paddock stated Meat Inferno is coming up on October 7 and 8 and the City is finalizing details as more teams are registering for the event. She stated to allow for more contestant parking, the City has asked the Church to use their parking lots for the event. To be covered by the City insurance, the indemnity agreement must be approved. She stated the agreement has been signed by a member of the church and must now approved by the governing body. She stated they have made a few requests, in addition to being covered under the City's insurance. They have requested the lots be cleaned prior to services the following Sunday and that if they should decide, the Church would be allowed a booth during the event.

With no questions or comments Mayor Roberts requested motion to approve Resolution No. 09-22-22D, approving the Indemnity Agreement with Edgerton United Methodist Church for use of their parking lots during the Meat Inferno event.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Beem. Resolution No. 09-22-22D was approved, 4-0.

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

- Project Update: Stormwater Master Plan

Ms. Linn invited Public Works Director Dan Merkh to give an update on the Stormwater Master Plan.

Mr. Merkh addressed the Council. He stated staff has been working with Olsson to finalize the Stormwater Master Plan with updates from Council and the community. He stated in the discussion, Council had questions about the process of identifying Public vs. Private stormwater concerns. He stated in the draft Stormwater Master Plan provided to the Governing Body, five parameters are laid out that will help determine the difference. He stated it is important to note that not all five parameters listed have to be present to be a Public/Private concern, but they are used to help determine the level of concern and prioritize the project. He stated this method will be applied to future concerns when called in to City Hall, which will better help staff classify and track concerns.

He stated staff reviewed the project list with the revised parameters. He stated some projects changed, some were divided into more manageable sizes, and some had portions removed that would be considered private. He stated while a project size is set with this master plan, there is more capability of right-sizing the project scope in the future to match the conditions at that time.

He stated as the next steps, staff will work with Olsson to ensure all deliverables from the contract are complete and training will take place to begin applying the master plan. He stated going forward, staff will discuss the recommendations made by the master plan and develop a plan to address them. He stated the draft plan given to council to review is 99% complete and because of no major revisions from discussion, staff would plan to put the item on the agenda at the next council meeting for final acceptance.

Ms. Linn stated the idea behind this is to provide the city with a lens when reviewing community concerns. She stated when someone calls members of the governing body, they can be directed to city hall where staff will ask them to complete a questionnaire. She stated this will be given to help track the problem and prioritize the issue for further discussion which allows for more productivity and better understanding of what projects need to be addressed most quickly.

Councilmember Beem asked if there has been enough rain to study the new bridge on co-op.

Mr. Merkh stated there has not been a specific study, but staff at City Hall has not had any calls regarding water holding, drainage issues, etc. since the project has been complete.

Mayor Roberts stated the issues heard in the past were related to the project not yet being complete and having no established vegetation.

Mr. Merkh stated the intention is to mitigate what concerns they can at a staff level with the new process and procedure. He stated what is listed as projects will be seen at the CIP Work Session as unfunded where council can then decide what items will need to be funded vs. unfunded.

- Comprehensive Plan update

Ms. Linn stated she would like to remind everyone of the Envision Edgerton Comprehensive Plan and asks councilmembers to complete the survey and tell their neighbors to complete as well. She stated the more feedback received, the better.

#### **17. Report by the Mayor**

Mayor Roberts stated he had no report to give at this time.

#### **18. Future Meeting Reminders:**

- October 11<sup>th</sup>: Planning Commission Meeting – 7:00PM
- October 13<sup>th</sup>: City Council Meeting – 7:00PM
- October 13<sup>th</sup>: CIP Budget Work Session – Following Regularly Scheduled Meeting
- October 27<sup>th</sup>: City Council Meeting – 7:00PM
- November 8<sup>th</sup>: Planning Commission Meeting – 7:00PM
- November 10<sup>th</sup>: City Council Meeting – 7:00PM

Mayor Roberts stated he would like to talk about the holiday schedule at the next meeting. He stated it is likely that there will need to be two meetings in November. He stated the meeting on Thanksgiving is typically canceled and Council only meets once in November, but they will need to have a special meeting likely the week before Thanksgiving on November 17<sup>th</sup>. He stated he will request motions for approval of those meeting changes at the next council meeting.

#### **19. Adjourn**

Councilmember Lewis moved to adjourn, seconded by Councilmember Beem. All in favor. The meeting was adjourned at 7:56 PM.

Submitted by Alexandria Clower, City Clerk