

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**September 28, 2023**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas September 28, 2023. The meeting convened at 7:00PM with Mayor Roberts presiding.

**1. ROLL CALL**

Clay Longanecker	present
Josh Lewis	present
Josh Beem	absent
Deb Lebakken	present
Bill Malloy	absent

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Assistant City Administrator, Meagan Borth
- Public Works Director, Dan Merkh
- Public Works Superintendent, Trey Whitaker
- Finance Director, Karen Kindle
- Accountant, Justin Vermillion
- Development Services Director, Zach Moore

**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 September 14, 2023 Regular City Council Meeting.
5. Consider an Agreement with Varney & Associates, CPAs, LLC, to Prepare the City's Financial Audit for Fiscal Year 2023
6. Consider Resolution No. 09-28-23A Waiving the City's Compliance with Generally Accepted Accounting Principles for Financial Reporting and Causing Such Reports to be Prepared in Compliance with the Cash Basis and Budget Laws of the State of Kansas
7. Consider Application FP2023-04, Final Plat for Whimsy Edgerton, LLC, Located at the Northwest Corner of W. 199<sup>th</sup> Street and Homestead Lane
8. Consider Final Acceptance for the Library Brick Project
9. Consider Final Acceptance for the Library Roof Project

Mayor Roberts requested item 6 be removed for further discussion. He then requested approval of the remaining items on the consent agenda.

Councilmember Longanecker moved to approve the remaining items on the Consent Agenda. Councilmember Lewis seconded the motion. The consent agenda was approved, 3-0.

Item 6 Discussion –

Ms. Kindle stated under statute the city is required to prepare financial statements. She stated the city has done this for the last few years. Cash basis financial documentation is more user friendly and time friendly for staff. She stated by resolution, the governing body can make finding that the financial statements and reports prepared with the requirements of GAAP, are of no significant value to council or general public. She stated the council can then request waiver to prepare the financial statements on the basis of the cash receipts and disbursements as adjusted to show compliance with cash basis and laws of the state.

Councilmember Longanecker asked if completing the process this way makes a difference in costs.

Ms. Kindle stated it is less cost in Audit processing and significantly reduces staff time.

Mayor Roberts stated he believes this is the simplest way while still allowing for the highest level of budgeting and audit efforts. He stated this still allows for transparency with the public and it is what most municipalities do.

Ms. Kindle stated the City's finances are still prepared in compliance with another set of regulations, which the auditors then use to look at the city's statements and audit them.

With no further questions or comments, Mayor Roberts requested motion to approve Resolution No. 09-28-23A.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lebakken. The Resolution was approved, 3-0.

**Regular Agenda**

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

11. **Public Comments.**

Mr. Charlie Troutner addressed the Council. He stated he wanted to attend this evening to express his desire for Council and the public to attend the 10<sup>th</sup> Anniversary Celebration of the Edgerton Community Museum. He stated the celebration will be on October 14<sup>th</sup> beginning at 10 am with artifacts and refreshments. He stated Holly at the Village Shop here in town will be making shirts.

Mayor Roberts asked how much for T-shirt.

Mr. Troutner responded \$15-18 depending on size.

Mayor Roberts asked where can someone order.

Mr. Troutner stated they can contact him or place the order directly with Holly.

He stated this will be a very special celebration. He thanked the City for the support over the years with maintenance, financing major repairs and always being willing to listen to requests.

Mayor Roberts thanked Charlie for all the work he does to keep the museum operational.

All Councilmembers thanked Charlie for his continued dedication to the museum.

He stated he's very happy the city has a place they can go to learn about the town's history.

**Business Requiring Action**

**12. Consider Resolution No. 09-28-23B Authorizing and Providing for the Acquisition, Design, Construction, and Equipping of a New Community Building and Related Improvements in The City of Edgerton, Kansas; And Providing for the Payment of the Costs Thereof**

Ms. Kindle stated in November 2019 the City passed a resolution to issue bonds, she stated the first update to that resolution is to provide a description for the project now established and provide updates needed to the project budget. She stated this resolution does just that, the project budget now established is roughly \$8.7 Million. She stated staff has listed the project amount in the new resolution as \$10 Million to allow for contingency, which will prevent the need to issue additional bonds should the project run into unforeseen circumstances that cause expenditures to exceed the budget. She stated any bond proceeds not used for the project will be used for debt service payments on the bonds.

Mayor Roberts stated he assumes the \$10 Million is a conservative outside estimate.

She stated that is correct.

Councilmember Longanecker stated anything left over will go back to paying it anyway.

With no further questions or comments, Mayor Roberts requested motion to approve Resolution No. 09-28-23B.

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

**13. Consider Resolution No. 09-28-23C Authorizing the Offering for Sale of General Obligation Bonds, Series 2023A, of The City of Edgerton, Kansas**

Ms. Kindle stated following the approval of the previous resolution, the city now offers bonds for sale. She walked council through the next steps of this process as outlined in the council packet as well as highlighted a few dates related to the sale of the bonds.

Mayor Roberts asked what the current bond market looks like now.

Mr. Khaleen Dwyer of Columbia Capital approached the podium. He stated the bond market is less advantageous currently because interest rates have increased. He stated the volume is lower and they have been seeing lower turn out at competitive sales for issuers like the city. He stated people will ask about the debt borrowed because Edgerton does not fit nicely in a box like other cities may. He stated he is hopeful they can market the bonds successfully and they will be working to see if they can qualify for bond insurance. He stated despite the City's excellent history, buyers are wary in this market. He thinks if Edgerton qualifies for bond insurance, it would make for better turn out.

Councilmember Longanecker asked what the city can expect interest rate wise.

Mr. Dwyer stated 4.5% is the current ballpark.

Councilmember Longanecker asked if it is planning to raise in the future.

Mr. Dwyer stated the Feds have slowed down for the moment.

With no further questions or comments Mayor Roberts requested motion to approve Resolution No. 09-28-23C.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lebakken. The Resolution was approved, 3-0.

**14. Consider Ordinance No. 2146 Adopting the Planning Commission's Recommendation to Approve a Conditional Use Permit (CU2023-01) Allowing a Cargo Container Storage, Repair, Or Maintenance Facility for Whimsy Edgerton, LLC on the Property Located at the Northwest Corner of W. 199th Street and Homestead Lane**

Mr. Moore stated the city has received an application requesting a conditional use permit to operate a cargo container storage, repair and maintenance facility for Whimsy Trucking. He stated this will be located northwest of intersection of W. 199<sup>th</sup> Street and Homestead Lane. He stated these facilities are only permitted within the L-P District with an approved Conditional Use Permit.

He stated the Planning Commission approved a final site plan for an approximately 32,000 square foot building with cargo container storage yard at their September meeting. This was contingent upon approval of the conditional use permit. He stated in order to recommend approval or disapproval of the proposed CUP, the Council shall determine whether the proposed use is found to be generally compatible with the surrounding development and is in the best

interest of the city. He stated staff has reviewed the application with respect to all requirements within the code, the staff's report presented to the Planning Commission can be found within the council packet. He stated the Planning Commission held a public hearing regarding this application at their September meeting, and the planning commission recommended approval of the permit as stipulated in the staff report.

Mayor Roberts wanted to confirm this is a new application, not a renewal.

Mr. Moore stated that is correct, adding there was an error in the heading of this item.

Mayor Roberts stated this is a critical piece of infrastructure to have at LPKC. He added Edgerton has very high standards that were set at the beginning and have been consistent in those standards.

Mr. Pete Heaven, representative for the applicant, addressed the Council and thanked them for having him. He stated Mr. Moore has done a great job summarizing the project, and they concur with all aspects and findings presented. He stated the City's standards are the highest, adding there is a similar facility in the Chicago area and it is a night and day difference. He stated they have now started a fleet of EV Tractor Trailers in Chicago, and the company plans to use those here as well.

Mayor Roberts stated he appreciates the thoroughness of staff and the willingness of Whimsy to work with staff.

With no further questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2146 with revision to the wording as it is not a renewal.

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

**15. Consider Ordinance No. 2147 Adopting the Planning Commission's Recommendation to Approve the Renewal of a Conditional Use Permit (CU2023-03) Allowing a Cargo Container Storage, Repair, or Maintenance Facility for US MMG Properties E Lot, LLC on the Property Located at 30830 W. 191<sup>st</sup> Street**

Mr. Moore stated this request is a renewal, but the previous one was not. He stated in 2013 a conditional use permit was approved was previously approved to allow operation of a Cargo Container Storage, repair, and maintenance facility on the subject property. He stated the previously approved CUP expired in September 2023, but the approval has been stayed until this city council meeting due to the lack of quorum at the Planning Commission meeting that the applicant had originally submitted for.

He stated US MMG Properties E Lot, is requesting this CUP renewal to continue the operation as a cargo container storage lot. He stated the site has operated since 2013, when the original permit was issued for Nickell Properties. He stated prior to the Planning Commission meeting,

there were several items on site that did not meet Code or the previously approved site plan, including an unenclosed dumpster on site, an above ground fuel tank on site, damaged fencing, and missing landscaping. He stated the property owner resolved each of these outstanding issues prior to the Planning Commission meeting, and the site has remained in good standing since.

He stated in order to recommend approval or disapproval of the proposed CUP, the Council shall determine whether the proposed use is found to be generally compatible with the surrounding development and is in the best interest of the city. He stated staff has reviewed the application with respect to all requirements within the code and staff's report as presented to the Planning Commission can be found within the council packet.

He stated Planning Commission held a public hearing in September regarding this application and it was recommended for approval as stipulated in the staff report. Staff would recommend approval as stipulated.

Councilmember Longanecker stated this is a 10-year permit and asked how long ago the site changed hands.

Mr. Moore answered that it has been a couple years, but he would need to confirm. He stated the new applicants are the ones who fixed the problems noted.

Councilmember Longanecker stated they have a decent track record then.

Mayor Roberts stated it looks like there's security at the gate with a small container. He asked if it was a guard shack.

Mr. Greg Watson with McClure Engineering, a representative for the applicant, addressed the Council. He stated he was unclear about the exact container referenced. He stated he knows there is not a guard shack, and assumes it is portable.

Mayor Roberts stated it is off chassis and sitting on the ground.

Mr. Watson stated he can follow up with applicant, but he assumes it is a break area for staff as they do not have permitted buildings at this time.

Mayor Roberts asked if Council could approve conditionally upon knowing what the building is used for.

Mr. Hendricks stated if there were no other issues, he would recommend that Council empower the Mayor to approve the ordinance once the issue is resolved.

Mayor Roberts stated the container seems a little out of place.

Mr. Hendricks stated as soon as you learn the answer and it is resolved to your satisfaction; it can be approved.

Mayor Roberts stated he is confident the turn around will be quick because the new ownership has been more than hospitable to work with.

Ms. Linn stated it is about consistency. She added if there are spaces there for human habitation, it should be more building-like and not containers. If it is cargo container storage, that is fine but we want to confirm that.

With no further questions or comments, Mayor Roberts requested motion to empower the Mayor to approve Ordinance No. 2147 following any pending matters resolved to the Mayor's satisfaction.

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

Mayor Roberts invited the representatives from the Sheriff's Office to give their update.

Master Deputy Johnson and Captain Martinez addressed the council. They provided the governing body with a presentation to walk through their quarterly update. Capt. Martinez stated-in reference to the information presented-that about 90% of the calls received to the county come out of the city and intermodal areas.

Dept. Johnson stated in the last 3 years, there have been just over 3,000 calls in this area with roughly 2,500 of those being intermodal and highway related.

Capt. Martinez stated this may seem high, however a majority of those are coming off the highway.

Mayor Roberts asked if the city annexed I-35.

Capt. Martinez stated according to the AIMS map, the City does hold a highway portion.

Councilmember Lewis stated he likes seeing the annual data, but he would like to see it quarterly as well.

Ms. Linn stated the goal is to do this quarterly, getting started now and update like this moving forward.

Dept. Johnson stated in the last 90 days, the community events have had no issues and the turnouts have been great. He stated the community will see Sheriff's Office presence at the coming events, including Meat Inferno and Christmas Tree Lighting.

Councilmember Lewis stated since last time an update was given, they talked about presence being felt more. He stated from his perspective, he has seen them out more now than the past, seeing them at school drop off and pickup and just around the community more. He thanked them for that.

Dept. Johnson stated his schedule has changed during the summer, more evening and weekends, never really consistent. He stated they try to have someone here during school hours, but will also be going back to some weekend and evening times here soon to have some presence when people are coming home.

Ms. Linn stated staff also prepared a new municipal court report and hope to provide data moving forward. She stated there is not as much historical data on that side as the City only transitioned from paper to Digiticket a couple of years ago. She stated the report given does include law enforcement and code enforcement.

Councilmember Lewis stated this helps the community really understand exactly what and why the City pays for what we have.

Ms. Linn stated this gives the data to answer those hard questions.

They thanked Dept. Johnson and Capt. Martinez for coming and presenting their data.

#### **16. Consider a Revised Project Budget for the 2023 CDBG – 1<sup>st</sup> and Martin Sanitary Sewer Rehabilitation Project**

Mr. Merkh stated in May 2022, Council approved the submission of an application for 1<sup>st</sup> and Hulett Sanitary Sewer Project for CBDG funding. He stated in October of that year, staff was notified the proposed award of partial funding for \$100,000. In March 2023, Johnson County then notified staff of an additional funding allocation, bringing the new total to just over \$108,000.

He stated at the time of approval of the CIP, the total budget was roughly \$328,000, assuming the city would receive the biennial CDBG grant allocation of \$200,000; however, the city only received partial funding for the project.

He stated in February of this year, staff presented a potential lower budget revision as part of the award of design to Tetra Tech, but no approval was obtained at that meeting. He stated staff communicated that we would align project budgets to estimates/bids provided during design.

He stated on the agenda tonight is the consideration of awarding the bid to a contractor in the amount of \$191,764. Utilizing that bid, expenditures for design and estimates for construction inspection services, the project budget is proposed to be \$314,264 and summarized in the chart in the memo.

He stated funding for this project consists of the Johnson County CDBG award and the Sewer fund. He stated the funding sources have been identified by staff and listed within the council packet. He stated there are sufficient funds for the 2023 CDBG Project – 1<sup>st</sup> and Martin Sanitary Sewer Rehabilitation Project.



Mayor Roberts stated he knows some work has been done already, and asked if staff had noticed any positive impacts thus far.

Mr. Merkh stated they have not flow tested but have observed less stormwater.

With no further questions or comments, Mayor Roberts requested motion to approve the revised project budget for the 2023 CDBG 1<sup>st</sup> and Martin Sanitary Sewer Rehabilitation project.

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

**17. Consider Award of Bid to Havens Construction Co. for the 2023 CDBG – 1<sup>st</sup> and Martin Sanitary Sewer Rehabilitation Project**

Mr. Merkh stated in September 2023, the city held a public bid opening in which two bids were received, opened and read aloud to the public. This project consisted of a base bid and two alternates. He stated the base bids ranged from low of roughly \$191,000 to a high of just over \$220,000. Tetra Tech, approved design consultant for the project, provided an opinion of probable cost of \$185,543.00, and has provided a letter to disregard the opinion of probable cost due to the volatility of the market. He stated Tetra Tech's letter also recommends Havens Construction Co as the most qualified, apparent low bidder.

He stated based upon review of the bids, the letter of recommendation by Tetra Tech and requirements from US Department of Housing and Urban Development (HUD) for CDBG projects, staff recommends the apparent low bidder, Havens Construction, Co. to complete the project, as they are qualified to perform the scope of work included in this project. He stated the bids are within the project budget and consists of CDBG funds and Sewer funds as described in the Council Action Item earlier tonight regarding the project budget update.

With no questions or comments, Mayor Roberts requested approval of the bid award to Havens Construction for the 2023 CDBG 1<sup>st</sup> and Martin Sanitary Sewer Rehabilitation project in the amount of \$191,764.

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

**18. Consider Authorizing the City Administrator to Approve the Purchase of a Truck for the Building Inspector**

Mr. Merkh stated in July, staff presented the Vehicle and Equipment Replacement Program to City Council at the annual Budget Work Session. As part of this presentation, staff recommended funding of the Vehicle & Equipment Current Program 2024-2028. He stated outlined in this recommendation was the purchase of a new half-ton truck (F-150 or similar) in conjunction with adding the Building Inspector position. The budget set for this vehicle is

\$51,000. He stated on September 14, 2023 the City Council approved this purchase as part 2024 Annual Budget.

He stated the Vehicle and Equipment Policy requires the preparation of the specifications for the replacement of equipment with an effort for those to be as "standard" as possible to provide for economical and efficient repairs. It also requires that the city first use cooperative purchasing partnership if available. In this case there are currently no options for cooperative purchasing. In the current state of the market, there is not an ability to order vehicles as has been done in the past.

The new method for purchasing vehicles is off lot. This new method consists of the following factors that the City has not had to deal with in the past: (1) the price will vary depending on what vehicle a dealer receives that meets the City's specifications; (2) these purchases do not include any incentives or price breaks; (3) the City is competing with the public, private contractors, and others to secure an available vehicle; (4) these vehicles are not typically held by the seller to allow City Staff time to obtain authorization for the purchase. This new purchasing environment for vehicles requires flexibility in being able to authorize the purchase with an extremely fast turnaround, usually within 0-24 hours (with a deposit). This is a different approach than in the past when staff would present cooperative purchasing bids and request authority for an amount that was set in the bids and then order the vehicle.

Staff recommends the giving the City Administrator the authority to approve the purchase of a half-ton truck (F-150 or similar) off lot at \$51,000, as outlined in the Vehicle & Equipment Current Program. Due to the volatility of the market, Staff also recommends granting the City Administrator authority for an additional \$7,000 in contingency, for a total amount not to exceed of \$58,000. The payment source for the initial range is unencumbered fund balance from the general fund, therefore it is Staff's recommendation to include the contingency to come from the same source.

Staff will look at multiple dealerships in the metro area and selected dealers within a reasonable window to find a unit that meets the specifications outlined above as well as one that fits within the proposed budget.

Councilmember Lewis asked if this must be done every time.

Mr. Merkh stated yes, so far this is the current situation.

Mayor Roberts stated he has talked to staff a little about this, and he thinks it is appropriate to approve this way this year but he would like to look at options moving forward.

With no further questions or comments, Mayor Roberts requested motion to approve and authorize the City Administrator to approve the vehicle purchase in an amount not to exceed \$58,000.

Councilmember Lewis moved to approve, seconded by Councilmember Lebakken. The motion was approved, 3-0.

Mayor Roberts stated he thinks the city could order because it makes it a little more like the older way.

Ms. Linn stated the price is not guaranteed until delivery with an order.

Councilmember Lewis asked why not have a budget for ordering x amount of vehicles each year and prepare the item for approval during budget.

Mayor Roberts stated the Council has also approved a finance policy for the City Administrator budget, and Council could look at revising that policy to up the limit for specific items like this.

Ms. Linn stated there are categories that could be put into the policy for spending authority. She stated it would be worth staff researching other city's policies and having a policy discussion with the council. She stated unfortunately the challenge related to ordering is that neither price or date of delivery are set.

Mayor Roberts stated Council and staff have taken huge strides forward to have quality vehicles. He stated he would entertain the change to finance policy with a work session later to have data provided.

Councilmember Lewis stated he does not see the need to come back every time a vehicle purchase is needed.

Ms. Linn stated the transparency still exists the current way it is done, and if it is changed to allow city administrator authority it will still exist then too with bringing updates to council. She stated other things seen is entities moving to enterprise fleet, not suggesting leasing, however many do it that way and it's important to show that option.

She stated the city has hired for the building inspector position and will continue to use GBA for commercial/industrial construction. The in-house position will focus on residential while learning aspects of commercial/industrial construction.

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

- Update Dwyer Farms Sanitary Sewer Project

Ms. Linn stated Dwyer Farms has preliminarily been included in Fed EPA budget for the project at about \$960,000. She stated it is possible it could get removed, but it would be more likely that the funding amount would go down. She stated this is an opportunity to leverage funds to get project up and running. She stated staff is also working to apply for SRF (State Revolving Fund) Loan. There will be a public hearing and meeting regarding SRF. She stated the beauty of the SRF program is the low interest rate, which recently was about 2%.

Mayor Roberts stated the SRF too is a revolving grant, so money goes back into that grant to fund other grants.

Ms. Linn stated the developer's team has been out on site moving dirt.. Contractors have also been out at Edgerton crossing and moving along there too.

- Envision Edgerton

She stated the City will not have a joint work session on October 4<sup>th</sup>. Confluence and Staff are trying to finalize several pieces before presenting the Comprehensive Plan. They are currently looking for a date in November.

## **20. Report by the Mayor**

Mayor Roberts stated he has no report to give.

## **21. Future Meeting Reminders**

Mayor Roberts reminded council of the future meetings for council and planning commission.

## **Adjourn**

Councilmember Lewis moved to adjourn, seconded by Councilmember Lebakken. All in favor. The meeting was adjourned at 8:28PM.

Submitted by Alexandria Clower, City Clerk