

City of Edgerton, Kansas
Minutes of City Council Regular Session
September 26, 2024

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas September 26, 2024. The meeting convened at 7:00PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	absent
Deb Lebakken	present
Bill Malloy	present
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
- Public Works Director, Dan Merkh
- Parks and Recreation Director, Levi Meyer
- Development Services Director, Zach Moore
- Assistant to the City Administrator, Kara Banks
- Assistant to the City Administrator, Trey Whitaker
- Public Works Foreman, Chase Forrester
- Senior Accountant, Justin Vermillion

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 12, 2024 Regular City Council Meeting
- 5. Approve Resolution No. 09-26-24A Establishing Fees and Rates for Permits, Licenses and Services for the City of Edgerton, Kansas

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

Regular Agenda

6. Declaration. There were no declarations made.

7. Public Comments.

Mr. Charlie Troutner addressed the Council. He stated the Gardner Alumni hall of fame event went very well. He thanked the City Administrator, Mayor Roberts and Councilmember and Mrs. Conus for attending the event. He stated the Braun family told him that the event was above and beyond anything they could have expected. He stated the deadline now to submit someone for the next year is March 1st, but cautioned that the person who nominates someone is responsible for providing all info on behalf of the person they nominate.

Mayor Roberts stated it was a great event and thought that all nominees were well represented.

Mr. Troutner thanked the City for their sponsorship. He also added that he ran into a First Amendment Auditor for the first time. The individual was walking around recording businesses and people on camera. He stated he had never heard of this before and wanted everyone to know this person was around.

Mayor stated that the First Amendment Auditors have been going around for years, but have been picking up steam lately.

Business Requiring Action

8. CONSIDER AUTHORIZING THE CITY ADMINISTRATOR TO APPROVE THE PURCHASE OF A TRUCK TO REPLACE TRUCK 528

Public Works Director Dan Merkh addressed the Council. Mr. Merkh stated in August, staff presented the recommended budget for 2025 and as part of this presentation, staff made recommendations for funding of the Current Vehicle & Equipment Program 2025-2029. He outlined the purchase recommendation for a Class 5 Truck with flat-bed to replace truck 528 which has reached the end of its useful life. He stated the budget set for this vehicle, including upfit with plow and salt spreader is \$92,150.

He stated the policy requires the preparation of specifications for the replacement of equipment with an effort for those to be as standard as possible to provide economical and efficient repairs. He stated it also requires the city first use cooperative purchasing, if available. In this case there are no options for cooperative purchasing and in the current state of the market there is no ability to order vehicles as has been done in the past. He stated with this process staff will be taking the lowest most qualified bid.

He stated the new method for purchasing vehicles is off the lot and includes several variables for purchasing. He stated this new purchasing environment for vehicles requires flexibility in being able to authorize the purchase with an extremely fast turnaround, usually within 24 hours with a deposit. He stated this is a different approach from what has been used 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.

He stated included in the packet is the vehicle specification, including cost from dealership and upfit for aftermarket options. He stated staff recommends granting the City Administrator the authority to approve the purchase of a class 5 truck off-lot and upfit for a price not to exceed

\$92,150 with the payment source for the budgeted amount being from the Equipment Reserve Fund-General.

He stated staff will look at multiple dealerships in the metro area, as well as dealers in the region not exceeding a distance of 250 miles to find a unit that meets the specifications outlined, as well as one that fits within the proposed budget. He stated the attached pricing shows available inventory and pricing in that 250-mile radius as of the publication of the council packet. Pricing and availability can change. He stated staff recommends disposing of the current public works truck 528 via online auction.

Councilmember Longanecker asked about the plow outfitting, specifically if the plow normally wears out at the same time as the truck itself.

Mr. Merkh answered the plow and the truck typically are bought together and wear out at the same rate.

Councilmember Longanecker stated that he did not know if the plow would be sold with truck.

Mr. Merkh affirmed the plow would be sold with the truck.

Mr. Whitaker stated that he assessed the condition of the salt spreader and found it to be viable, but the plow is declining in condition.

Councilmember Longanecker asked about the age of the truck.

Mr. Whitaker answered the truck is either from 2014 or 2015.

Councilmember Longanecker asked if the old equipment can fit on the new vehicle. He added he thinks they have had discussion about this in the past.

Mr. Merkh stated that he thinks that the old salt spreader will work on this truck, which doesn't always happen, but staff has found some different options that may make this viable for a little longer.

Mayor asked if staff had looked into the trade-in value instead of auctioning off the old truck and equipment.

Mr. Merkh stated that he did not investigate trade-in value but can look into it before the new truck is purchased.

Mayor stated that it may bring some value on trade-in with the truck not being that old. He stated it would be worth looking into at least.

With no further questions or comments, Mayor Roberts requested motion to approve authorizing the City Administrator to approve the purchase of a Public Works truck to replace truck 528 for an amount not to exceed \$92,150, including upfit.

Councilmember Longanecker moved to approve, seconded by Councilmember Malloy. The item was approved, 4-0.

9. CONSIDER ORDINANCE NO. 2170 AMENDING CHAPTER XII ARTICLE 2 REGARDING USE AND REGULATION OF CITY PARKS AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

Parks and Recreation Director Levi Meyer appeared before the Council. He reviewed a memo that was presented to Council in September regarding updates to the City's Park Regulations. He stated these updates included clarification, new items, and removal of some items to better make the City's code more cohesive. He stated with the impending opening of The Greenspace, staff determined the existing codes should be updated as the current chapter has been in place since at least 2013. He stated the primary goal of this update is to keep the language simple, consistent across all chapters and allow staff the opportunity to post specific rules and regulations on site at properties. He stated a common example of this would be having regulations that ban damage to park property and a sign at a park that states "hanging on basketball rims is prohibited" because it would damage the basketball goal.

He stated this comprehensive chapter was developed by comparing codes from other agencies, including Olathe, Overland Park, Merriam, Shawnee, Gardner, Ottawa, Wellsville, Sterling, and Johnson County Parks and Recreation District.

He stated the proposed update combines the previous Chapter 12, Articles 1 and 2 of the Edgerton Municipal Code into a new Article 1 to include all "City Properties", such as park lands, recreational areas, and other City facilities.

Councilmember Lebakken asked if the UPOC prohibits swimming at all of them and if that is open to change, especially at the lake.

Mayor stated that if there are no lifeguards there is liability.

City Attorney, Todd Luckman, agreed that having no lifeguards is a liability and depending on the body of water it may not be good for people to swim in as well.

Mayor stated that is very common across other agencies.

Councilmember Lebakken asked if there is something that is different between our body of water and Hillsdale Lake.

Mr. Luckman stated that the issue here is that Kansas Tort Claims Act, has nuanced views about what is recreational vs body of water. He continued that if swimming is allowed, it must be in a structured area with proper equipment and safeguards.

With no further questions or comments Mayor Roberts requested motion to approve Ordinance No. 2170 amending Chapter 12 of the Municipal Code regarding use and regulation of City Parks.

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Longanecker. Ordinance No. 2170 was approved, 4-0.

10. Report by the City Administrator

- 312 E 5th St. Update

Mr. Moore stated Council adopted a resolution deeming this structure dangerous or unsafe. The City has established deadlines for the property owner to bring the building back into compliance and has been extending that deadline to tonight through series of updates. He included a brief timeline in the packet.

He stated the property owner has been collecting bids and he included an email with the most recent update from property owner. Property owner will likely choose to repair, instead of demolish. That was last update staff has received. The attorney for the property owner Ashlee Yager is in attendance.

Councilmember Longanecker requested clarification that the property owner has been granted 4 extensions.

Mr. Moore stated that is correct.

Mayor invited Ms. Yager up to the podium.

Ms. Yager stated the only update that she has since the last email sent to Zach is that the contractor did visit the property yesterday. She stated they will install a door that meets the building code as well as complete foundation repairs listed in the structural engineer's report. That report came back essentially saying structure is secure and safe except for a few foundation items. She stated this report did come in a week late. They have been working for the last two weeks trying to obtain repair bids. The owners will most likely opt to repair structure. However, she cautioned that final financial analysis cannot be done until bids are received.

Councilmember Lebakken questioned if the owner would be able to find a contractor willing to do the work.

Ms. Yager stated they are fairly confident they will repair, but they are still discussing the best financially feasible option.

Councilmember Longanecker stated it did not sound like a decision has been made.

Ms. Yager stated there has been progress and the owners have advised they are most likely repairing the structure. Final financials have not been put in place until this last repair bid.

Councilmember Longanecker stated that this is the same as last time.

Ms. Yager stated the owners are taking steps to repair and hopes that Council can see that.

Mayor asked the City Attorney that what the next steps are in the process.

Mr. Luckman stated Council will either order it demolished or repaired. He stated usually to order demolished, Council would need to believe the building cannot be restored to a state that is not a nuisance or problem. In this instance, the engineers report indicates the structure is sound and that was a main concern.

Ms. Yager agrees with City Attorney.

Mr. Luckman states that it is a policy choice ultimately. The progress is slow, but we do have a responsive owner, which is not always the case. He then questioned if the City would end up with a vacant lot and no house, or if the owner would ultimately end with a liveable structure.

Councilmember Longenecker asked if the City's building inspector could decide if a home was fixable.

Mr. Moore stated in order for the building inspector to offer an opinion on this matter, he would need to be granted access. The only portion the building inspector has been inside was the basement when there was an issue with the water meter.

Mr. Luckman stated that the request for access could be condition of extension.

Mayor asked Ms. Yager if she or the owner had sent the structural engineering report to the city.

Ms. Yager stated that what she is authorized to say, is that the report was found sound as long as there are one or two foundational repairs done and that the report has not been sent to the city.

Mayor stated that the structure is then not sound until they do repairs.

Councilmember Longanecker stated the consensus here is that the City has been waiting.

Ms. Yager there is cost and timeline from contractors. Ideally, the owners want more than one bid. Hopefully will have one or two more contractors submit bids.

Ms. Linn stated when the initial assessment was made the list was prepared without staff being in all spaces of the structure. She stated staff would recommend we obtain the report to allow staff to review and understand if the structure is dangerous and unsafe. She stated this will then allow for more time for the owners to obtain more bids.

Mayor stated that the City should be granted access and be given a copy of the structural engineers report. The Council does not want this issue to go on forever and wants to see this back at the next council meeting.

Mr. Luckman states that the City's inspector should have the structural engineer report in hand sooner rather than later.

Councilmember Longanecker expressed his displeasure at the lengthy timeline and lack of answers from the property owner.

Ms. Yager stated that she will try and move this forward, but maybe not as quickly as anybody would like. The owners appear to be committed to repairing structure.

Mayor stated that this has been going on for almost 6 months and within those six months the property owners have not given any answers.

Ms. Yager argued that they did not have access to the property until end of January. This is close to the time when the inspector went in. She added that an owner having it before and not taking care of is different than the new owner taking it over. Basically the same time the city found it to be unsafe, is when they took over and the occupants now are moving along as quickly as they can.

Councilmember Lebakken stated it seems that the owners are doing just enough to say we're doing something and calling it good.

Ms. Yager stated the City and her company have two different points of view. They see the balance sheet vs the emotions behind it.

Councilmember Lebakken agreed because everyone in the community is driving past it, while they are only looking at balance sheet and do not have to see it every day.

Mayor recommends Council instruct the owner to provide the structural engineering report by end of next week and access be granted to the City's building inspector and scheduled before next council and then a report to be given back at the next council meeting.

Councilmember Longanecker suggested Council start the condemnation process at the next meeting to give the owners an incentive to keep moving on it.

Councilmember Lebakken agreed with Councilmember Longanecker.

Ms. Yager asked what Council would like to see.

Mayor answered that the City needs access to the building and structural engineer report and then determine the next steps by the next Council meeting. He stated in a dream world the city would like a complete timeline by next meeting for scheduling surrounding

improvements to the structure. He added they have had six months to get bids and work on the building. He stated the City was in this same process with another house, that was actually started after this one, and they have completed those repairs already.

With no further questions or comments, Mayor requested motion to extend the date based upon condition that the owner provides the structural engineer report by end of next week, October 4th, that scheduled access be given by October 7th, and that a report back be given at the next council meeting on October 10th.

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

- **Public Works Quarterly Update**

Mr. Whitaker referred to the update provided in the council packet and reviewed the information. There were no questions.

- **2024-2025 Snow Season Presentation**

Mr. Merkh referred to the presentation included in the packet and reviewed the information.

Councilmember Longanecker asked if residents are notified prior to being towed.

Mr. Merkh stated yes, through NotifyJoco, Facebook, the website and then at the two-hour mark staff is mobilized for door knocking.

Councilmember Lebakken asked if they are ticketed.

Ms. Linn stated no, vehicles left on the street are just towed. This is to ensure that plows can clear the streets so emergency vehicles can get through.

There were no further questions or comments.

WALK ON: Job Descriptions

Ms. Linn invited Mr. Meyer back up to the podium to give an update on The Greenspace and review new positions needed to staff The Greenspace.

Mr. Meyer stated currently a public works employee handles facility repairs, maintenance, etc. With the new building opening soon, a full-time person is needed to handle the day-to-day operations. This person will be in the building most of the time, but will also serve as support during seasonal weather.

The other position is for a full-time customer service specialist II position. This person will be primarily located as The Greenspace and will serve as the frontline employee there. This position will be responsible for opening the building and work into the afternoon until part

time staff. This will be the first target to hire and will be cross trained to support city hall taking utility payments, answering the phone, etc.

He stated the next position is for a part time customer service staff member, they will start around 2-3 in the afternoon and fill the evening hours. This will be a similar role but more of an entry level position, they will also be responsible for setting up rentals, cleaning, functionality and keeping people happy at the facility. They will also have the responsibility to work evenings and weekends. He stated the full time position will have hours during the work week.

Ms. Linn stated we felt it was important to hire the same level as front office staff and to have someone be the ambassador for the building. The operational hours during the work session will still be evaluated and may change those hours depending how opening goes, leaving these descriptions available to change.

Councilmember Longanecker asked how the part time position will work.

Mr. Meyer stated the full time will open in the morning and just leave a little earlier, then the part time position will come in and close.

With no further questions or comments, Mayor Roberts requested motion to approve the job descriptions as provided.

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

WALK ON: CIP Work Session Update

Memo regarding the strategic planning was provided to council for the work session. The memo provides highlighted areas that staff put together regarding the areas that seemed to be more of a priority the last few years and the end of the memo has pages for review prior to that work session.

Ms. Linn stated there are two components, short council meeting on the 10th to then have a work session to follow, the bulk of the CIP will be more of a planning process. She stated Councilmember Lebakken reached out about streetlights because a couple people had asked her about this related to safety near their house. She stated the direction council had given in the past was to address street lights at the time of street reconstruction. There will be a portion of that evening that if residents were to come in they can address council about why their project is important. Streetlights however, based off past direction should be looked at holistically instead of personally, unless council has desire to change that approach.

There were no questions or comments.

Mr. Merkh stated he would like to re-introduce to some and introduce to others, Mr. Chase Forrester, the Public Works Foreman. He stated he has been with the City for about 10 years where he started out as a part time employee with utilities and has worked his way

up. He has expressed interest in wanting to know and learn more. He is very crucial to our system.

Ms. Linn stated this is what we love to see, growing folks within our organization and the ones with the desire to learn more.

Mayor stated this is a great example of an employee who wants to grow and learn new things, who take what they learn and do new things with it.

11. Report by the Mayor

Mayor had no report to give. He stated there will be two executive sessions tonight, both with no action expected to be taken afterwards.

12. Future Meeting Reminders

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

13. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO THE ATTORNEY/CLIENT EXCEPTION TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR, AND ASSISTANT TO THE CITY ADMINISTRATOR, KARA BANKS 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, City Attorney Todd Luckman, and Assistant to the City Administrator Kara Banks.

The executive session will start at 8:27PM and last 10 minutes. The open meeting will resume in the Council Chambers at 8:37PM.

Councilmember Lebakken moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) to discuss contract negotiations. Councilmember Longanecker seconded the motion. The meeting recessed into executive session at 8:27PM, 4-0.

Councilmember Conus moved to return to open session with no action being taken. Councilmember Longanecker seconded the motion. Open session resumed at 8:37PM, 4-0.

WALK ON:

14. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO THE ATTORNEY/CLIENT EXCEPTION TO INCLUDE CITY ATTORNEY AND CITY

**ADMINISTRATOR FOR DISCUSSIONS RELATED TO ON-GOING LITIGATION
(K.S.A. 75- 4319(B)(2))**

Mayor Roberts requested motion for the City Council to recess into executive session for discussions related to on-going litigation. 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 8:38PM and last 5 minutes. The open meeting will resume in the Council Chambers at 8:43PM.

Councilmember Lebakken moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) to discuss on-going litigation. Councilmember Conus seconded the motion. The meeting recessed into executive session at 8:38PM, 4-0.

Councilmember Lebakken moved to return to open session with no action being taken. Councilmember Longanecker seconded the motion. Open session resumed at 8:43PM, 4-0.

15. Adjourn

Councilmember Lebakken moved to adjourn, seconded by Councilmember Longanecker. The meeting was adjourned at 8:43PM with a 4-0 vote.

Submitted by Alex Clower, City Clerk