

City of Edgerton, Kansas
Minutes of City Council Regular Session
October 13, 2022

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on October 13, 2022. The meeting convened at 7:00 PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present
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
- Finance Director, Karen Kindle
- Capital Improvement Project Manager, Brian Stanley
- Recreation Coordinator, Brittany Paddock
- Accountant, Justin Vermillion
- Marketing & Communications Manager, Kara Banks

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 September 22, 2022 Regular City Council Meeting
- 5. Approve Final Acceptance of the Stormwater Master Plan

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

Regular Agenda

- 6. **Declaration.** There were no declarations made.
- 7. **Public Comments.** There were no public comments made.
- 8. **Presentation.** Project Update from Tom Beckley with Raftelis regarding the Water System Study.

Mr. Beckley addressed the Council. He stated about a year ago, the City reached out to Raftelis to provide a Water System Analysis to consider the options for the water system, with a focus on considering the potential opportunity and benefits of having another utility operate and maintain the city's water utility assets. He stated it takes a lot of resources to operate and maintain the system and the city wanted to look at the pros and cons of operating their own system vs paying another utility to do it. He stated there are quite a few larger utility operators and some smaller ones, but many of the larger companies do not operate in Kansas. He stated the only utility provider that could make sense is Water 7. He stated the city would not have more control over the water supply because Water 7 does not have their own supply. They buy water from the same supplier the City does. He stated they also charge higher connection fees. He stated after review, it was concluded that the best path forward would be that the city continues to operate their own water utility as is done today.

Mayor Roberts asked how the fees of Water 7 compared to the City.

Mr. Beckley stated the system development fee is to cover the cost of capital, and the city charges significantly less for connection charges.

Mr. Beckley stated considering the type of housing that is slated for future development in Edgerton, the \$2,600-\$2,700 difference in fees can make a significant impact on the developer.

City Administrator Beth Linn stated the goal for this analysis was to give Council all the information to make a policy decision going forward.

Mayor Roberts stated this subject comes up most years when rate increases are being discussed. He stated this study will hopefully help put the issue to rest in doing what is best for the community. If the city were to use a vendor for the utility services, rates would likely be higher than what they see today.

Councilmember Longanecker asked what the volumetric difference is between the city's rates and Water 7.

Ms. Linn stated Water 7's rates are basically the same as the city's volumetrically, although theirs may be a little lower but it's not a significant difference.

Mr. Beckley stated even if it was decided to go with Water 7, there has not been enough study to know if the city would also have to stop service from Baldwin or if the city would have to continue that service like is done today. He stated that is assuming Water 7 would even be interested in merging, and those conversations have not happened.

Councilmember Longanecker asked if the advice would be to continue how service is done now.

Mr. Beckley stated the city has not moved forward with having discussions and it does not necessarily seem like it would be more secure because Edgerton still goes through them.

Public Works Director Dan Merkh stated if the city did go with someone else there could be unintended consequences, for example if the City finished a road project and the next day the road had to be dug up because they needed access to the water line. He stated that is currently within in the city's span of control.

Mayor Roberts stated if Council wants to leave things the way they are currently, that needs to be stated and if the Council is wanting to see a policy change, that should be stated as well.

Councilmember Longanecker stated he believes we should listen to the professional's opinion and continue operating as we currently do.

Councilmember Lewis stated it does not seem like there is a great option over losing control over our utility.

With no further questions or comments, the Governing Body unanimously agreed to stay with operating the city's own water utility.

Business Requiring Action

9. CONSIDER ORDINANCE NO. 2121 ADOPTING THE RECOMMENDATION OF THE CITY OF EDGERTON PLANNING COMMISSION TO APPROVE APPLICATION ZA2022-02 FOR THE REZONING OF APPROXIMATELY 5.61 ACRES OF LAND LOCATED ON 8TH STREET/EDGERTON ROAD SOUTH OF NELSON STREET AND NORTH OF MERIWOOD LANE, FROM CITY OF EDGERTON "R-1" (SINGLE FAMILY RESIDENTIAL) TO CITY OF EDGERTON "R-2" (TWO FAMILY RESIDENTIAL) ZONING

Ms. Linn addressed the Council. She stated the City received a rezoning application from the property owner for the parcel noted. She stated they would like to develop residential duplexes on the lot. She stated the R-2 zoning district does have the same permitted uses of R-1, so the possibility of single-family residential development is not lost with this rezoning.

She stated staff reviewed the application with respect to the Edgerton Comprehensive Plan, the Unified Development Code for Zoning and Subdivision Regulations, and the laws of the State of Kansas, specifically the "Golden Criteria".

She stated the Planning Commission held a Public Hearing on September 13 regarding this request and voted to recommend approval, subject to the stipulation that all infrastructure requirements of the city are met.

Mayor Roberts invited the applicant Shawn Faruqi to introduce himself to the Council.

Mr. Faruqi stated he has lived in the area for 20 years and has had this property since 2014. He stated he would like to develop part of this property and believes duplexes could create a good transition between the mobile home park on the north and the single-family homes to the south.

Councilmember Longanecker stated he thinks it would be a great place for duplexes.

Ms. Linn stated R-2 zoning designation allows for two-family dwelling units, attached single-family dwelling units, as well as uses permitted in the R-1 zoning designation such as detached single-family dwelling units.

With no further questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2121, adopting the recommendation of the planning commission to approve application ZA2022-02 for the rezoning from R-1 to R-2 designation.

Councilmember Longanecker moved to approve the ordinance, seconded by Councilmember Lebakken. Ordinance No. 2121 was approved, 5-0 with Mayor Roberts voting in favor.

10. CONSIDER ORDINANCE NO. 2122 ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT (CU2022-01) ALLOWING A CARGO CONTAINER STORAGE, REPAIR OR MAINTENANCE FACILITY ON PROPERTY LOCATED ON THE NORTHEAST CORNER OF 191ST STREET AND MONTROSE STREET (30650/30700 WEST 191ST STREET), EDGERTON, KANSAS

Ms. Linn addressed Council. She stated the City received an application requesting a Conditional Use Permit to operate a cargo container storage, repair, and maintenance facility. She stated the applicant and landowner is JB Hunt Transport, Inc. She stated as approved in Final Site Plan, FS2022-03, the project is for the expansion of the current JB Hunt facility and operations. The current operations include a cargo container storage lot but expansion of these operations would require the issuance of a new Conditional Use Permit that would encompass existing and new operations of this site.

She stated pursuant to the UDC, cargo container storage, repair and maintenance facilities are considered a conditional use on parcels which contain an L-P zoning designation. She stated to recommend approval or denial of the proposed CUP, the Governing Body shall determine whether the proposed use is found to be generally compatible with surrounding development and is in the best interest of the city. She stated the UDC details additional requirements to be considered when approving a CUP for a cargo container storage, repair or maintenance facility. Staff has reviewed the application with respect to all these requirements. She stated the staff report presented to the Planning Commission outlining the findings of staff's review is included in the packet.

She stated in September, the Planning Commission held a public hearing regarding the application and upon conclusion of the public hearing the planning commission recommended approval of application CU2022-01 with the stipulations listed. She stated staff recommends the approval of application CU2022-01 for a period of ten years subject to the stipulations outlined by the Planning Commission and the additional stipulations required by city staff.

Brandon Waldron with JB Hunt addressed the Council. He stated he is the civil engineer on the project, he stated they acquired about 10 acres to the east of the existing property with a CUP. He stated they would like to keep the existing CUP and extend to the additional 10 acres under a new CUP. He stated as things grow, they're wanting to increase operations and grow development. He stated there will be a facility on site for repairs along with cargo washing.

Ms. Linn stated the map included with the packet references the parcel in question.

Mayor Roberts stated the current CUP is a cargo container storage today.

With no further questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2122, adopting the recommendation of the planning commission to approve a conditional use permit, CU2022-01.

Councilmember Beem moved to approve the ordinance, seconded by Councilmember Longanecker. Ordinance No. 2122 was approved, 4-0.

11. CONSIDER ORDINANCE NO. 2123 AMENDING ORDINANCE NO. 2100 IN CONNECTION WITH THE COMMUNITY IMPROVEMENT DISTRICT (EDGERTON CROSSING WOODSTONE PROJECT)

Mr. Scott Anderson, Economic Development Counsel, addressed the Council. He stated Ordinance No. 2123 and Resolution No. 10-13-22A are regarding the same item. He stated in November 2021, the Governing Body approved Ordinance No. 2100 approving a CID for the Edgerton Crossing Woodstone Project. He stated at that time, the ordinance reflected a date of sales tax beginning January 1, 2023. He stated there have been some delays with the project and the developer and city would like to delay collection of the taxes until such time that retail sales begin at the development or at such time the city deems necessary. He stated the new ordinance reflects that change and the resolution provided amends the development agreement to reflect the change as well. He stated this does nothing to the agreement but change the start date.

Councilmember Longanecker asked if staff had any idea how long they may be postponing.

Ms. Linn stated it is still in the agreement to be vertical by next summer and complete by the end of 2025.

Mr. Anderson stated by amending this language, if for some reason the project never has sales, there will not be a CID that would need to be collapsed.

With no further questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2123 amending Ordinance 2100.

Councilmember Lebakken moved to approve the ordinance, seconded by Councilmember Lewis. Ordinance No. 2123 was approved, 4-0.

12. CONSIDER RESOLUTION NO. 10-13-22A AUTHORIZING A FIRST AMENDMENT TO A COMMUNITY IMPROVEMENT DISTRICT DEVELOPMENT AGREEMENT FOR THE EDGERTON CROSSING WOODSTONE PROJECT

With no questions or comments, Mayor Roberts requested motion to approve Resolution No. 10-13-22A authorizing the amendment to the development agreement for CID Edgerton Crossing Woodstone Project.

Councilmember Lewis moved to approve the resolution, seconded by Councilmember Longanecker. Resolution No. 10-13-22A was approved, 4-0.

13. CONSIDER AN AGREEMENT WITH GKW GROUP FOR THE LIBRARY BRICK PROJECT

Mr. Merkh addressed the council. He stated in 2021, the governing body approved the adoption of the 2022-2026 CIP which included the Library Brick and Roof projects. He stated requests for letters of interest were sent out to multiple contractors in August 2022, and the city received one response back from GKW Group. He stated the city has not worked with GKW Group yet, although they have consulted with the city several times to assist in developing this CIP project scope.

He stated construction is projected to begin in November 2022, pending weather conditions. The term of the agreement anticipated the project be completed the end of May 2023.

He stated this project will be funded by the city with 50% reimbursement by the Johnson County Library. Staff has been working to coordinate the project and will bring back a memorandum of understanding with the Library for project cost sharing.

He stated this project is one of two proposed for this facility: the library roof and library brick projects with a budgeted total of \$139,100. He stated the current estimate for the roof project is less than \$63,500, leaving unused funds within the project budget, and \$75,600 for the library roof project. He stated staff would recommend re-allocating any unused budget dollars from the roof project to the brick project to maximize the improvement of the facility.

He stated the agreements are under review by the City Attorney and staff would recommend approving the agreement pending City Attorney approval.

Mayor Roberts asked Mr. Merkh to give a brief scope of work.

Mr. Merkh stated the scope of work includes skyward facing joints being re-mortared, faces of bricks being replaced, tuck pointing and capstones around the windows being fixed on the Nelson Street-facing side of the building. He stated sections where there are expansion joints will be re-caulked. He stated on the West-facing wall there are significant places where bricks are popped out. Those will be replaced and all skyward joints will be redone on the roof. He

stated on the South side, gutters look to be in good shape, but there are several brick faces that have come out and those will need to be replaced. He stated the greatest amount of work will be done on the patio where the entire wall will need to be fixed, capstones replaced, and the stair area repaired. He stated all sides will get a power wash and sealing. He stated the scope does not include the East wall but if there is money re-allocated to the brick project, the hope is to finish that side as well.

Councilmember Longanecker stated he does not believe there has been any work completed like this before.

Mr. Merkh stated that is correct to his knowledge. He stated although when the roof collapsed, items were done to repair but nothing significant.

Councilmember Longanecker asked if the building is historical.

Mr. Merkh replied it is not.

Councilmember Beem asked what the bid came in at.

Mr. Merkh stated the 3 sides are currently at \$60-65,000 and the budget is close. He stated adding the east wall would be around \$15-20,000.

With no further questions or comments, Mayor Roberts requested motion to approve the agreement pending City Attorney approval and authorizing the Mayor to execute the agreement.

Councilmember Beem moved to approve the agreement with GKW Group for the Library Brick project, seconded by Councilmember Longanecker. The agreement was approved, 4-0.

14. CONSIDER AN AGREEMENT WITH 435 ROOFING FOR THE LIBRARY ROOF REPLACEMENT

Mr. Merkh stated like the brick project, requests for letters of interest were sent out to multiple roofing contractors in August 2022. He stated the city received two responses back and of those two 435 Roofing was the only contractor to list the work details, provide a manufacturer warranty and to provide a warranty on the work provided by the contractor. He stated the start date, completion date and funding resources are the same as the brick project. He stated the contract is under review by the City Attorney and staff would recommend approving the agreement pending City Attorney approval.

Mr. Merkh stated the scope of work is planned to be TPO roof with 3-4 inches of insulation added. He stated TPO is a welded plastic. He stated the material would come up the parapet walls and half the capstone. He stated once installation begins and they begin pulling back the current roof, they may pull off some brick faces which is another reason to allocate funding if available. He stated the bid for this project was mid \$40,000 range.

Mayor Roberts asked what the life expectancy is.

Mr. Merkh stated they will have a 20-year manufacturing warranty.

With no further questions or comments, Mayor Roberts requested motion to approve the agreement pending City Attorney approval and authorizing the Mayor to execute the agreement.

Councilmember Lewis moved to approve the agreement with 435 Roofing for the Library Roof Replacement project, seconded by Councilmember Lebakken. The agreement was approved, 4-0.

15. Report by the City Administrator

- Meat Inferno recap

Ms. Brittany Paddock, Recreation Coordinator addressed the Council. She stated the Meat Inferno event was a success with 30 teams participating. This is double the team count that KCBS requires for a first-year sanctioned event. She stated everyone seemed happy from KCBS and enjoyed their time here. She stated 18 kids competed in the Kids Q contest and 5 adults in the backyard burger contest. She stated the Kids Q was sponsored by ColdPoint who also provided volunteers to help with the event. She stated she has heard nothing but compliments to staff. Many competitors liked the local feeling and that it was a family friendly event. She stated the sponsors were excited to get involved.

Councilmember Beem stated with it being the first year, it was a great event. He stated his kids had fun in the competition. He stated he hopes to see it again next year.

Ms. Paddock stated she hopes to get more of the community involved next year.

Mayor Roberts stated from what he had heard, there were no nay-sayers about the event.

Councilmember Lebakken stated she did see one negative comment and that was from a resident who had said their driveway was blocked and thought that the event could have been somewhere else besides downtown.

Mayor Roberts stated if it were to be moved to Martin Creek Park, then there would be people complaining that they have to cross the railroad tracks to get to it.

Ms. Linn praised Brittany for the enormous amount of work she did to prepare for this event. She stated to have an event be that successful out of the gate is tremendous.

Ms. Paddock stated there are teams that will specifically go to smaller town events because of the community feel.

Mayor Roberts stated he thought it was awesome to see an Edgerton resident place in the sanctioned event. He stated the amount of people that commented on the organization of the event was due to Brittany.

Councilmember Lebakken thanked staff for taking their Saturday to be there and help with the event.

- 8th & Braun update

Mr. Merkh stated the message boards were mobilized today to prepare for the closure of 8th & Braun to thru traffic for about 100 feet for waterline and intersection improvement project.

Mayor Roberts confirmed a message will go out this evening to the community.

Councilmember Longanecker asked how long the closure will be.

Mr. Merkh stated it will go in phases over the next two weeks, but the project is slated to end in December.

Ms. Linn stated staff will work on a report to plan the remaining project closures and bring that to council.

16. Report by the Mayor

- November/December Council Meeting Schedules –

Mayor Roberts stated he mentioned briefly at the last meeting the potential for motions at this meeting to have a special meeting. He stated in light of how something things are panning out, he is asking council to be flexible with their upcoming schedules. He stated there will be a normal meeting on the 10th of November and the potential of having a special meeting on the 17th is now not happening. He stated they will now need to look at special meeting after Thanksgiving.

Ms. Linn stated it would be helpful that if Council would like to make motion to cancel Thanksgiving and Christmas council meetings, and that if anyone will be out of town to inform her of their availability. She stated the plan is to be prepared to make motion for a special meeting at the next council meeting.

Mayor Roberts requested motion to cancel the November 24th and December 22nd regularly scheduled council meetings.

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

Councilmember Longanecker asked if staff would be getting a four-day weekend with Christmas Day falling on a Sunday.

Ms. Linn stated it is a 3-day weekend. She stated Christmas falls on a Sunday, so staff would receive the following Monday off but still be working that Friday.

Councilmember Longanecker stated he thinks it should be a four-day weekend for staff to allow them time to spend with family on the holiday/

Mayor Roberts stated the observed holiday is the 26th and asked if council would like to grant the Friday before or Tuesday following. He stated his preference would be the Friday before.

All were in favor of the Friday before being granted as an observed holiday.

Mayor Roberts requested motion to approve the observed holiday for staff.

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

Mayor Roberts stated he would like to inform council that Rhonda Humble, former owner of the Gardner News, passed away recently. He stated he had known her well before being an elected official and admired her for being a dedicated individual and very passionate about local issues. He stated the southwest EDC was formed because of her. He stated she worked tirelessly for the Bank of Knowledge to make sure a library came to Edgerton. He appreciates the time she took and little things she did for the community. He stated the positive to her retiring was that she was able to do the things she loved, like spending time with her grandchildren, although not long enough. He added that she will be missed greatly.

Councilmember Longanecker agreed and stated she was a very sincere person who truly cared about the community.

Mayor Roberts stated she loved Edgerton and would often say she wanted to move here, and he wishes she could have done that. He stated Rhonda used to say, those who think Edgerton cannot do it, have never seen Edgerton.

Ms. Linn stated her family asked for memorial contributions to be sent to two places, including the Bank of Knowledge. She stated staff would like to talk to library staff to see what can be done there to honor her.

17. Future Meeting Reminders:

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

18. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B(2)) UNDER THE ATTORNEY/CLIENT EXCEPTION TO INCLUDE THE CITY ATTORNEY, CITY ADMINISTRATOR, PUBLIC WORKS DIRECTOR AND ECONOMIC DEVELOPMENT COUNSEL TO DISCUSS CONTRACT NEGOTIATIONS.

Mayor Roberts requested motion to recess into executive session pursuant to KSA 75-4319(b)(2) to discuss contract negotiations with the City Administrator, City Attorney, Public Works Director, and Economic Development Counsel for 15 minutes. He stated there will be no action taken.

Councilmember Longanecker moved to recess into executive session for 15 minutes, seconded by Councilmember Lebakken.

The meeting recessed into executive session at 8:13PM, 4-0.

Councilmember Longanecker made motion to return to open session to request an additional 10 minutes, seconded by Councilmember Lebakken.

Councilmember Longanecker made a motion to recess back into executive session for an additional 10 minutes, Councilmember Lebakken seconded the motion. Motion passed unanimously. The meeting recessed into executive session at 8:28pm.

Councilmember Longanecker made motion to return to open session to request an additional 5 minutes, seconded by Councilmember Lebakken.

Councilmember Longanecker made a motion to recess back into executive session for an additional 5 minutes, Councilmember Lebakken seconded the motion. Motion passed unanimously. The meeting recessed into executive session at 8:38pm.

Councilmember Lewis made motion to return to open session with no action taken, seconded by Councilmember Beem.

Open session resumed at 8:43PM, 4-0.

19. Adjourn

Councilmember Beem moved to adjourn, seconded by Councilmember Lewis. All in favor. The meeting was adjourned at 8:44 PM.

Submitted by Alexandria Clower, City Clerk