

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**October 27, 2022**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on October 27, 2022. The meeting convened at 7:03 PM with Mayor Roberts presiding.

**1. ROLL CALL**

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

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- Planning and Zoning Coordinator/Deputy City Clerk, Chris Clinton
- Public Works Director, Dan Merkh
- Finance Director, Karen Kindle
- Capital Improvement Project Manager, Brian Stanley
- 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 October 13, 2022 Regular City Council Meeting**

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

**Regular Agenda**

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

**6. Public Comments.** There were no public comments made.

**Business Requiring Action**

**7. CONSIDER RESOLUTION NO. 10-27-22A PROVIDING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT, ADOPTING A PLAN FOR DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES AND ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING (DWYER FARMS RURAL HOUSING INCENTIVE DISTRICT)**

Mr. Scott Anderson, Bond Council, spoke before the Council. He stated the City anticipates entering into a Development Agreement with Kansas LD, LLC, which is Rausch Coleman Homes, for the development of the Dwyer Farms single-family housing subdivision on an 80.4-acre parcel located at the southwest corner of 207<sup>th</sup>/Braun Street and 8<sup>th</sup> Street/Edgerton Road. He said upon completion of the project, it is anticipated that the subdivision will be made up of 275 single-family homes.

Mr. Anderson explained the City anticipates it will construct certain public infrastructure to serve the housing development. The City plans to reimburse itself for the public infrastructure by creating a Rural Housing Incentive District (RHID). The first step toward creating the RHID occurred when the City considered the housing study and made certain findings and determinations with respect to housing in the City of Edgerton. He stated the City has also obtained the approval of the Secretary of Commerce to create the RHID. The City has caused a development plan and feasibility study to be prepared for the proposed district. The plan and study were distributed to the Councilmembers and a summary of each of them is contained in the resolution.

Mr. Anderson informed the Council the next step is for the City to declare its intention to establish the RHID and set a date for the public hearing. The resolution declares the intent and sets December 1, 2022 as the date for the public hearing on the creation of the RHID and the proposed development plan.

Mr. Jeff White, Columbia Capital, addressed the Council. He explained the State Statute requires a feasibility study to be done prior to the creation of an RHID. The feasibility study must find that the RHID funds will exceed or be at least enough to cover the costs of the public infrastructure. The cost of project is estimated to be \$30,420,005 and will have 2 funding sources. He explained based upon current construction prices, the developers anticipate its total development cost is \$15,000,000 and the City anticipates the direct cost of the public infrastructure to be \$15,420,005. The revenues of the RHID become available when houses are built, and property taxes start being paid. The feasibility study shows the RHID revenues covering the City's cost of the project. Councilmember Lewis inquired if the feasibility study takes into account all of the phases of the project. Mr. White answered that it does and explained the City would have already paid for the infrastructure to be built, but regardless of when the phases are constructed, the City will be reimbursed for the full amount it spent. Mayor Roberts stated there are also surety bonds that will be posted to protect the City. Mr. Anderson stated that is correct. He added the City will construct the infrastructure as the developer builds the phases. The surety bond protects the City's investment until a certain number of homes are built that will be enough to cover the significant portion of the cost of the infrastructure. Mr. Anderson stated a development agreement as not been entered into at this time, but he does not have any reservations for the proposed resolution, especially since this resolution only sets the date for the public hearing. He explained if there is not a development agreement agreed upon by the time the public hearing is held, the City will need to reconsider the creation of the RHID. The City has mitigated a majority of the risks, including not constructing the infrastructure ahead of the development, the projected revenues cover the cost of the infrastructure, and the surety bonds.

Mayor Roberts stated Dr. Brian Huff, Superintendent of Unified School District #231, was informed about the statutory term of twenty-five (25) years. Mayor Roberts explained that it is projected that the cost of the project would be reimbursed before then and the RHID would collapse, and the revenues would come in. Dr. Huff does see this as a benefit for Edgerton Elementary to get students. Mayor Roberts added the school district is not a fan of RHID, but they are in support of housing in Edgerton.

Councilmember Longanecker moved to approve the resolution, seconded by Councilmember Lebakken. Resolution No. 10-27-22A was approved, 3-0.

**8. CONSIDER AN AGREEMENT WITH GLOBAL PAYMENTS DIRECT, INC.,  
FOR MERCHANT CREDIT CARD PROCESSOR SERVICES**

Ms. Karen Kindle, Finance Director, approached the Council. She stated in November 2021 the Council approved a contract with Tyler Technologies for ERP software. Merchant credit card processing services that integrate with the Tyler software are covered by a separate agreement from the software agreement. She explained the City currently uses PSN for merchant credit card processing services because they are the only provider that works with the City's existing software, providing a partial integration. However, PSN does not integrate with Tyler software. A full integration offers several advantages, so City staff is recommending the use of a merchant credit card processing services provider that fully integrates with the Tyler software.

Ms. Kindle explained the advantages of full integration; customer accounts are updated automatically in real-time when payments are made. Customers are therefore able to see payments made to their accounts immediately and City staff will also see payments made to accounts immediately in the system. Currently, City staff has to download the payments the next day to update the accounts. City staff will save time and avoid potential errors when applying penalties to late accounts. City staff currently must download the daily files and then search for transactions made after the file cut off but before 8 AM and manually remove them from the file for penalties. With real-time account updates, City staff will not have to make these manual adjustments to the process. Additionally, customers will be able to see in real-time confirmation of payments made. Ms. Kindle said City staff will also save time and avoid potential errors when determining accounts that will be shut off for nonpayment. City staff follows a similar process of downloading payment files and searching for payments after the file cut off to develop the shut off list. Customers will also be able to verify if their payment has been applied to their account prior to the process of shut off for nonpayment. Bank reconciliations are simplified because the timing differences between credit card payments posted and deposit into the bank account are minimized.

Ms. Kindle said at the time the software contract was approved, Tyler was working on developing their own merchant credit card processing service. Tyler has completed that work and the service, Tyler Payments, is now available. City staff received a quote for Tyler Payments as well as a quote from Global Payments Direct, Inc., the other processor that integrates with the Tyler software. She stated enclosed in the packet is the schedule that shows a comparison of the cost structures for the current provider as well as the two (2) providers

that fully integrate with the Tyler software. With the current provider, PSN, the City absorbs all of the credit card and eCheck fees. City staff is recommending the same structure for all payments except for Court payments. The common business practice for Court payments is to charge the fees to the customers using a flat percentage rate that is collected at the time of payment. The credit card processor retains the fee, and the City receives the full amount of the fines and/or fees. The proposal from both of the Tyler-integrated providers reflects absorbing all fees except for Court.

Ms. Kindle stated there are two pricing models used by merchant credit card processors for fees that will be absorbed by the merchant. The first is interchange plus pricing and the second is flat rate pricing. Under interchange plus pricing, the processor charges a fee in addition to the interchange fees. Interchange rates will vary depending on the type of card and the type of transaction, such as card present or online. Under flat rate pricing, the processor charges a flat rate that includes the interchange fees. She explained Tyler Payments has structured their fees based on the interchange plus pricing model, which is the same method the City's current provider, PSN. No distinction is made between card present transaction and online or over-the-phone transactions because that distinction will be made by the interchange rate model. Global Payments has structured their fees based on the flat rate pricing model. She said they have 2 levels of fees. One (1) is for card present transactions and the other is for online or over-the-phone transactions. The online or over-the-phone transactions carry more risk as the card is not present to be swiped or read by a chip reader.

Ms. Kindle explained the schedule in the packet shows the estimated fees for a hypothetical \$100 transaction. PSN and Tyler Payments used an estimated interchange rate of 2.5% was used. The interchange rates generally vary between 2 and 3%. The schedule shows that card transaction cost with Global Payments are estimated to be lower than that of Tyler Payments and PSN. ECheck payments are more expensive with either of the Tyler-integrated providers than they currently are with PSN, with Global Payments having the lower cost of the 2 providers.

Ms. Kindle stated City staff recommends Global Payments as the preferred provider based on the ability to provide a fully integrated solution with the Tyler software with estimated lower card transaction costs and extension experience with Tyler Technologies software. Prior to the creation of Tyler Payments, Global Payments was the only provider to fully integrate with the software. Global Payments wrote the interface that is used with the Tyler software and has been the provider for over ten (10) years. Thousands of current Tyler clients use Global Payments as their merchant credit card processor, so they have extensive experience to assist the City in making the transition. Finally, Global Payments is able to implement the services in the timeframe needed for the implementation of the Tyler software. She explained credit card fees are budgeted in the three (3) main operating funds of General, Water and Sewer Funds. City staff anticipates the current budget will be sufficient to cover the credit card fees. She added the agreement has been submitted to the City Attorney for review.

Mr. Lee Hendricks, City Attorney, stated Global Payments did provide standard amendments for local governments and the City will opt for about sixty percent (60%) of those amendments as it is better for the City. Mayor Roberts stated he did not see a portion of the agreement that

states Global Payments will not sell the customer's information to credit card companies so they could solicit citizens. The agreement did say that the merchant, in this case, the City, would not sell the information. It did state that American Express could contact the City and provide offers, but did not say anything about companies reaching out to citizens. Mr. Hendricks agreed and stated he wants that added to the agreement and in writing. Mayor Roberts said that is usual language included in these types of agreements. He understands that companies might send promotions to the City, but those will just be recycled.

Councilmember Longanecker inquired if the added percentage was a convince fee paid by the customer. Ms. Kindle replied that it can be called that when added to card payments for court, but other customers would not pay for it when paying for other items. Ms. Beth Linn, City Administrator, explained the fee would be paid either way, it is just a matter of if the fee is passed on to the customer or paid by the City. The City, over time has encouraged the use of debit or credit cards as there is less risk of payment not being accepted by a card compared to a check. The policy was for the City to absorb the cost to encourage bill payers to use a card for payment. Mayor Roberts stated the City should absorb the costs of card payments and budget for it. He added it annoys him when he has an extra fee to pay for using his card online and companies should budget for it as a cost of doing business. Councilmember Lewis said he uses a check to save about thirty dollars (\$30) when renewing his vehicle tags. Councilmember Longanecker stated he would not use a card if there was an added fee.

Councilmember Lewis moved to approve the agreement pending approval of the City Attorney, seconded by Councilmember Longanecker. The agreement was approved pending approval of the City Attorney, 3-0.

**9. CONSIDER A 4-YEAR LEASE AGREEMENT WITH LEAF CAPITAL FUNDING, LLC AND A MAINTENANCE AGREEMENT WITH MAPS, INC., FOR MULTI-FUNCTION PRINTERS/COPIES FOR CITY OFFICES LOCATED AT 312 E NELSON ST. (STUDIO B), 710 E NELSON ST. (PUBLIC WORKS), 20600 HOMESTEAD LN. (WASTEWATER TREATMENT PLANT) AND 404 E. NELSON ST. (CITY HALL CHECK PRINTER)**

Ms. Kindle addressed the Council. She stated in 2018, City staff began discussions with the Governing Body regarding the need for new software due to the limitations provided by the current software. In November 2021, the Governing Body approved the agreement with Tyler Technologies, Inc. for ERP software. As part of the implementation of this new software, Strategy assisted City staff in testing existing hardware to verify compliance with Tyler hardware specifications. The result of the test indicated the four (4) of the City's printers did not meet the minimum specifications. These printers are located at the Public Works Facility, City Hall, Studio B, and the Big Bull Creek Wastewater Treatment Plan (BBCWWTP), which are all nearing the end of their useful life.

Ms. Kindle stated in September 2022, City staff sent out a request for proposals to the 2 companies the City currently has printer and copier agreements with. Those companies are Toshiba and MAPS, Inc. Based on the initial review of the proposals and costs, City staff visited MAPS, Inc. to see a demo of the proposed machines. After considering the proposals, costs and the demo, City staff is recommending as the lowest and best bid from MAPS, Inc. for the

machines and related maintenance agreement. A summary of the bid details was enclosed in the packet. MAPS, Inc. is recommended due to their lower costs, not only for the machine itself, but also the per page printout, ability to receive toner when needed, and their good service record with the machine at the Yellow House, 305 E Nelson Street.

Ms. Kindle stated the cost of the printers will be shared by the General Fund, Water Fund and Sewer Fund. The General Fund can absorb the expenditure, however, the printing budget in the Water and Sewer Funds would not be sufficient. City staff anticipated there might be hardware purchases needed and included in a contingency in the ERP Software Acquisition & Implementation Project budget. City staff recommends covering the 2023 cost for the Water and Sewer Funds out of the project budget. City staff would include the cost in the 2024 Budget and future budgets through the term of the lease. The lease agreement and the maintenance contract have been submitted to the City Attorney for review and approval.

Councilmember Longanecker asked the machines would be leased and if the agreement includes ink for the machines. Ms. Kindle replied that the maintenance agreement does cover the cost of ink for the rented machines. Councilmember Longanecker inquires as to what would happen if the leased machine became obsolete like some of the printers the City currently uses. Ms. Kindle answered the company will take the machine back and the City would do this process again. Mayor Roberts said the City has bought printers before and then could not get maintenance done on them when something does go wrong. He explained he is typically against leases on equipment but not in this case. Ms. Kindle explained MAPS, Inc. does have extra machines to lend out if the City's machine does need work. Councilmember Lewis asked if the City leases copiers and printers today. Mayor Roberts replied that the City does have rented equipment like this, and this is typically leased equipment today.

Councilmember Longanecker moved to approve the agreements pending approval of the City Attorney, seconded by Councilmember Lebakken. The agreements were approved pending the approval of the City Attorney, 3-0.

**10. PUBLIC HEARING REGARDING RESOLUTION NO. 10-27-22B AUTHORIZING THE COMPLETION OF AN APPLICATION TO THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT REGARDING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND**

Mr. Dan Merkh, Public Works Director, spoke before the Council. He stated on December 16, 2021 the United States Environmental Protection Agency (EPA) published the Lead and Copper Rule Revisions (LCRR) in the Federal Register. The City of Edgerton is compliant with the original Lead and Copper Rule. The new LCRR includes new and updated list of requirements that all water systems will have to submit, regardless of size, including the following:

- Submit an inventory of all service lines to the Kansas Department of Health and Environment (KDHE) by October 16, 2024, including both the public and private side.
- Send an annual letter to customers served by a lead service line or a service line of unknown material.
- Sample at schools and childcare facilities, sampling 20% annually for five (5) years.
- Create a lead service line replacement plan by October 2024.

Mr. Merkh explained on August 4, 2022, the EPA release guidance for developing and maintaining the service line inventory. Based on that guidance, City staff recommends a new CIP Project, Lead and Copper Rule Revision Project (LCRRP), for funding this year. He stated the LCRRP will include the inventory of all service lines connected to the public water supply distribution system regardless of ownership status. He said the total project budget for the LCRRP is \$84,255 with \$29,285 from the ARPA Grant and \$55,000 from the State Revolving Loan funds.

Mr. Merkh stated to be eligible for funding through the Kansas Public Water Supply Loan Fund (KPWSLF), the City is required to first hold a public hearing. Following the conclusion of that hearing, the Council will consider Resolution No. 10-27-22B authorizing the completion of an application to the KDHE regarding a loan from the KPWSLF that allows the loan application to be prepared and executed. He said as both the EPA and KDHE continue to refine the guidance for compliance and their respective programs, City staff recommends the City have the option to use KPWSLF funds to complete the required inventory. Approval of the resolution does not require the City to take the entirety of the loan or any specific amount. The City can adapt its actual loan amount to best suit Edgerton as more details are released. The City would only be responsible for paying back the amount of actual loan proceeds used. City staff will also continue to monitor for other funding opportunities for the LCRRP. The draft of Resolution No. 10-27-22B has been reviewed and approved by the City Attorney.

Mayor Roberts opened the public hearing.

There were no public comments made at this time.

Mayor Roberts closed the public hearing.

**11. CONSIDER RESOLUTION NO. 10-27-22B AUTHORIZING THE COMPLETION OF AN APPLICATION TO THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT REGARDING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND**

Councilmember Longanecker asked what homeowners will have to do to see what kind of line they have. Mr. Merkh answered that property owners will have to report what they have. He explained some cities are entering properties to check the line and others are sending out a questionnaire. City staff is still developing a solution to gather that information from property owners.

Councilmember Longanecker inquired if the line is not compliant with the new regulations, then who will be responsible to replace the private line. Mr. Merkh replied that the current guidance from the EPA currently puts the responsibility on the City to replace.

Mr. Hendricks stated he was at a meeting where this topic was brought up. One of the cities stated they have received around forty percent (40%) of a response rate with their questionnaire. He sees a scenario where people do not respond and at that point the City needs to know how far they have to push to indicate their due diligence to obtain the information. He

was told two (2) attempts need to be made then the City has met the burden of proving due diligence. The City cannot enter private properties and the City wants to know the exact burden of proof needed by the EPA. Councilmember Lewis asked if this was a situation where the City needs to show a good faith attempt. Mayor Roberts said as of right now it is, but having the City replace private lines is not typically done.

Councilmember Longanecker asked to what constitutes as a lead pipe. Mr. Merkh replied there is a list KDHE and the EPA have put together that states which pipes are ones that need to be replaced. Councilmember Lewis stated there has to be a certain percentage of lead and copper in the water. Mayor Roberts stated there is a maximum allowable limit but that limit has been lowered by the EPA. Councilmember Lewis asked if the testing of the water is currently being performed. Mayor Roberts said City staff does currently test for lead. Mr. Merkh added testing kits are handed out and get the results from the property owner. The allowable levels have been made more stringent and the number of tests goes up with the new rules.

Mayor Roberts stated the City of Olathe is preemptively offering grants to replace lines they know will need to be replaced. Councilmember Lewis stated they would like to know how that is funded. Mr. Merkh stated that is an option the City could pursue.

Mr. Hendricks said that option works well if the results were returned to the City in a timely manner. If the City does its due diligence and was told yes by the property owner, the City would not be liable if the information is incorrect. He said another option is to offer small discounts on the water bill. Mr. Merkh said the onus will be on the owner to make sure they have a compliant style of pipe, not the City. Mr. Hendricks stated the EPA made the rule and is passing it to the state to implement. The state then puts the burden of finding out the kind of pipe on the City and the City is requesting help from the property owners to check what kind of pipe they have. Councilmember Longanecker inquired as to what kind of liability is on the homeowner. Mr. Merkh replied it is the property owners' risk of having lead or copper in the water if they do not provide the correct information. Mayor Roberts asked how the testing of the pipe is done if a landlord has a tenant in the house. Mr. Hendricks replied that the tenant would have to request the landlord gather the information.

Mr. Merkh said this inventory will have to be an ongoing database and has to be accessible to the public. Mayor Roberts said he does not see where people have a choice but to find out what kind of pipe is used in their house. He stated he supports a resolution because there is no other choice for the City but to comply and the loan will help the City comply. Councilmember Lewis inquired as to what penalties are in place from the state for cities that are not able to provide the information. Mr. Hendricks replied that the state might send staff to help smaller municipalities, but he is not sure. Mayor Roberts theorized the state will at some point take a stance financially and could lose federal funding which could become costly. Councilmember Lewis stated the larger cities will face a hassle due to the amount of infrastructure in place. He thinks the state will request more time and the EPA will then push the deadline. Mr. Hendricks said putting down that the service line is unknown will be allowed for only so long. Mr. Merkh explained the pipe would be treated as lead pipe until the property owner or the City goes to replace it and finds out the exact kind of pipe it is.



Councilmember Lewis asked what the terms of the loan are. Mr. Merkh answered they are adjustable. Ms. Linn explained there will be future items that will come forward to the Council regarding the terms of the loan. The proposed resolution only allows City staff submit the application.

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

## **12. CONSIDER ADOPTION OF THE 2023-2027 CIP BUDGET**

Ms. Kindle approached the Council. She stated the Governing Body reviewed projects and funding recommendations from City staff at the October 13, 2022 CIP Work Session. The Council provided direction to fund six (6) new projects as recommended by City staff. In the packet, the Funded Projects Schedule shows the project that have been funded by the Governing Body in the past and now includes the new projects. The added projects are the purchase of 414 E 4<sup>th</sup> Street, funded at \$243,000; the 2027 Street Preservation Program, funded at \$149,600; 2023 CDBG Project, funded at \$328,500; the 2025 CDBG Project, funded at \$300,000, the 2027 CDBG Project, funded at \$300,000; and the LCRRP, funded at \$84,255. She explained the Stormwater Master Plan and Water System Analysis projects were completed since the draft of the CIP was presented on October 13, 2022.

Ms. Kindle said adoption of the CIP will establish the funding, budget and time frame for the projects as listed on the Funded Project Schedule. As projects move through the states of the project life cycle, City staff will bring contract, funding and costs changes, timing changes, and other items to the Council for approval.

Councilmember Lewis moved to approve the 2023-2027 CIP Budget, seconded by Councilmember Longanecker. The 2023-2027 CIP Budget was approved, 3-0.

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

- Ms. Linn explained the public hearing on December 1, 2022 for the RHID will be a special meeting. Councilmember Longanecker asked what day of the week that is. Ms. Linn stated it is the first Thursday of December. Councilmember Lewis moved to hold a special meeting on December 1, 2022 at 7PM. Councilmember Lebakken seconded the motion. A special meeting of the Council was scheduled for December 1, 2022 at 7 PM, 3-0.
- 3<sup>rd</sup> Quarter Community Development Report

Ms. Linn stated that during the months of July to September there were twenty-three (23) residential building permits issued and there were four (4) commercial building permits issued. The issued permits had a total valuation of \$447,038. She explained there were twenty-seven (27) residential building inspections performed and twenty (20) commercial building inspections. Those inspections led to one Temporary Certificate

of Occupancy for the core and shell of the end cap at On the Go Travel and 4 Certificates of Occupancy.

Ms. Linn said the Comprehensive Plan Steering Committee held their second meeting at the end of July to review the results of the windshield survey. A public workshop was held in August at Community Hall. At that same meeting, the new online survey launched. She explained it will remain active through the first week of November. The City has posted links to the survey on their website and on their social media pages. Public participation is key to making sure the new Comprehensive Plan meets the community needs and desires. Mayor Roberts asked how many people have participated. Ms. Linn stated the City needs much more participation to get a good Comprehensive Plan established.

Ms. Linn stated the Planning Commission approved a rezoning from R-1 to R-2 for a parcel of land between the mobile home park and West Meriwood Lane along West 8<sup>th</sup> Street in September. The rezoning allows for multi-family homes like duplexes and townhomes as well as single-family home to be built.

Ms. Linn explained Animal Control was involved with forty-nine (49) loose animals. She said there has been an increase in barking complaints. As the weather begin to turn colder, animals need to be brought indoors. She said this is often the time of year where the City starts to see an uptick in these complaints which may be a result of pets being cold and wanting indoors. A barking dog can become a violation if it is excessive and/or chronic. She said pet owners need to be mindful of their neighbors and attend to dogs left outdoors.

Ms. Linn stated Code Enforcement had sixty-seven (67) violation level cases. Of those 67 violations, seventy-eight percent (78%) have been abated and only twenty-two percent (22%) of the cases remain open.

Ms. Linn invited the Council to the November 8, 2022 Planning Commission meeting for some training for the Planning Commission. She explained the Planning Commission has new members and during the October meeting, City staff went over the different types of applications. During the upcoming training, City staff wants to show how those different applications move through the development process by doing some role playing. Mayor Roberts said this is a more in depth look at how development works in Edgerton. Ms. Linn stated City staff has been asked what happens before the application is presented to the Planning Commission and Council. Mayor Roberts said it will give people a look at how the process works from a different perspective. He explained the City does not develop land and there are some interesting conversations that take place prior to the project being presented. Ms. Linn stated it will be on November 8, 2022 at 7:00 PM.

- Snow and Ice Presentation

Mr. Merk addressed the Council. He explained the City's Snow and Ice Control operations plan for the 2022-2023 winter season, including how the forecast determines the type of treatment.

Mr. Merkh stated a snow event is declared when 2 or more inches of snow has fallen. When that happens, the Municipal Code requires all vehicles parked on City streets to be moved within 2 hours of the declaration. A notification will be sent out on Notify JoCo and posted on the City's website and social media pages. The Sheriff's Office will tow vehicles that have not been moved. Prior to the Sheriff's Office being contacted, City staff will knock on doors to request the vehicle be moved. Ms. Linn stated that is done by Code Enforcement, so the plow drivers do not need to stop. Mayor Roberts asked about how many cars are towed. Mr. Merkh stated he does not have specific numbers at this time, but knows at least ninety percent (90%) of the vehicles get moved.

Mr. Merkh said that all the roads in Edgerton, residential and in Logistics Park Kansas City, have been divided into 3 priorities. The first priority are major thoroughfares with higher traffic counts. The second is neighborhood roads, and last are the cul-de-sacs, dead ends, and alleys. The plows are not diverted from their routes, except in cases of fire or police emergencies. Mr. Merkh went over color coded maps showing which streets fall under each priority. He explained that when the plows do reach the end of Edgerton streets, the drivers will leave the plow down to help clear neighboring jurisdictions' roads. Councilmember Lebakken asked if the maps could be sent in the City's newsletter to residents understand how the City decides which streets get plowed first. Mr. Merkh said that is a possibility. Councilmember Lewis asked if the maps were on the City's website. Ms. Linn stated they are. Mayor Roberts said when streets get plowed is dependent on the rate of snow fall and how the primary streets are staying clear. City staff will make sure the primary roads are clear for emergency vehicles, then work on clearing other streets. Mr. Merkh explained the drivers want to have at least 1 clear lane before moving on to the next priority streets then widening the paths from there. Councilmember Lewis recommended the City create a QR code for the maps to post in the newsletter. Mayor Roberts said the City's staff will often outperform larger cities in terms of lane miles cleared and the amount of time it takes to get them clear. He said Edgerton has well trained staff which is extremely important during winter weather.

Mr. Merkh stated once the roads have been cleared curb-to-curb, any parking lots and sidewalks adjacent to City facilities are cleared by Public Works or other City employees. The City will also plow the trails to ensure they are clear as well. Mayor Roberts asked if it would be more beneficial to close the trails instead of clearing them. He said the trail between the Edgerton Lake and Martin Creek Park should be closed. Mr. Merkh replied the City does not close it and it either melts or gets cleared by City staff. Mayor Roberts requested City staff monitor the trail between the 2 parks to see if closing it would be a better option. He does not want the trail along 56 Highway be closed due to the access it provides to Dollar General. Mr. Merkh said residents are responsible for clearing sidewalks in front of their homes within forty-eight (48) hours of the end of the winter weather even. The City does not clear private sidewalks, driveways, or parking lots.

Mayor Roberts commended the Public Works staff and the job they do each winter. Mr. Merkh agreed and stated staff shares positive feedback with the plow drivers.

- **8<sup>th</sup> Street and Braun Street Update**

Mr. Merkh approached the Council. He said the City and the contractor are wanting to minimize the amount of time of a full closure. There were a few options the contractor provided. The option City staff has decide to go with would increase the project time a week or 2 but minimizes the full closure of the intersection.

Mr. Merkh explained the contractor will phase the work to where the improvements to the north and south will be done at the same time. He stated the contractor will then close east and west bound traffic and do the work on those lanes. The timetable for that work is about 19 to 20 days depending on weather. This will allow the intersection to be open to traffic but does keep the project going longer. Mr. Merkh explained this option also increases the response time for emergency personnel but it has been reduced that to the best of City staff's ability. The responses times have been around five (5) minutes. Ms. Linn stated the most impacted are the residents who go east and west on Braun Street. She explained the goal is to minimize the east and west bound lane closure.

Mr. Merkh said north of the intersection is closed currently as the contractor is working on the water line. Once that is completed, they will close the intersection to the north and south to do the pavement work on those sides of the intersection. The contractor hopes to have the water line completed next week. The east and west lanes will stay open until the work on those lanes is set to begin. Substantial competition is expected to be near Christmas but that is weather dependent. He explained pushing it past the holiday will cause the cost to increase as well as the chances for inclement weather. Ms. Linn stated City staff will still make sure that the proper closures are relayed to residents at the appropriate time. Mayor Roberts explained the changing of the road closures will go out via Notify JoCo. Mr. Merkh agreed and said hard closures trigger the need for notifications to be sent.

#### **14. Report by the Mayor**

- Mayor Roberts stated he has nothing to report at this time.

#### **15. Future Meeting Reminders:**

- November 8<sup>th</sup>: Planning Commission Meeting – 7:00 PM
- November 10<sup>th</sup>: City Council Meeting – 7:00 PM
- December 8<sup>th</sup>: City Council Meeting – 7:00 PM
- December 13<sup>th</sup>: Planning Commission Meeting – 7:00 PM

#### **16. 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.**

Councilmember Lewis moved to recess into executive session for ten (10) minutes, seconded by Councilmember Longanecker.

The meeting recessed into executive session at 8:45 PM, 3-0.

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

Councilmember Lewis made a motion to recess back into executive session for an additional 10 minutes, Councilmember Longanecker seconded the motion. Motion passed unanimously. The meeting recessed into executive session at 8:55 PM.

Councilmember Longanecker made motion to return to open session to request an additional five (5) minutes, seconded by Councilmember Lewis.

Councilmember Lewis made a motion to recess back into executive session for an additional 5 minutes, Councilmember Longanecker seconded the motion. Motion passed unanimously. The meeting recessed into executive session at 9:05 PM.

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

Open session resumed at 9:10 PM, 3-0.

**17. Adjourn**

Councilmember Lewis moved to adjourn, seconded by Councilmember Lebakken. The meeting was adjourned at 9:10 PM, 3-0.

Submitted by Christopher Clinton, Planning and Zoning Coordinator/Deputy City Clerk