

City of Edgerton, Kansas
Minutes of City Council Regular Session
November 14, 2024

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas November 14, 2024. The meeting convened at 7:00PM with Mayor Roberts presiding.

1. ROLL CALL

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| Clay Longanecker | present |
| Josh Lewis | present |
| Deb Lebakken | absent |
| Bill Malloy | absent |
| 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
- Finance Director, Karen Kindle
- Recreation Superintendent, Brittany Paddock
- Development Services Director, Zach Moore
- Senior Accountant, Justin Vermillion
- CIP Project Manager, Holly Robertson
- Assistant to the City Administrator, Kara Banks
- Animal Control/Code Enforcement Officer, Charlie Lydon

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 October 24, 2024 Regular City Council Meeting
5. Approve Minutes from October 29, 2024 Special City Council Meeting
6. Approve Minutes from November 4, 2024 Special City Council Meeting
7. Approve Re-Appointment of Jordyn Mueller for a Term Expiring September 2027 for Edgerton Planning Commission
8. Approve Year-End Longevity Bonus for Employees
9. Approve Annual Large Animal Permits
10. Approve Letter of Understanding with Johnson County Human Services for 2024 Utility Assistance
11. Approve Ordinance No. 2171 Amending Chapter VIII, Article 5, Section 8-521 of the Municipal Code of the City of Edgerton, Kansas

12. Approve Final Acceptance of the Lead and Copper Rule Revision Project
13. Approve Final Acceptance of the 2024 Street Preservation Project and Transfer of Funds to the 2025 Street Preservation Project
14. Approve Temporary Construction Easement, Permanent Drainage Easement, Permanent Street Easement, and Permanent Pedestrian Easement for Fuller, David L. at 102 E Edgewood Dr. for the 2nd Street Reconstruction Project
15. Approve Temporary Construction Easement, Permanent Drainage Easement, and Permanent Street Easement for Ottawa Cooperative Association at 1002 E 2nd Street for the 2nd Street Reconstruction Project
16. Approve Temporary Construction Easement for Brewer, Susan E. at 205 W Edgewood Dr. for the 2nd Street Reconstruction Project
17. Approve Temporary Construction Easement for Janie Emberton, Trustee of the Emberton Family Trust at 203 E Martin Street for the 2nd Street Reconstruction Project
18. Approve Temporary Construction Easement for Tate, Michael A. & Carolyn A. at 300 W Edgewood Dr. for the 2nd Street Reconstruction Project
19. Approve Resolution No. 11-14-24A Authorizing the Closure of Nelson Street During the Mayor's Christmas Tree Lighting

Councilmember Longanecker moved to approve the Consent Agenda with item 12 removed for further discussion, seconded by Councilmember Lewis. The Consent Agenda was approved, 3-0.

Councilmember Longanecker asked Mr. Merkh if the City is classified as a no lead system.

Mr. Merkh stated the state considers Edgerton as a no lead system because there are no known led service lines and no indication of lead from the models, which is all based on the inventory.

Councilmember Longanecker asked if that is the end of the LCRR.

Mr. Merkh stated there is still an increase in testing requirements and there may be further requirements that will come from the EPA.

Councilmember Longanecker moved to approve item 12, the Final Acceptance of the Lead and Copper Rule Revision Project. Councilmember Lewis seconded the motion. The motion carried, 3-0.

Regular Agenda

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

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

Business Requiring Action

22. CONSIDER OUTSIDE CITY LIMITS WATER SERVICE LINE APPLICATION

Mr. Merkh addressed the Council. He stated in October, an application was submitted by Ms. Chandler for Water Connection to service her property. This property is outside the corporate

city limits of Edgerton. The code states the applicant must receive approval by the governing body before connection can be made, as well as pay any applicable fees.

The City does have an existing 8" PVC waterline on the north side of 207th Street, which borders the south side of the property. The property owner is planning to install approximately 70 feet of waterline from the City installed 5/8" meter for their property. No bore of the existing roadway is needed. This water line will be for potable water only.

If approved, the resident will need to have a licensed installer perform the construction, while City Staff performs tap inspections and installation of water meter. The owner of the premises will be solely responsible for the cost of the outside city limits water connection fee and water system development fee as described in the City's Fee Resolution. Following the connection, the owner of the premise will complete the water service application to activate their utility account and pay the applicable fee as described in the City's Fee Resolution.

With no questions or comments, Mayor Roberts requested motion to approve the application for new water service at 38620 W. 207h St. Edgerton, KS.

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

23. CONSIDER 2025 FUNDING RECOMMENDATIONS FOR THE HUMAN SERVICE FUND

Ms. Kristy Baughman with United Community Services addressed the Council. She stated HSF is a critical city-county partnership with Johnson County and 14 cities. General tax dollars are awarded to non-profits that distribute those funds to residents at or below the federal poverty level. Communities like Edgerton have access to these funds that they would otherwise not be able to have. In 2023, over \$400,000 was committed from jurisdictions, for things like a night of safety, job training, food, etc. with nearly 60,000 residents benefiting from this service.

Mayor Roberts stated he appreciates what this organization does and believes this is really the biggest bang for our buck. The numbers presented include Edgerton citizens.

Ms. Kristy stated it is a unique fund. Most counties do not have a fund like this and it really is meaningful to the organizations that provide and residents that receive from them.

Councilmember Lewis asked if they could see a breakdown of where the dollars are spent and what municipalities.

Ms. Kristy stated she can get that breakdown and pass it along. Most of the organizations can pull where that resident came from.

With no further discussion, Mayor Roberts requested motion to the 2025 Funding Recommendation of \$5,000 for the Human Service Fund.

Councilmember Conus moved to approve, seconded by Councilmember Longanecker. The motion carried, 3-0.

24. CONSIDER A CONTRACT WITH ELEVATEEDGERTON! FOR ECONOMIC DEVELOPMENT SERVICES FOR 2025

Mr. Oltman, ElevateEdgerton! President, addressed the Council. He stated this contract is the same as previous years and included are the deliverables for this next year. He highlighted several projects, including the new housing development at Dwyer Farms, new construction at Edgerton Crossing, and another new restaurant that will be announced soon near the Goodcents on Homestead Lane.

He stated ElevateEdgerton! recently recognized the 2024 Investor of the Year as USD 231. This award started 4 years ago. He stated this has been the best year for membership growth. People are wanting to contribute to the community and help shine a light on Edgerton.

Mayor Roberts added that Dwyer Farms and has conceptual commitments on 9 homes, likely 8 will be purchased when available.

Mr. Oltman stated once they get started, they anticipate about 5 new home sales a month.

With no further discussion, Mayor Roberts requested motion to approve the 2025 Contract with ElevateEdgerton!.

Councilmember Longanecker moved to approve, seconded by Councilmember Lewis. The motion carried, 3-0.

25. CONSIDER AN AGREEMENT WITH GLOBAL PAYMENTS DIRECT, INC., FOR MERCHANT CREDIT CARD PROCESSOR SERVICES FOR THE CIVICPLUS SOFTWARE

Ms. Kindle addressed the Council. She stated in October 2022, Council approved a merchant credit card services agreement with Global Payments. Civic Plus, the new recreation software, requires a separate merchant number and an additional agreement needs approved. The draft rate is the same as what was approved for Tyler. The experience staff has had with them has been good. The agreement has been reviewed and approved by the City Attorney.

With no discussion, Mayor Roberts requested motion to approve the agreement with Global Payments for the Merchant Credit Card processor for CivicPlus software.

Councilmember Longanecker moved to approve, seconded by Councilmember Lewis. The motion carried, 3-0.

26. CONSIDER ORDINANCE NO. 2172 APPROVING THE DESCRIPTIONS AND SURVEY OF LANDS NECESSARY FOR ACQUISITION OF EASEMENTS NEEDED FOR CONSTRUCTING THE 2ND STREET RECONSTRUCTION PROJECT AND ASSOCIATED IMPROVEMENTS

Ms. Robertson addressed the Council. She stated the City is reconstructing East 2nd Street / COOP Road from Nelson Street to the south City Limits and East Edgewood/West Edgewood Road from East 2nd Street / COOP Road to West 4th Street. The project includes complete reconstruction of the pavement down to subgrade, new sidewalks, streetlights, new stormwater infrastructure, utility improvements, and drainage improvements along the project. The City needs temporary construction easements and permanent drainage easement, permanent pedestrian easement, and right-of-way from properties along this project.

Since June 2024, City Staff has contacted property owners and are currently in discussions with the majority of owners. Similar to previous projects, staff intends on continuing the easement acquisition process by providing official easement offers to property owners with a 30-day time frame for all properties. Easement offers were provided to the property owners prior to November 4, 2024, the notice expires December 4th. If the draft ordinance is approved by Council, the City would initiate the eminent domain process following December 4th for any property acquisition remaining.

Staff has issued legal easement documents and notice to all the property owners that are affected by the project and continues to negotiate easements with the property owners as the preferred method to acquire the easements. However, if negotiations do not reach a conclusion that satisfies both parties, staff would like to proceed with the next step in the condemnation process in the meantime.

On October 24, 2024, City Council took the first step by passing Resolution No. 10-24-24H confirming the necessity for condemnation and authorizing the preparation of survey and legal descriptions. Passing that resolution does not prohibit the City from continuing to negotiate and/or acquire the easements. It simply authorizes the preparation of the descriptions. That Resolution with the remaining easements will be published once the notice period expires.

With no discussion, Mayor Roberts requested motion to approve Ordinance No. 2172.

Councilmember Lewis moved to approve, seconded by Councilmember Longanecker. The motion carried, 3-0.

27. CONSIDER AN INVOICE FOR UTILITY INSPECTION & ROADWAY WORKER IN CHARGE SERVICES FROM WILSON & COMPANY FOR \$105,000 FOR DWYER SEWER EXTENSION PROJECT

Ms. Robertson stated in November 2024, City Council approved an extension of the inspection and RWIC services with Wilson & Company for \$45,000 that would provide an additional two weeks of work, expiring November 16, 2024. Since that date, there have been further delays

related to railroad requirements shutting down operations. Additionally, the progress of rock boring continues to be unexpectedly slow.

Due to the many elements of this project slowing down the work on the railroad right-of-way, City Staff recommends setting a not to exceed of \$105,000. Rather than estimating a construction schedule, this amount will be enough to continue working until the next City Council meeting on December 12, 2024 where City Staff will provide an update or request additional funds if needed.

This invoice is through the same agreement executed with BNSF with Wilson & Company working on behalf of BNSF. The cost for BNSF inspections and RWIC are budgeted within the construction budget for the Dwyer Sewer Extension project. By billing this invoice directly to the City, the City saves the likely mark-up associated with processing this work through the contractor. City Staff recommends approving \$105,000 as a maximum not to exceed for prepayment of additional inspection and RWIC services. Any unused funds will be returned to the City.

She stated since the extension request granted on November 4th, they have only been able to process 10ft. further, have had 2 days of rain delays, and 2 days the railroad shut down the project. The crew has had to continue switching out bits, change out the bogger, etc. with an average of only 3 to 5 feet a day in progress made.

Councilmember Longanecker asked why the railroad shut down operations for two days.

Ms. Robertson stated they shut down one day because work was being done on the railroad 12 miles from the project and that took precedence. And then shut down another day due to a shutdown company-wide from an accident on the railroad in another state.

Councilmember Longanecker asked how this fits in with our pay schedule.

Ms. Robertson stated we have not received an answer on that yet.

Councilmember Lewis asked if there is any notification when this happens.

Councilmember Conus asked if there is any recourse.

Ms. Robertson stated no, typically there is none.

Ms. Linn noted is that while this process here is painful, it will open up significant land for future use.

With no further discussion, Mayor Roberts requested motion to approve the prepayment of \$105,000 for RWIC Services from Wilson & Company for the Dwyer Sewer Extension Project.

Councilmember Longanecker moved to approve, seconded by Councilmember Conus. The motion carried, 3-0.

28. Report by the City Administrator

- **WALK ON:** Grants Awarded

Ms. Robertson stated today, the City received notice that Edgerton was awarded the KDOT cost share grant. The grant is a full \$1 million for the 2nd Street Reconstruction project. She stated the City has received a total of \$2.5 Million dollars in grants over the last couple years.

- The Greenspace Update

Mr. Scott Crane with HBS addressed the Council. He stated just 15 months ago, we were in the blazing heat tossing dirt to do a groundbreaking. Today, the crews are working to finish the interior. There is a very detailed punch list from the architect making sure everything is done as required. The contractual substantial completion is set for February.

He stated there have been 22 change orders so far, 18 have been minor and already approved. This accounts for about .4% of total construction contract. City council has approved 4 change orders to date. In total, the changes have accounted for less than 3% of construction contract. He stated this is an amazing number this close to the finish line. He stated he spent 12 years at a school district and cannot point to any new or major renovation where at the end there was less than 3% change orders. This is a huge testament to this staff and the time spent really knowing what the community wanted out of this project.

Councilmember Longanecker asked when they can have a walkthrough.

Mayor Roberts stated there will be a sneak peek walk through at the Mayor's Christmas Tree lighting ceremony.

Ms. Linn stated part of the reason the street closure is on the agenda, is so the public can stand on the sidewalk for the lighting and Mayor will stand on stage with the switch and at the conclusion, everyone will be welcomed to walk through the building for a sneak peek. It will not be every room, but it will give a tremendous feel for the building.

- 3rd Quarter Community Development Report

Mr. Moore reviewed the report provided. He stated the number of permits on the residential side does not include Dwyer Farms, which should be reported in the 4th quarter. He stated for 312 E 5th St., council has ordered the building demolished. Denton Excavating will proceed with that demolition and it will be a 6-8 week turnaround.

Ms. Linn stated she had asked Mr. Moore and Code Enforcement Officer Charlie Lydon to put together some before and after shots of properties to highlight the change that has occurred.

Mr. Lydon reviewed several before and after pictures. He stated he does not often get a chance to look back at the progress these properties have made, some even surprised him. He stated this will highlight how individual homes and folks who decide to abate or invest

make improvements and how even one house can have an impact on those surrounding it. He stated most are great impacts made without much cost to the resident.

Councilmember Conus asked what is unacceptable for backyards.

Mr. Lydon stated backyards are difficult because it is hard for him to see or gain access. He tries to use best judgement, so as long as a backyard is not creating a nuisance, drawing pests, and is neat or orderly, he will work with individuals to get things straightened up.

Ms. Linn added that exterior maintenance issues like mowing, removing trash, and having things outside that are not exterior rated, are usually easily remedied.

Mayor Roberts noted the City cannot and does not go through to backyards unless invited by a neighbor and making contact with the home owner. So really, what's acceptable to your neighbor could also be the line.

Councilmember Conus asked if a claim can be made online.

Ms. Linn responded yes. She stated the City does not want to get in the middle if they cannot see the nuisance from the street. When Charlies position was created it was about nuisance of adjoining resident, so until the resident next door provides that piece, sometimes the City cannot do anything.

Councilmember Lewis stated residents receive a lot of patience from the City's side, which is unique compared to other jurisdictions.

Mr. Lydon stated yes, if we can continue to stay in contact and do everything we can first without them taking advantage of the system, we see much better results.

- 3rd Quarter Municipal Court & Supplemental Johnson County Sheriff's Office Report

Ms. Banks reviewed the 3rd Quarter court report provided.

Representatives from the Sheriff's Office gave their report regarding calls for service numbers, generalized hot spots for calls, and crime data totals compared to previous year.

Mayor Roberts stated with the new administration coming in at the Sheriff's Office, he would really love to be able to sit down and talk with them once they can.

- Job Description – Construction Inspector

Mr. Merkh stated staff introduced job progressions for staff as well as some new positions for approval, including the proposed construction inspector job, during the budget work session. This person would be responsible for permits like Right-Of-Way Permits as well as locates for utilities and will be on as many construction projects as possible for inspections. Currently, the city utilizes 3 to 5 companies over the last few years and would like to transition this to an in-house job, similar to the transition that was for the building inspector.

Ms. Linn stated this is the last position out of that conversation during work session. It is likely this position will be off-setting hours, not all hours used for construction inspection, but off-setting the money paid outside of the city.

Councilmember Longanecker asked if this affects the current building inspectors position?

Mr. Merkh stated this position would be more for the public infrastructure side of things, like roadway projects.

With no further discussion, Mayor Roberts requested motion to approve the Job Description for the Construction Inspector.

Councilmember Longanecker moved to approve, seconded by Councilmember Lewis. The motion carried, 3-0.

WALK ON: CONSIDER NEW CMB LICENSE FOR LVPKS LLC DBA TA EXPRESS, EDGERTON

Ms. Linn stated it was mentioned a little earlier that the City was notified of the property changing ownership at the On-the-Go facility. Their request is to divide the parcel in half and the north half of the property will change hands on November 19th. This includes the TA Express, Goodcents, etc. The truck wash and south half will still be owned by the current owner. To stay compliant, staff is requesting approval of the CMB license for the new owners, pending completion of the background checks.

With no discussion, Mayor Roberts requested motion to approve the CMB License for LVPKS LLC DBA TA Express, Edgerton for 2025.

Councilmember Longanecker moved to approve, seconded by Councilmember Lewis. The motion carried, 3-0.

WALK ON: MEAT INFERNO UPDATE

Ms. Paddock stated this year was the biggest event yet with 41 teams competing in the Masters Contest, including two from GEHS. She stated staff heard great things and a post-event survey was full of praise for the event. Multiple teams scored over 700 and received 180s as a perfect score. There were 75 judges and volunteers that helped make this event a success.

Mayor and Council thanked Brittany for her hard work on this event, praising her for a phenomenal job.

Ms. Paddock thanked them and stated it would not be possible without the help of the team.

29. Report by the Mayor

Mayor Roberts stated he had no report to give.

30. Future Meeting Reminders

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

31. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO THE ATTORNEY/CLIENT EXCPTION TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR, AND PW DIRECTOR FOR THE PURPOSES OF CONTRACT NEGOTIATIONS (K.S.A. 75- 4319(B)(2))

Mayor Roberts requested motion 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, Public Works Director, Dan Merkh, and City Attorney, Todd Luckman.

The executive session will start at 8:50PM and last 10 minutes. The open meeting will resume in the Council Chambers.

Councilmember Longanecker moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) for the purpose of discussing contract negotiations. Councilmember Conus seconded the motion.

The meeting recessed into executive session at 8:51PM, 3-0.

Councilmember Lewis moved to return to open session with no action being taken. Councilmember Longanecker seconded the motion. Open session resumed at 9:01PM, 3-0.

32. Adjourn

Councilmember Lewis moved to adjourn, seconded by Councilmember Longanecker. The meeting was adjourned at 9:02 PM with a 3-0 vote.

Submitted by Alex Clower, City Clerk