

City of Edgerton, Kansas
Minutes of City Council Regular Session
December 9, 2021

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on December 9, 2021. The meeting convened at 7:00 PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present
Jody Brown	absent

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- City Clerk Alexandria Clower
- Finance Director Karen Kindle
- Accountant Justin Vermillion via phone
- Development Services Director Katy Crow
- Public Works Director Dan Merkh via phone
- CIP Manager Brian Stanley
- Public Works Superintendent Trey Whitaker
- Marketing & Communications Manager Kara Banks
- Utilities Superintendent Mike Mabrey

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 November 18, 2021 Regular City Council Meeting
5. Approve the Renewal of the Cereal Malt Beverage License Applications for 2022
6. Approve Resolution No. 12-09-21A Declaring the Boundaries of the City of Edgerton, Johnson County, Kansas
7. Approve Letter of Understanding with Johnson County Human Services for 2022 Utility Assistance

Councilmember Brown arrived at 7:01 PM

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

Regular Agenda

8. Public Comments.

Debbie Conus, 605 W Meriwood Ln, addressed the Council. She asked where were the holiday decorations for the light poles.

City Administrator Beth Linn stated years ago, when the project was completed at 4th & Nelson, several poles were removed. Evergy (Kansas City Power & Light at the time) decided to move the services to poles located in the alley.

Mayor Roberts stated the plan is to bring some poles back when work begins on The Greenspace project.

Ms. Conus asked if there was a budget for new holiday décor.

Ms. Linn stated there are no poles to install on right now, so the City would have to wait until the project is complete. She added that the old decorations are in storage.

There were no further comments made from the public.

9. Official Results of 2021 General Election.

Edgerton Mayor:

Donald Roberts

Edgerton Council At-Large:

Joshua Lewis

Josie Stambaugh

10. Installation of Mayor and Councilmembers. The City Clerk administered the Oath of Office to the newly elected Governing Body.

11. Election of President of City Council.

Mayor Roberts stated Mr. Clay Longanecker has served for years as Council President and believes he does the job well. He thanked Mr. Longanecker for his years of service in this position.

Mayor Roberts then asked if there are any nominations for Council President.

Councilmember Brown stated he would like to nominate Clay Longanecker as Council President.

Councilmember Beem agreed with the nomination.

Councilmember Stambaugh stated she would like to nominate Councilman Lewis for the seat. She stated Mr. Lewis had a record number of votes in the recent election, so his election to Council President would show the Council is listening to the residents of the town.

Mayor Roberts asked if there was a second for nomination of Josh Lewis.

Councilmember Lewis stated he would like to nominate Clay Longanecker for the seat.

Councilmember Brown moved to elect Clay Longanecker as Council President, seconded by Councilmember Beem. The motion was approved 4-0, Councilmember Longanecker abstained from the vote.

12. **Declaration.** There were no declarations made by the Governing Body.

Business Requiring Action

13. CONSIDER AN AGREEMENT WITH THE JOHNSON COUNTY SHERIFF'S DEPARTMENT FOR THE PROVISION OF LAW ENFORCEMENT SERVICES FOR FISCAL YEAR 2022

Ms. Linn addressed the Council. She stated the City contracts with the Johnson County Sheriff's Department for law enforcement services in Edgerton. She stated generally, the services as described in the packet for 2022 are the same as those services provided in 2021, including the "Power Shift".

She stated the agreement states that generally, the level of service shall be the same that is provided for the unincorporated area of the County by the Sheriff with the specific agreement that such service shall be provided within the Edgerton district, on a full-time basis, 24-hours a day. She stated it also stipulates that a fully manned patrol car shall be stationed in the Edgerton district and an additional fully manned patrol car or cars, shall be available as needed from adjacent districts. She stated the Edgerton's district boundaries include the Johnson County line on the west and south; 167th Street on the north; and Gardner Road/Center Street to the east.

She stated the agreement also includes the same language from 2021 in Addendum Number 1 for the "Power Shift" which is a second patrol unit assigned to the residential area of Edgerton for 40 hours each week. She stated it also updates Section 6 "Community Event Planning" to include public meetings that the City may need additional support from the Sheriff's Office.

She stated the agreement also updates Section 8 "Responsibility of the County" to include items that have already been provided, such as bailiff at municipal court, enforcement of City ordinances, and hosting an annual town hall meeting, which is coming up in January. However, it also adds periodic reporting to both City Council and the City Administrator. She stated the City shall provide the following: an attorney serving as municipal judge; an attorney to prosecute all contested cases; and a designated qualified court clerk to supervise the court docket and take responsibility for all court records.

She stated the agreement also adds a new Section 12 "License Plate Reader Equipment" that if the City would acquire License Plate Readers, the equipment would be transferred to JCSO as requested by the City. JCSO provides a similar service for Johnson County owned buildings providing the secure IT infrastructure needed for this type of equipment.

She stated the total cost for the Agreement for the 2022 year is \$461,330. This was included and approved as part of the 2022 Budget.

She stated the agreement provides for a fuel surcharge should the Sheriff department incur average costs that exceed the average price per gallon of \$2.00.

Councilmember Longanecker asked if this is the same price as last year.

Ms. Linn stated it is slightly different and she asked Finance Director Karen Kindle to confirm the budget numbers.

Councilmember Stambaugh asked where the money for the fuel surcharge would come from.

Ms. Linn stated it comes from the general fund. She stated to her knowledge, the City has not experienced this surcharge in the 10 years she's been here.

Ms. Kindle stated the agreement is a 1% decrease from last years cost.

There were no further questions or comments from the Governing Body.

Councilmember Lewis moved to approve the Agreement with Johnson County Sheriff's Department for 2022, seconded by Councilmember Longanecker. The agreement was approved, 5-0.

14. CONSIDER AN AGREEMENT WITH KANSAS DEPARTMENT OF CHILDREN AND FAMILIES FOR PROVIDING WATER/WASTEWATER ASSISTANCE PAYMENTS TO UTILITIES

Ms. Kindle addressed the Council. She stated the KS Department of Children and Families (DCF) is the administering agency for the Federal Low Income Household Water Assistance Program (LIHWAP) otherwise known as the Emergency Water Assistance Program (EWAP) in Kansas. She stated this is a new program authorized under the American Rescue Plan Act and will be available to Kansas households beginning December 1, 2021, until funding is exhausted. The purpose of the program is to provide low-income households with assistance in paying for drinking water and/or wastewater utility bills. She stated DCF has contacted the City to sign up as a water/wastewater vendor.

She stated as a vendor under the EWAP, eligible City utility customers can apply to DCF for assistance in paying their utility bills. DCF determines eligibility and handles all the paperwork. She stated once a customer is determined to be eligible, DCF makes payment on their behalf directly to the City. Eligible customers can receive up to \$3,500 in assistance.

She stated to be an EWAP vendor, the City needs to sign and return the agreement with DCF. She stated the City Attorney has reviewed and approved the agreement.

Councilmember Brown asked what is covered in the help.

Ms. Kindle stated this would only be for their utility bill with the City.

There were no further questions or comments from the Governing Body.

Councilmember Lewis moved to approve the Agreement with the KS Dept of Children and Families for the Emergency Water Assistance Program, seconded by Councilmember Longanecker. The agreement was approved, 5-0.

15. CONSIDER AN EASEMENT ENCROACHMENT AGREEMENT WITH EVERGY AT 207TH STREET AND CORLISS ROAD

Mr. Brian Stanley, CIP Manager, addressed the Council. He stated Corliss Road, one-half mile east of Waverly Road and north of 207th Street, is currently under construction to serve Inland Port 52 (IP52). He stated parallel to 207th Street, Evergy has a high-voltage transmission line. At the south end of the project, Corliss Road goes underneath these transmission lines encroaching into the easement.

He stated because the City is requesting the right to construct infrastructure within the easement, Evergy requires an Encroachment Agreement. This Agreement limits the City's rights within the Easement Area as listed in Exhibit B. He stated staff and the City Engineer have reviewed these limitations and there are no concerns related to the requirements.

He stated there is no cost to the City for this Encroachment Agreement. The Agreement would run in perpetuity. He stated this agreement has been reviewed by City Attorney and City Engineer.

There were no further questions or comments from the Governing Body.

Councilmember Longanecker moved to approve the Agreement with Evergy, seconded by Councilmember Beem. The agreement was approved, 5-0.

16. CONSIDER AN AGREEMENT BETWEEN BG CONSULTANTS AND THE CITY OF EDGERTON, KANSAS, FOR THE PUBLIC IMPROVEMENT OF NELSON STREET & EAST 4TH STREET (INCLUDING THE INTERSECTION)

Mr. Stanley addressed the Council. He stated first, he would like to make note of a correction, the item should list the project from East 3rd Street, extending to West 8th.

He stated each year, the cities in Johnson County are invited to submit projects to be considered for the five-year city/county street improvement program through the County Assistance Road System (CARS) program. The CARS program provides funds to the cities of Johnson County to construct and maintain their major arterials.

He stated on April 4, 2021, Edgerton City Council Approved Resolution No. 04-08-21A, approving the five-year City/County Street Improvement Program 2022-2026. For 2020/21, the City of Edgerton submitted the 207th Street Grade Separation Project. For 2022, the City is submitting the Nelson Street Improvement Project, E 3rd St. to W 8th St.

He stated the City of Edgerton Nelson Street Project will receive the Ultrathin Bonded Asphalt Surface (UBAS). This project will include the necessary localized full depth patching to address any base failures and localized curb and gutter repair as needed to fix any drainage issues or water ponding issues along the project. He stated the Nelson Street Project will be submitted to CARS as the City of Edgerton's first project priority for 2022.

He stated City Staff along with BG Consultants have worked to outline the roadway design for The Public Improvement of Nelson Street and East 3rd Street. He stated the City Attorney has reviewed the enclosed Agreement and has recommended a few proposed changes, and as such, staff has advised the County of the proposed changes.

Ms. Linn stated for clarification, staff is requesting the Council authorize the mayor to execute the contract, as there are still minor changes needing to be complete. She stated there is quite a bit of water that stands at the entrances to the elementary school. This project will fix that issue.

There were no questions or comments from the Governing Body.

Councilmember Lewis made motion to approve authorizing the mayor to execute the contract after review and approval from the City Attorney, seconded by Councilmember Longanecker. The motion was approved, 5-0.

17. Report by the City Administrator

Ms. Linn stated it is very exciting to be coming to the close of the bridge at 207th Street. She stated they are looking at a ribbon ceremony for the week of December 20th, pending weather.

Councilmember Longanecker asked if there was any word on when the rest of the roadway will be open.

Ms. Linn stated the anticipation for full completion is next spring.

18. Report by the Mayor

Mayor Roberts stated he would like to start off the beginning of next year with some Council training on KOMA/KORA and follow that with tours of City facilities. He stated he believes the facilities tours will allow Councilmembers to gain a greater knowledge of what happens throughout the City. He stated he expects to begin the classroom type training in the early part of next year and do tours in the spring. He stated staff and Council will be working to get some dates on the calendar.

He stated he also wanted to follow-up on some questions emailed to him by Councilmember Stambaugh, including the flood plain surrounding the Skelly Gas Station owned by Danny O'Neal and funding for ElevateEdgerton!.

He stated in response to the first question, the City does not designate flood plains. He stated flood plains are designated by FEMA. He stated there are ways landowners can still develop properties in flood plains, but there are steps they must follow.

Councilmember Stambaugh stated to her knowledge, he has provided all documents needed.

Mayor Roberts stated he has not. He stated in the information provided to Councilmembers, there is a highlighted section that tells specifically what is needed for the process to begin and what the landowner is required to complete.

Ms. Linn stated the first two items are applications, the third is a checklist for flood plain development to be considered.

Mayor Roberts stated based on requirements shown, a landowner cannot change depth at full build out by any more than one foot, and it would have to be certified by an engineer. He stated the City does not have a say in these matters as they are designated by FEMA.

Councilmember Stambaugh stated she sees the gas station as historical, as do many citizens. She stated everyone knows that gas station. She stated she knows Mr. O'Neal has jumped through all the hoops. She stated she would like to see another small business in Edgerton, especially since there is a structure already standing. She stated she would like to see the Governing Body work with him to come to an agreement. She stated water meters were also taken off his property, without proper notice.

Mayor Roberts stated the City cannot circumvent FEMA rules. The City had to get approval from the Kansas Water Office for the flood plain development ordinance that the City did pass. He stated in 2014, the owners of the property came before Council and asked for a refund for previous payments and to terminate service. He stated meters are the property of the City. If they are not being paid for, the City has the right to remove at any time.

Councilmember Stambaugh stated the termination was requested by previous owners, but was not completed then. She asked if the removal should be discussed with the new owner.

Mayor Roberts stated no, because the account was terminated and at no point did the current owner pay fees to buy service at the property. He stated the current owner could do so, but he will still have to go through the process to use the facility for what he wants.

Councilmember Stambaugh stated just from speaking with him, she believes he has been trying.

Ms. Linn stated the current owner has to pay fees to activate services. She stated once the previous owners were granted the termination, there were no longer payments made. She stated if the new owner wants service, they have to pay the appropriate fees. She stated to her knowledge, that has not been done.

Mr. Hendricks stated the decision made in 2014 runs with the land. He stated like Mayor said, because the City owns the meters, they have the right to remove them.

Ms. Linn stated at any time, the owner could complete an application, pay the associated fees and get services installed.

Mayor Roberts addressed Councilmember Stambaugh's second question related to ElevateEdgerton!

He stated every year since Elevate has existed, they come before Council to request funds, give an update of what they will be doing with the funding granted, and what they plan to do. He stated Councilmember Stambaugh asked for expense reports for ElevateEdgerton!. He stated because ElevateEdgerton! is not a government entity, they do not fall under the same requirements as the City. He stated President James Oltman is in attendance tonight, and Ms. Stambaugh is welcome to talk to him at anytime to set a meeting and discuss the funding details, but he does not have to comply with requests for documents like the City.

Mr. Hendricks stated anyone can ask the City for details on the money given to various organizations, but they cannot get the expenses of the outside entity because those are not open records.

There were no further questions or comments from the Governing Body.

19. Future Meeting Reminders:

- December 14th: Planning Commission Meeting – 7:00PM
- January 11th: Planning Commission Meeting – 7:00PM
- January 13th: City Council Meeting – 7:00PM
- January 27th: City Council Meeting – 7:00PM

Mayor Roberts stated after adjournment they'll take about 15 minutes to reset the room and return for the Work Session.

20. Adjourn

Councilmember Lewis moved to adjourn, seconded by Councilmember Beem. All in favor. The meeting was adjourned at 7:35 PM.

Submitted by Alexandria Clower, City Clerk

EVENTS

December 10th: Kids Night Out
December 14th: Tales for Tots
December 15th: Senior Lunch & BINGO
December 23rd & 24th: City Hall Closed for Christmas Holiday
December 29th: Nerf Battle
December 31st: City Hall Closed for New Year's Holiday