

**City of Edgerton, Kansas**  
**Minutes of City Council Regular Session**  
**December 14, 2023**

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas December 14, 2023. The meeting convened at 7:00PM with Mayor Roberts presiding.

**1. ROLL CALL**

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present
Deb Lebakken	present
Bill Malloy	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Lee Hendricks
- City Clerk, Alex Clower
- Accountant, Justin Vermillion
- Public Works Director, Dan Merkh
- Public Works Superintendent, Trey Whitaker
- CIP Project Manager, Holly Robertson
- Marketing & Communications Manager, Kara Banks
- Development Services Director, Zach Moore
- Customer Service Rep II, Ann Myles

**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 November 9, 2023 Regular City Council Meeting
5. Approve Large Animal Permit for Galaz Trust, 1300 W Braun St.
6. Approve Large Animal Permit for Mike Mabrey, 1200 W Braun St.
7. Approve Large Animal Permit for Marvin Vail, 1405 W 8<sup>th</sup> St.
8. Approve the Renewal of the Cereal Malt Beverage License Applications for 2024
9. Approve Resolution No. 12-14-23A Declaring the Boundaries of the City of Edgerton, Johnson County, Kansas
10. Approve Letter of Understanding with Johnson County Human Services for 2024 Utility Assistance
11. Approve Agreement Renewing an Existing Facility Use and Maintenance Agreement for the Bank of Knowledge and Authorizing Its Use by the Board of Directors of the Johnson County Library as a Library Facility

12. Approve Final Acceptance 2023 Street Preservation for Asphalt Overlay
13. Approve Final Acceptance JB Hunt Sewer Extension
14. Appointment of Tina Mathos to the City of Edgerton Planning Commission for a term ending in September 2026
15. Appointment of Jeremy Little to the City of Edgerton Planning Commission for a term ending in September 2026
16. Approve Agreement with Helping Hands Cleaning Ministry to Provide Janitorial Services for The Edgerton City Hall And Auxiliary Office Spaces

Mayor Roberts requested item 14 be removed from the consent agenda.

Councilmember Longanecker moved to approve item 14 of the Consent Agenda.  
Councilmember Lebakken seconded the motion. The item was approved, 5-0.

Mayor Roberts stated he wanted to remove this item to give a moment and introduce Tina to the public as well as thank Mr. Charlie Crooks for his time serving on planning commission.

Ms. Mathos thanked the Council for having her. She stated she has lived in the city for 14 years and is active with New City Church. She stated she loves this town and Edgerton is their home. She added she graciously accepted the nomination to planning commission when she was asked.

Mayor Roberts stated she is invested in the community and with blessing of the Council he would like to see her appointed to fill a seat in Planning Commission.

With no further comments, Mayor Roberts requested a motion to approve the appointment of Tina Mathos to Planning Commission.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lewis. The motion was approved, 5-0.

### **Regular Agenda**

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

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

### **19. Official Results of 2023 General Election.**

Edgerton Council At-Large:

Deb Lebakken	127 Total Votes
Clay Longanecker	125 Total Votes
Ron Conus	95 Total Votes
Joshua Beem	87 Total Votes
Write-In	86 Total Votes

20. **Installation of Councilmembers.** The City Clerk administered the Oath of Office to the newly elected Governing Body.

**21. Election of President of City Council.** The Governing Body will elect a new President of Council to serve as Mayor Pro-Tem in the event the Mayor is unable to preside over meetings.

Mayor Roberts asked if there were any nominations for City Council President.

Councilmember Lewis stated he would like to nominate Clay Longanecker. Councilmember Malloy seconded the nomination for Council President.

The City Council unanimously voted in favor of Mr. Clay Longanecker in serving as Council President.

Councilmember Longanecker thanked the members of the council for voting for him to serve again as president of the council. He stated he will do the best he can as he has always done.

**22. Recognition of Josh Beem, former City Council Member**

Mayor Roberts stated he would like to recognize Mr. Josh Beem for his service and presented him with a certificate of appreciation for his service to the community.

**23. Introduction of New Hire:** Ann Myles, Customer Service Rep II  
Mr. Zach Moore introduced Ms. Ann Myles to the governing body.

Ms. Myles stated she has lived in Kansas since 2010 and currently resides in Olathe. She stated she is glad to be here and excited to be on the ground floor of a booming city.

All members of the Governing Body welcomed Ann to the team and stated they were happy for her to be here.

Mayor Roberts then stated he would like to recess for 15 minutes for a reception to recognize Josh Beem for his service to the city.

The meeting recessed at 7:15pm and reconvened at 7:28pm.

**Business Requiring Action**

**24. CONSIDER PRIVATE WATER SERVICE LINE CONNECTION**

Mr. Merkh addressed the Council. He stated in November an application was received for water service outside the corporate city limits of Edgerton. Per the Municipal Code, the application and the required consent to annex is to be reviewed and approved by the governing body prior to water service being established. He stated the applicant has provided all necessary paperwork. He stated the city does have an existing 8" PVC waterline that borders the north side of the property, the owner is planning to install approximately 600 feet of 1.5" PVC pipe from the city

installed 5/8" meter for their property. He stated no bore of the existing roadway is needed and the water line will be for potable water only.

Mr. Merkh stated if approved, the city will perform any necessary construction needed to connect the customer to the system. The owner is solely responsible for the cost of the outside city limits water connection fee and water system development fee as described. He stated the owner will complete the water service application fee and pay the necessary fees related to establish a utility contract.

Mayor Roberts asked if the entire property is included with the consent to annex.

Mr. Merkh stated it is based on the legal description for the property.

Councilmember Longanecker asked what type of property this is.

Mr. Merkh stated the property looks to be some kind of farm operation.

Councilmember Longanecker asked if there was any reason not to allow water service.

Mr. Merkh answered no.

With no further questions or comments, Mayor Roberts requested motion to approve the water service connection agreement.

Councilmember Longanecker moved to approve, seconded by Councilmember Malloy. The motion was approved, 5-0.

## **25. CONSIDER FACILITY USE AND MAINTENANCE AGREEMENT WITH EDGERTON HISTORIC SOCIETY FOR EDGERTON COMMUNITY MUSEUM**

Ms. Linn stated the City Council annually considers the Facility Use and Maintenance agreement with the Edgerton Historic Society (EHS) for use of the building for the museum. She stated this agreement also sets the rate for rental of that building. Typically this has been set at \$1 per year. She stated no changes have been made to this agreement from the previous year. If approved, the agreement is valid for one year beginning January 1.

Ms. Linn stated at the time of packet publication, there were no questions or comments yet from EHS, however Mr. Troutner is in attendance tonight should he have any concerns or questions to address.

Mr. Troutner stated his only item for clarification is that in the agreement it states the ADA ramp is the city's responsibility. He said he was here last snow season and mentioned that he could not do it and wanted to see about means for taking care of that area moving forward and was told that the city would not provide clearing services as the roads are the priority. He

stated if this is the case, he would like that section then removed from the contract, however if it is part of the contract then he would like to make sure it is done.

Ms. Linn stated the contract does state that however there are instances when the museum is open and the city is not, which could be a problem. She stated staff within each facility maintain the areas surrounding on those business days and it is typically not treated on a weekend.

Mayor Roberts stated he is comfortable leaving the language in the contract and staff will work to salt and shovel when necessary during business hours. He asked Mr. Troutner to reach out if snow should happen on a weekend. He stated the priority during a snowstorm is the roadways.

Mr. Troutner stated if the city is not going to do it, it needs to be taken out of the contract.

Ms. Linn stated it will be the city collectively, whether that be volunteers from Council, members children, city staff, etc.

With no further questions or comments, Mayor Roberts requested motion to approve the agreement with EHS at a yearly rate of \$1.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 5-0.

**26. CONSIDER ORDINANCE NO. 2151 AUTHORIZING THE CITY OF EDGERTON, KANSAS, TO ISSUE HOME RULE REVENUE BONDS (LOGISTICS PARK INFRASTRUCTURE PHASE TWO PROJECTS) SERIES 2024A, IN AN AGGREGATE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$4,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY OR REIMBURSE THE COSTS OF PUBLIC INFRASTRUCTURE IMPROVEMENTS; AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.**

Mr. Scott Anderson addressed the Council. He stated the bulk of the infrastructure paid for by NorthPoint is paid through a PIF. He stated under agreements set up through the Master Indenture, periodically the City will issue HRR Bonds to reimburse NorthPoint and the City for money spent on infrastructure. He stated the City has entered into five of these types of deals to date, and this proposed deal will be the sixth. The projects will include Corliss Road Project and South I-35 Gravity Sanitary Sewer Main. He stated the issuance of the bonds will convert the interest rate from a taxable 9.5% interest rate to a tax-exempt rate. The interest rate savings will ultimately result in more funds being available in the PIF. He stated these are revenue bonds, just like all other issued for intermodal projects, which are not the general obligation or payable from tax revenues by the City. They are payable solely from the Public Infrastructure Fund. He stated this ordinance authorizes up to \$4 million to be issued under existing master trust indenture and authorizes the execution of supplemental documents.

With no questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2151.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lebakken. The motion was approved, 5-0.

**27. CONSIDER CONTRACT FOR SERVICES AND SCOPE OF WORK WITH ETC INSTITUTE FOR THE 2024 CITIZEN SURVEY**

Ms. Kara Banks addressed the Council. She stated the City is getting prepared for the biennial citizen survey. She stated this agreement is for work conducted with ETC Institute to provide feedback from the community to compare previous years in addition to regional and national survey results. She stated the draft contract includes the responsibilities of both ETC and the City during this survey year. She stated like last year, the survey gives residents a chance to opt in to win a \$500 Visa gift card as an incentive for completing their survey. This gift card is funded entirely by ETC. She stated the approved 2024 Budget includes funding for the Citizen Survey. She stated the responsibilities and timeline of ETC and the City are outlined in the council packet.

Mayor Roberts stated he thinks this is the best way to understand what the community wants a whole and makes it easier to work for the majority.

Councilmember Longanecker asked if they will be the same questions as last time.

Ms. Banks stated there may be some minor changes.

Mayor Roberts stated completing this survey allows for our community to be compared to others and how we match up to them.

Ms. Banks stated the survey will go out the first of the year and results are expected by the end of the first quarter.

With no further questions or comments, Mayor Roberts requested motion to approve the contract with ETC Institute for the 2024 Citizen Survey.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Longanecker. The agreement was approved, 5-0.

**28. CONSIDER A CONTRACT WITH ELEVATEEDGERTON! FOR ECONOMIC DEVELOPMENT SERVICES FOR 2024**

Mr. James Oltman, President of ElevateEdgerton! addressed the Council. He stated the memo presented at the 2024 Budget request in May is included in the packet, and there have been no changes from that time. He highlighted some of the major milestones this year for development in the community. He stated there was also a 10% increase in memberships for EE!.

Councilmember Longanecker stated the 10% increase is good.

Mr. Oltman stated EE! continues to work hard to build those relationships and find the right partners.

Councilmember Lewis asked if there were lots of requests for the home and small business grants.

Mr. Oltman stated yes, all 10 residential grants were awarded, and some have been paid out on already, however there are still some that have not yet been completed but this is a reimbursement-based grant.

He stated they have also paid out on a couple on the business side as well. He highlighted the new daycare at New City Church, which received one of the business attraction and retention grants.

Councilmember Lewis asked if the grant program is something that will continue moving forward.

Mr. Oltman stated during budget presentations it was decided that the City would take over the residential grant piece and Elevate would continue to focus on the small business grants.

With no further questions or comments, Mayor Roberts requested motion to approve the contract with ElevateEdgerton! for 2024 for a budgeted amount of \$65,000.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Malloy. The motion was approved, 5-0.

**29. CONSIDER AGREEMENTS WITH ADOPT A HIGHWAY TO SPONSOR HOMESTEAD LANE (NORTHBOUND AND SOUTHBOUND) I35 TO 191<sup>ST</sup> STREET AND 200<sup>TH</sup> STREET TO END OF ROAD FOR LITTER REMOVAL SERVICES**

Ms. Clower addressed the Council. She stated in June of last year the City entered into a pilot program with KDOT for their sponsor a highway program for litter removal services on north and southbound 56 Highway. To date there have been 100 bags of litter removed at roughly 1,850 pounds of removed trash. She stated due to the success of this program, in June of this year the City Council requested staff look into adding services for additional roadways including portions Homestead Lane and Sunflower Road.

She stated these agreements are for services of both northbound and southbound of the roadways at \$325 per side for a total of \$650 a month. The agreement is set at a 2-year contract and comes to a total of \$7,800 per agreement/year. She stated like the previous agreement with Adopt a Highway, the city may terminate the agreement for any reason with 90 days notice, following the 2-year period the agreements will automatically renew for another 2

years unless otherwise noted. She stated like the previous agreement, a first and last months payment is due at the time the agreement is approved, which totals \$1,300 to be applied.

She stated the following item on the agenda will have the same costs for litter removal services on portions of Sunflower Road.

With no questions or comments, Mayor Roberts requested motion to approve the northbound and southbound agreements with Adopt A Highway for litter removal services on Homestead Lane from I35 to 191<sup>st</sup> Street and 200<sup>th</sup> Street to the end of road for a budgeted amount of \$7,800 in 2024 and \$7,800 in 2025.

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 5-0.

**30. CONSIDER AGREEMENTS WITH ADOPT A HIGHWAY TO SPONSOR SUNFLOWER ROAD/E NELSON STREET (NORTHBOUND AND SOUTHBOUND) – I35 TO E 6<sup>TH</sup> STREET FOR LITTER REMOVAL SERVICES**

With no questions or comments, Mayor Roberts requested motion to approve the northbound and southbound agreements with Adopt A Highway for litter removal services on Sunflower Road/E. Nelson Street from I35 to E. 6<sup>th</sup> Street for a budgeted amount of \$7,800 in 2024 and \$7,800 in 2025.

Councilmember Lebakken moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 5-0.

**31. CONSIDER AGREEMENT WITH TERRACON CONSULTANTS, INC. FOR ARCHAEOLOGICAL SURVEY FOR DWYER SANITARY SEWER EXTENSION PROJECT**

Ms. Holly Robertson addressed the Council. She stated in August 2022 the council approved the planning commission recommendation to approve an application for a PUD for Dwyer Farms. In September, a contract was approved with BG Consultants for design of the project and in July of this year, the council approved the concurrence to bid for the Dwyer Sewer Extension Project.

She stated in October 2023, Council approved submission of an application for funding through the Kansas Department of Health and Environment (KDHE) State Revolving Fund (SRF) Loan program. City Staff applied for the SRF Loan which included sending Environmental Clearance letters to twelve state and federal agencies for approval for the project to move forward as designed. She stated The Kansas State Historic Preservation Office responded to the letter requesting a professional archaeologist survey Site #1 of the application which includes the Dwyer Sanitary Sewer Extension. She stated City Staff confirmed with KDHE that the archaeological survey will be required for the SRF Loan Application.

The Kansas State Historic Preservation Office provided a list of archaeological contractors



meeting the standards they require. City Staff requested a letter of interest to four consultants (Tetra Tech, Stantec, Burns & McDonnell, and Terracon). One consultant, Terracon Consultants, Inc., responded to our request and provided the attached letter of interest which includes draft scope, schedule, and fee.

She stated pending City Attorney approval, City Staff recommends approving the agreement with Terracon Consultants, Inc. for an archaeological survey of the Dwyer Sanitary Sewer Extension project site for the maximum not to exceed lump sum of \$21,500.

She stated funding for this project is anticipated to be initially funded through KDHE Revolving Loan Fund. Long-term funding source will be Rural Housing Incentive District (RHID).

Councilmember Longanecker asked if this means the city will get the loan.

Ms. Robertson stated it has not been approved yet, but this is part of the application.

Ms. Linn stated nothing is guaranteed, however the clearances are required before becoming eligible.

With no further questions or comments, Mayor Roberts requested motion to approve the agreement with Terracon Consultants for an amount not to exceed \$21,500.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Longanecker. The agreement was approved, 5-0.

**32. CONSIDER ORDINANCE NO. 2152 AMENDING ARTICLE 3 – AGRICULTURAL AND RESIDENCE DISTRICTS - OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF EDGERTON, KANSAS AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

Mr. Moore addressed the Council. He stated during a recent development review application, staff identified that there are several zoning districts in the City that do not permit places of worship either by right or with a Conditional Use Permit (CUP). Places of worship are uses that generally fit in most districts, either by-right or with a Conditional Use Permit. Additionally, in 2000, a law was passed called Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), that protects individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws. He stated RLUIPA requires religious assemblies and institutions to be treated at least as well as nonreligious assemblies and institutions. In zoning, this can be addressed by which districts they are permitted in, as well as other development standards, such as setbacks or sign regulations.

He stated Article 3 of the UDC includes zoning district standards for agricultural and residential zoning districts and includes permitted uses and development standards for these districts. Staff is proposing to update these districts to permit places of worship by right in each of the five (5) districts listed in this chapter. There are other small housekeeping items such as formatting and list numbering that are proposed with these updates.

The enclosed draft ordinance has been reviewed by the City Attorney, and Staff recommends approval of the UDC Amendments to Article 3. He stated a public hearing was held at the November 14 Planning Commission meeting where the Planning Commission recommended approval of the amendments to Article 3 with a 3-0 vote. He stated the following four ordinances for approval on the agenda update the code and make it concise throughout.

With no questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2152 amending article 3 of the Unified Development Code.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Malloy. The motion was approved, 5-0.

**33. CONSIDER ORDINANCE NO. 2153 AMENDING ARTICLE 4 – COMMERCIAL ZONING DISTRICTS - OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF EDGERTON, KANSAS AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

With no questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2153 amending article 4 of the Unified Development Code.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lebakken. The motion was approved, 5-0.

**34. CONSIDER ORDINANCE NO. 2154 AMENDING ARTICLE 5 – INDUSTRIAL ZONING DISTRICTS - OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF EDGERTON, KANSAS AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

With no questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2154 amending article 5 of the Unified Development Code.

Councilmember Malloy moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 5-0.

**35. CONSIDER ORDINANCE NO. 2155 AMENDING ARTICLE 7 – CONDITIONAL USES - OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF EDGERTON, KANSAS AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

With no questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2155 amending article 7 of the Unified Development Code.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Longanecker. The motion was approved, 5-0.

**36. CONSIDER ORDINANCE NO. 2156 AMENDING ARTICLE 12 – SIGN REGULATIONS - OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF EDGERTON, KANSAS AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH**

With no questions or comments, Mayor Roberts requested motion to approve Ordinance No. 2156 amending article 12 of the Unified Development Code.

Councilmember Malloy moved to approve the motion, seconded by Councilmember Lebakken. The motion was approved, 5-0.

**37. CONSIDER SUBMITTAL OF APPLICATION TO KANSAS WATER OFFICE (KWO) FOR TECHNICAL ASSISTANCE AND WATER PROJECTS GRANTS THROUGH THE STATE WATER PLAN FUND (SWPF) FOR FY2024**

Ms. Robertson addressed the Council. She stated in 2023 the State of Kansas increased the amount of state funding for the State Water Plan Fund (SWPF) which provides funding for projects recommended in the Kansas Water Plan (KWP). She stated this has since become a law and includes provisions for the two new water related grant funds: technical assistance and water projects. She stated the Kansas Water Office is administering grant programs to serve Kansas entities to support water-related infrastructure activities that address various water quantity and quality needs. She stated municipalities of fewer than 2,000 residents will be prioritized for the award of full grants for technical assistance and up to 90% for water projects. She stated these grants may provide full or partial dollars with no required match and applications for the initial round of funding are due by the end of this year.

She stated City Staff has identified multiple projects that may qualify for funding for both technical and water projects

- Technical Specifications for Waterline Connections (currently a funded CIP)
- Water master plan
- Inventory assistance for Lead and Copper Rule Revision
- Dwyer Sanitary Sewer Extension and Wastewater System Upgrades

City Staff has been in communication with KWO and confirmed wastewater projects as well as projects currently under consideration for SRF Loans qualify for both grants available through the SWPF.

City Staff recommends applying for the SWPF Water Projects Grant and Technical Assistance Grant for the projects listed above. Throughout the application process, should additional/substitute projects be identified, City Staff would update Council at a future

meeting. If the City is notified of any grant awards, this too will be brought before Council for approvals.

With no questions or comments Mayor Roberts requested motion to approve the submission of an application to KWO for technical assistance and water projects grants through SWPF.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Malloy. The motion was approved, 5-0.

**38. CONSIDER SUBMITTAL OF APPLICATION TO KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) WASTE TIRE GRANT PROGRAM FOR THE GLENDELL ACRES PROJECT RECYCLED PLAYGROUND SURFACING**

Mr. Merkh addressed the Council. He stated in September the Council approved the concurrence to bid for Glendell Acres Park Renovation project with construction to begin in early 2024. He stated in November SWT Design completed the project manual, bid documents and design plans for review by staff and City Engineer. He stated in November KDHE opened applications for the 2024 Waste Tire Grant Program. The purpose of the program is to provide financial assistance to local units of government, public and private schools to purchase tire-derived products from recycled tires.

He stated the playground surfacing and fitness scape for the park are designed as poured in place rubber surfacing material that can be constructed with 50% or more recycled waste tire material. He stated staff has requested estimates for costs to include in the grant application. He stated once an estimate is received staff can apply for the grant which will pay for up to 50% of eligible costs, these applications are due by January 16, 2024.

With no questions or comments, Mayor Roberts requested motion to approve the submission of an application for the KDHE Waste Tire Grant for Glendell Acres playground and fitness scape surfacing.

Councilmember Longanecker moved to approve to motion, seconded by Councilmember Lebakken. The motion was approved, 5-0.

**WALK ON: CONSIDER PURCHASE AUTHORITY FOR PAVILION FOR \$49,600 AS PART OF GLENDELL ACRES PARK RENOVATION PROJECT**

Mr. Merkh stated staff directed the project design team to include power outlets, safety lighting and the height of the pavilion be raised. All requests were completed by the design team and a proposal for the pavilion structure has been requested. He stated staff received a proposal from Poligon/PorterCorp for the pavilion at \$49,600, this includes engineering, manufacturing and shipping of the structure. He stated staff recommends the approval for the purchase to lock in the current price, as staff was notified of a price increase to start at the new year. He stated the cost of the pavilion is within the construction budget.

With no questions or comments, Mayor Roberts requested motion to approve the purchase authority for \$49,600 for the park pavilion at Glendell Acres Park.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Lebakken. The motion was approved, 5-0.

**39. CONSIDER SUBMITTAL OF APPLICATION TO KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) FOR TECHNICAL ASSISTANCE RELATED TO LEAD AND COPPER RULE REVISION (LCRR) WATER SYSTEM SERVICE LINE INVENTORY FOR FY2024**

Mr. Merkh stated on October 27, 2022 the City Council adopted the 2023 to 2027 CIP which included the Lead & Copper Rule Revision (LCRR) Inventory as a newly funded project. Initially this project budget included ARPA funds of \$29,255 and Kansas Department of Health and Environment (KDHE) State Revolving Fund (SRF) Grant of \$55,000. Since then, KDHE is now providing technical assistance for LCRR instead of funding through the SRF.

The Public Water Supply Section of KDHE is accepting application from Kansas public water supply systems (PWS) that want assistance completing their Lead Service Line Inventories required under the LCRR. Four modules for requesting assistance are available through this application.

He stated in March, council approved an agreement with NEER to provide services to assist in completing the LCRR Inventory and host our database. The ARPA funds allocated to the project will be encumbered with the NEER Contract. He stated the assistance offered by KDHE in addition to our NEER Contract will greatly reduce the workload of city staff for obtaining this information or contracting out these services. He stated staff would recommend applying for assistance through all four modules available to expedite the development of our LCRR inventory which must be completed by October 16, 2024 under the EPA's requirements.

With no questions or comments, Mayor Roberts requested motion to approve the submission of an application to KDHE for technical assistance related to Lead and Copper Rule Revision Water System Service Line Inventory for 2024.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lewis. The motion was approved, 5-0.

**40. CONSIDER CONTRACTS AND ADDENDUM WITH BRIGHTSPEED TO PROVIDE INTERNET SERVICE TO SELECT CITY OF EDGERTON FACILITIES**

Ms. Linn addressed the Council. She stated in October staff presented council with a contract for internet services with Brightspeed. At that time staff was directed to receive

quotes from Kwikcom as they are establishing service for the community. She stated staff is currently in discussion with Kwikcom regarding services needed and costs associated for those, a draft cost sheet has been provided. She stated staff would recommend if agreed with by City Attorney that the city enter into a month-to-month agreement with Lumen, our current provider until Kwikcom becomes available.

Mayor Roberts stated he is a big fan of Kwikcom because they are bringing high-speed internet to Edgerton. Brightspeed does have plans in the future but that could be years away.

Councilmember Lebakken asked how they can be held accountable for all the damage they have done during installation.

Mayor Roberts stated they are accountable, but construction is messy.

Ms. Linn stated the Right of Way permit process requires them to restore everything to how it was, however, the restoration process is not always fast.

With no further questions or comments, Mayor Roberts requested motion to maintain a month-to-month agreement with Lumen for internet services (provided City Attorney verifies that is allowed), and to contract with Kwikcom for future internet services once available in an amount not to exceed budgeted amount. Public Works would remain with Brightspeed DSL.

Councilmember Lewis moved to approve the motion, seconded by Councilmember Malloy. The motion was approved, 5-0.

#### **41. CONSIDER AGREEMENT WITH JOHNSON COUNTY SHERIFFS OFFICE FOR LAW ENFORCEMENT SERVICES FOR 2024**

Ms. Linn stated the City Council considers contract services with the Johnson County Sheriff's Office for law enforcement services within the community. This agreement provides the same agreement as 2023 including the "Power Shift". She stated the 2024 Agreement updated Section 12 related to Automated License Plate Readers (ALPRs). Today, JCSO has already installed several of these in the Logistics Park Kansas City (LPKC) area. JCSO maintains sole ownership and responsibility for any of this equipment installed in Edgerton. Additionally, JCSO is responsible for the data, content and information collected from any of these devices. The Agreement provides for additional future installations as agreed upon by both Parties.

She stated the budget highlights of the agreement are listed within the packet. The agreement provides for a fuel surcharge should the Sheriff Department incur average fuel costs that exceed the average price per gallon of \$2.00 used at the time of calculating the annual cost of the agreement. The fuel surcharge is calculated and billed to the City on a quarterly basis as an additional cost to the agreement. The amount billed is based on the average of actual fuel costs incurred for the most recent calendar quarter.

With no questions or comments Mayor Roberts requested motion to approve the agreement with the Johnson County Sheriff's Office for 2024 law enforcement services.

Councilmember Longanecker moved to approve the motion, seconded by Councilmember Lewis. The motion was approved, 5-0.

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

- Legal Publications Research Results

Councilmember Longanecker stated he does not think there is anything to change at this time, adding that he had conversations with the paper.

Mayor Roberts requested motion to table this item until the first meeting in January. He stated he still thinks it would be good to see the information staff has researched and if there are any benefits to staying or moving away from our current legal publication outlet.

Councilmember Longanecker moved to table the item, seconded by Councilmember Lebakken. The motion was approved, 5-0.

- CIP Project Update – The Greenspace

Scott Crain with Henderson Building Solutions, the owners rep for The Greenspace Project, addressed the Council to give an update regarding the project.

He stated things are moving along and right on track or further than we would have expected them to be at this point. He stated the weather has held out and looked good for us so far and he hopes it will stay this way so they can keep on moving. He presented some information regarding the deadlines for the future of the project. He stated Edgerton has been great to work with and he is looking forward to the continued partnership as this project continues to move forward.

#### **43. Report by the Mayor**

Mayor Roberts stated he has no report to give other than to wish everyone a Merry Christmas.

#### **44. Future Meeting Reminders**

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

#### **45. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO THE EXCEPTION FOR PRELIMINARY DISCUSSIONS REALTED TO THE ACQUISITION OF REAL PROPERTY TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR, PUBLIC WORKS DIRECTOR AND CIP PROJECT MANAGER (K.S.A. 75-4319(B)(6)).**

Mayor Roberts requested motion to recess into executive session pursuant to the above-mentioned exception. He stated he would like to include City Attorney, City Administrator, Public

Works Director and CIP Project Manager for 20 minutes. He stated he does not expect any motion related to the executive session and adjournment of the regular meeting will follow once returned to open session.

Councilmember Longanecker moved to approve the motion to recess into executive session, seconded by Councilmember Lewis. The motion was approved, 5-0.

The meeting recessed into executive session at 9:11PM.

The meeting returned to open session with no action taken to request an additional 5 minutes.

Councilmember Longanecker moved to approve, seconded by Councilmember Lewis. The meeting returned to executive session at 9:31PM.

The meeting returned to open session with no action taken to request an additional 5 minutes.

Councilmember Longanecker moved to approve, seconded by Councilmember Lewis. The meeting returned to executive session at 9:36PM.

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

Open session resumed at 9:41PM.

#### **46. Adjourn**

Councilmember Lewis moved to adjourn, seconded by Councilmember Lebakken. All in favor. The meeting was adjourned at 9:41PM.

Submitted by Alexandria Clower, City Clerk