

City of Edgerton, Kansas
Minutes of City Council Regular Session
July 23, 2026

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on July 23, 2026. The meeting convened at 7:00 PM with Mayor Roberts presiding.

1. ROLL CALL

Donald Roberts	Present
Clay Longanecker	Present
Josh Lewis	Present
Deb Lebakken	Present
Bill Malloy	Absent
Ron Conus	Present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator, Beth Linn
- City Attorney, Todd Luckman
- Assistant to the City Administrator, Trey Whitaker
- Assistant to the City Administrator, Kara Banks
- City Clerk, Dusti Callahan
- Public Works Director, Dan Merkh
- Development Services Director, Zach Moore
- Parks and Recreation Director, Levi Meyer
- Finance Director, Karen Kindle
- CIP Project Manager, Rhoderic Montgomery
- Utilities Superintendent, Mike Mabrey

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 Regular Meeting on July 9, 2026, Regular City Council Meeting
- 5. Approve Minutes from Special Meeting on July 16, 2026, Regular City Council Meeting

Councilmember Lewis motioned to approve the consent agenda, seconded by Councilmember Lebakken. The motion carried 4-0 by the following vote:

Yes: Longanecker, Lewis, Conus, Lebakken

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Absent: Malloy

Regular Agenda

6. **Declaration.** Council members had nothing to declare.

7. **Public Comments.**

Carrie Schmidt, a Gardner resident, criticized the process of allowing a data center in the Logistics Park District. Ms. Schmidt cited a lack of transparency and bypassing public input on the issue. Ms. Schmidt states that data center infrastructure does not match warehousing, distribution and railway in the logistics park district. She believes Edgerton has no guardrails on high scale data centers. Ms. Schmidt asked what the City does with liquid and dry sewage sludge from the treatment plant.

Stacey Montgomery, EcoWaste Solutions, formerly Gardner Disposal, came to address billing issues directly. Ms. Montgomery stated she offered accountability and a plan. She will be serving as the direct contact for billing questions and issues, guaranteeing 24- to-48-hour response time. She will report back on August 6th to report back.

Kailey Dressler, a Gardner resident, highlighted code compliance issues with above-ground fuel tanks in the data center site plans. She stated by definition that an integral belly tank, or sub-based tank, is an above ground tank. Ms. Dressler states that approving a plan that conflicts within local law violates standard administrative and municipal principles. She emphasized legal and safety violations, citing multiple codes.

Kim Twente, an Edgerton resident, spoke on the proposed petition and why it should be accepted. Ms. Twente advocated for a citizen vote on data centers, citing environmental, economic, and transparency concerns. She states data centers have been a huge issue throughout the country and are often not transparent in their exact processes. She believes those who are claiming this project is most beneficial do not live here and will not be impacted. Ms. Twente referenced similar actions regarding data centers in other states.

Business Requiring Action

8. **CONSIDER CHANGE ORDER #6 TO KANSAS HEAVY CONSTRUCTION, LLC FOR THE EAST 2ND STREET/EDGEWOOD AND EAST 3RD STREET RECONSTRUCTION PROJECT**

CIP Project Manager, Rhoderic Montgomery discussed Change Order #6 for Kansas Heavy Construction. The project scope was adjusted in the design. This change order reduced project cost by \$37,438.20. This change order has a completion date of October 15, 2026. They will fulfill their contract obligations.

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Councilmember Longanecker motioned to approve, seconded by Councilmember Lebakken, item eight under the Business Requiring Action items. The motion carried 4-0 by the following vote:

Yes: Longanecker, Lewis, Conus, Lebakken
Absent: Malloy

9. CONSIDER A CHANGE ORDER #1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH SCARECROW FARM AND LAWN FOR RIGHT-OF-WAY MOWING AND EDGE MAINTENANCE

Public Works Director, Dan Merkh, stated on February 26, 2026, City Council approved Scarecrow Farm and Lawn for mowing and edging services for the right-of-way and edge maintenance. Mr. Merkh showed a map of the areas that were not included in the original planned bid. Change Order #1 added the missing two parcels to their contract, increasing the annual costs and ensuring competitive bidding.

Councilmember Conus asked about in-house mowing. Mr. Merkh stated the contracting process started with safety concerns along Homestead Lane and the 207th Street Grade Separation was later added due to the large acreage.

City Administrator, Beth Linn, noted the intensive labor and equipment limitations for large parcels.

Councilmember Longanecker asked how many acres there are in total for the bid. Mr. Merkh stated he did not have the exact total right now, but the addition is just under 2 acres to be added.

Councilmember Lebakken stated the price seems really high. Ms. Linn confirmed this was the lowest bid in the bid process.

Councilmember Lewis motioned to approve, seconded by Councilmember Longanecker, item nine under the Business Requiring Action items. The motion carried 4-0 by the following vote:

Yes: Longanecker, Lewis, Conus, Lebakken
Absent: Malloy

10. CONSIDER AUTHORIZATION TO SUBMIT A KDOT CARBON REDUCTION PROGRAM (CRP) GRANT APPLICATION AND A \$200,000 LOCAL MATCH FOR THE NELSON STREET PEDESTRIAN CORRIDOR IMPROVEMENT PROJECT

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Mr. Montgomery asked the City Council to consider the KDOT CRP Grant Application. KDOT has indicated this grant is for prioritizing small Kansas communities. This project would reconstruct sidewalk and ramps on both sides of Nelson Street, from East 3rd Street to West 3rd Street to meet current ADA and PROWAG standards. The project includes pedestrian scale LED street lighting, compliant driveway crossings, a rectangular rapid-flash beacon at the school crossing, and elimination of informal crossing points within the school zone. The project will close existing sidewalk gaps and create a complete, continuous pedestrian route connecting residential neighborhoods, Edgerton Elementary School, and Downtown Edgerton for students, families, older adults, and residents without reliable vehicle access. The total estimated project cost is \$875,000. This is not a guaranteed grant program. Staff recommend applying for \$1,000,000 in CRP funding for this project, (\$800,000 requested from KDOT plus a \$200,000 City match).

Mayor asked if the construction would be in summer of 2027, if awarded. Mr. Montgomery stated yes. Mr. Merkh stated that sometimes it takes 14 months to approve the grant, and it is best to schedule this project when school is not in session.

Councilmember Lewis asked about the timeframe for when we would have to use the grant if it is approved. Ms. Linn stated their fiscal year is different than ours, but she believes it will be done by 2028.

Councilmember Longanecker motioned to approve, seconded by Councilmember Lewis, item ten under the Business Requiring Action items. The motion carried 4-0 by the following vote:

Yes: Longanecker, Lewis, Conus, Lebakken
Absent: Malloy

**11. CONSIDER AWARD OF CONSTRUCTION TO MID AMERICA ROAD BUILDERS
FOR THE 2026 STREET PRESERVATION PROGRAM - CHIP SEAL PROJECT**

Mr. Montgomery stated after review from bids submitted, held in a public bid opening, the recommended company is Mid America Road Builders as \$47,238.62. A total of three bids were received. This project consists of approximately 10,990 square yards of Chip Seal surface treatment in the residential portion of Edgerton, including West 7th Street, West Hulett Street, 1st Street, East Hulett Street, and East McCarty Street.

Councilmember Lewis motioned to approve, seconded by Councilmember Longanecker, item eleven under the Business Requiring Action items. The motion carried 4-0 by the following vote:

Yes: Longanecker, Lewis, Conus, Lebakken
Absent: Malloy

12. Report by the City Administrator
• **Q2 Utilities Report**

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Utilities Superintendent, Mike Mabrey, gave a report on utilities from February 1, 2026, through April 30, 2026. There were 8,647,300 gallons of water pumped with no main breaks or testing failures. Daily chlorine testing was conducted, along with Bac-T tests, and a quarterly infection byproduct rule test. Maintenance included prepping booster pump stations for new paint and inspecting all water towers.

Public Works Director, Dan Merkh, stated the technical assistance grant for infrastructure provided a mapping program with GPS level information. We now have location of all public surface level assets. There is submeter accuracy.

Mr. Mabrey stated there were 36 accounts turned off for non-payment, with 42 move-ins and 41 move-outs handled. Maintenance involved two meter-changeouts and handling 232 service locates. There were 21,798,000 gallons of wastewater treated, encountering three sanitary overflows due to heavy rainfall. Liquid sludge was processed into dry tons for disposal, complying with regulatory requirements. Regular maintenance and inspections were conducted on the lift stations and wastewater systems.

Councilmember Longanecker asked, regarding the water towers, what is schedule for those? Mr. Mabrey stated that each tower gets interior and exterior and they alternate years.

Councilmember Lewis asked if Mr. Mabrey could explain what happens with the sludge. Mr. Mabrey explained the city has a process that turns liquid waste into dry sludge. There is a contract with a disposal company, regulated by EPA and state, they take that sludge.

Councilmember Conus asked if the 41 move-outs are all families. Mr. Mabrey states he does not know exact details of all, but they could be sales, rentals, etc.

Ms. Linn stated even changing the name on an account counts as a move-out. Regarding the move-ins/outs, that includes changing Lennar to a new homeowner.

Mayor stated if anyone has not paid attention to Dwyer Farms, they are moving along very well.

- **Q1 & Q2 Community Development Report**

Development Services Director, Zachary Moore, reported on the first half of 2026, covering several key areas. For animal control, there were 86 loose animals reported, along with 10 barking complaints and 12 unregistered pet violations. One citation was issued related to six dog bite cases, while four chicken permits were processed. Regarding code enforcement, there were 107 new violation-level cases processed, with the majority being officer driven. Common violations included inoperable vehicles, exterior storage issues, and tall grass. Building permitting had 39 residential and 16 non-residential building permits issued, totaling about \$14.25 million in valuations. Major projects included a significant storage system by Kubota. Three site plans and one preliminary plan were reviewed, with ongoing infrastructure projects at Dwyer Farm and an expansion at the JCCC CDL facility. Approved updates to the Unified

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Development Code included changes to planned developments, signage regulations, and industrial district chapters.

- **Q1 & Q2 Johnson County Sheriff's Office Report**

Captain Dan Diercks with the Johnson County Sheriff's Office gave key insights into recent law enforcement activities. Areas were identified by representation of dots on a map indicating the concentration of incidents. The report lists the most common self-initiated calls. There was a total of 66 offenses reported, including misdemeanors and felonies. A breakdown was provided comparing current offenses with the same period from the previous year. Seven non-injury accidents with damage under \$1,000 were reported, four within city limits, two near Homestead Lane, and one off of Highway 56. 318 citations were issued, resulting in 414 violations and 242 warrants. The Fugitive Apprehension Unit executed one warrant in the area.

13. Report by the Mayor

No report tonight.

14. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO THE ATTORNEY/CLIENT EXCPITION TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR FOR THE PURPOSES OF CONSULTATION WITH AN ATTORNEY WHICH WOULD BE DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP (K.S.A. 75- 4319(B)(2))

Councilmember Longanecker moved to recess into executive session pursuant to K.S.A 75-4319(B)(2) for the purpose of consultation with an attorney which would be deemed privileged in the attorney-client relationship. Present in the executive session will be the Governing Body and the following staff members: City Administrator Beth Linn, and City Attorney Todd Luckman.

The executive session would last 20 minutes and would resume in Council Chambers.

Councilmember Lewis seconded the motion. The meeting recessed into executive session at 7:50PM. The motion carried 4-0 by the following vote:

Yes: Longanecker, Lewis, Conus, Lebakken
Absent: Malloy

Councilmember Longanecker moved to return to open session with no action being taken. Councilmember Lebakken seconded the motion. Open session resumed at 8:10PM. The motion carried 4-0 by the following vote:

Yes: Longanecker, Lewis, Conus, Lebakken
Absent: Malloy

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15. PETITION FOR PROPOSED ORDINANCE TO PROHIBIT HIGH IMPACT DATA CENTERS IN THE CITY OF EDGERTON TO PREVENT INDUSTRIAL NUISANCES, PROTECT THE PROPERTY OF ITS RESIDENTS, AND PRESERVE MUNICIPAL RESOURCE CAPACITY.

City Administrator, Beth Linn, stated on July 15, 2026, the city received a Petition for Proposed Ordinance to Prohibit High Impact Data Centers. The City submitted the Petition to the Johnson County Election Office on July 16, 2026, to verify the signatures as described in K.S.A. 12-3013. On July 20, 2026, the Election Office notified the City that process was complete. The petition included 208 signatures. Kansas law required 73 signatures, and 75 were accepted by the Election Office, meeting the statutory required number of signatures. The City contacted the Johnson County Attorney as described in K.S.A 25-3601 to receive a written advisory opinion as to the legality of form of the question. The Johnson County Attorney's Office provided the City a copy of a letter originally provided to Carrie Schmidt on July 2, 2026, that confirmed the legality of the form in question. Under the law, Council may (1) Approve the Petition (without alteration) as an ordinance of the City within 20 days after attachment of the clerk's certificate to the accompanying petition, giving it the effect of being an ordinance passed by the City, or (2) The Council may present the Petition (without alteration) for a vote at a special election, unless a regular city election is within 90 days.

She stated K.S.A. 12-3013 does not apply to (1) Administrative ordinances; (2) ordinances relating to a public improvement to be paid wholly or in part by the levy of special assessments; or (3) ordinances subject to referendum or election under another statute.

City Attorney, Todd Luckman, stated the county attorney's review is only about the form of the petition, not about the legality of the proposed ordinance contained within the petition. He stated that according to standards and law, this petition is legally and factually deficient and should not be passed by the Council nor presented to the city voters. He recommended that the Council file for a declaratory judgement from the District Court to determine the validity of the petition. If the court determines that it is valid, then this can be submitted at that time for either approval or to the electorate. If it is determined invalid, then we can proceed with other avenues to address the issues raised in the petition. The body of the ordinance states several things which are not factually correct. It talks about the city's power grid, which the city does not control. It talks about agreements that the city does not have. It also talks about the ability to control utility power corridors, which is controlled and allowed under state law through the power companies who are KCC regulated, not regulated by the city. Furthermore, the city does not serve water in the L-P District, so any claim regarding service for water or power that says the city has control over is incorrect. There are also several places in the ordinance that says the city council finds, or the city council determines and then states certain facts. He cannot recommend approval because this body did not make those findings. You cannot be forced to adopt findings that you did not actually determine.

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He stated K.S.A. 12-3013 (E) specifies that the ordinance cannot be administrative. In his opinion, this matter is administrative because it is attempting to control, either through a nuisance procedure or a zoning procedure that which is administrative with the city and therefore could not be properly passed. If you choose to authorize the suit, we will present these arguments to the court for a neutral determination of these issues. It will go to court, and the court will have hearings, and it will review the law and review these facts to make a determination. Whatever the determination is, he will return with that and ask to proceed.

Mayor Roberts asked what kind of timeline to expect with court.

Mr. Luckman stated there is no way to set a timeline on a court proceeding. This is best proceeded with a temporary injunction proceeding, meaning that you would have a hearing to determine if there should be a freeze during that time that the validity is decided. Usually, these hearings are not detailed fact cases, they are mostly legal questions, so the judge does not have to have extensive factual background to make a determination. Historically, the Johnson County District Court has done a good job attending to these matters in an appropriately speedy manner.

Mayor asked Mr. Luckman if anything prohibits taking some of the concepts in this ordinance and potentially making some legal concepts that could be enforceable.

Mr. Luckman stated no, you are able to take anything from this that you wish or add different terms and create your own to present and pass at any time.

Councilmember Conus asked regarding the judicial hearing, who would represent the city's side and who for the citizens' side. Mr. Luckman stated he would represent the City and oftentimes, in other cases, there have been corporate groups that have been created to advance these things, and usually are the ones named.

Councilmember Longanecker motioned to approve authorization of the City Attorney and City Administrator to file for an action for declaratory judgement in Johnson County regarding the data center petition submitted, seconded by Councilmember Lebakken. The motion carried 3-1 by the following vote:

Yes: Longanecker, Lewis, Lebakken

No: Conus

Absent: Malloy

Mayor stated he would like to move forward with a city process that would include some of the items contained in the petition that would include some type of mechanism for citizen participation or input. He recommends staff start to dig into that and then bring back the process, so we can move forward.

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City Administrator Beth Linn clarified that he wanted to use the standard text amendment process to add additional regulations or consider amendments to the UDC and he wanted staff to bring forward a plan to the governing body to consider action.

Councilmember Lebakken asked if he was talking about using what was in the petition to help drive what the City would change. Mayor stated yes, but we want to take the legal path, and the legal path looks different than what is in this ordinance.

Ms. Linn stated it is worthy to consider a third-party consultant to help the City through that process, especially if you want to talk about citizen engagement or the code rewrite. She stated staff could bring back a plan and a scope of services so that Council can move forward.

Councilmember Lebakken stated she was in favor of the third-party idea, to be a neutral party to help.

Mayor then reminded the Council of the future meetings.

- July 23: City Council Meeting
- August 11: Planning Commission Meeting
- August 13: City Council Meeting
- August 27: City Council Meeting
- September 8: Planning Commission Meeting
- September 10: City Council Meeting

16. Adjourn

Councilmember Lebakken moved to adjourn, seconded by Councilmember Lewis. The motion carried 4-0 by the following vote:

Yes: Longanecker, Lewis, Conus, Lebakken
Absent: Malloy

The meeting was adjourned at 8:29 pm.

Submitted by Dusti Callahan, City Clerk.

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