

EDGERTON CITY COUNCIL-REGULAR MEETING AGENDA
CITY HALL, 404 EAST NELSON STREET
April 25, 2013

Call to Order

1. **Roll Call** ____ Roberts ____ Longanecker ____ Powers ____ Cross ____ Wiseman ____ Brown
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. Agenda Approval
5. Meeting Minutes April 11, 2013 Regular Meeting

Regular Agenda

6. **Public Comments.** Persons who wish to address the City Council regarding items not on the agenda and that are under the jurisdiction of the City Council may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court or other outside tribunals are not permitted. Please notify the City Clerk before the meeting if you wish to speak. Speakers are limited to three (3) minutes. Any presentation is for informational purposes only. No action will be taken.
7. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.
8. **Official 2013 Spring Election Results:**
 - o Donald Roberts, Mayor
 - o Heidi Lynn Wiseman , City Council
 - o Cynthia Crooks, City Council
9. **Installation of New Council and Oath of Office.** The City Clerk will administer the Oath of Office to newly elected Mayor and City Council.
10. **Election of President of Council.** City Council will elect a new president of Council to serve as Mayor pro-tem in the event the Mayor is unable to preside over the meetings.

Motion:_____ Second:_____ Vote:_____
11. Presentation by Johnson County Sheriff's Office
12. Presentation by Johnson County Fire District No. 1
13. Discussion regarding raising of chickens within the city limits

Business Requiring Action

14. **CONSIDER RESOLUTION NO. 04-25-13A CONSENTING TO THE ASSIGNMENT OF A MASTER RESOLUTION OF INTENT EVIDENCING THE CITY'S INTENT TO ISSUE ITS**

**INDUSTRIAL REVENUE BONDS FOR THE LOGISTICS PARK --KANSAS CITY
PROJECT**

Motion: _____ Second: _____ Vote: _____

- 15. PUBLIC HEARING REGARDING THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC I, LLC, OR ITS SUCCESSORS IN INTEREST**

- 16. CONSIDER RESOLUTION NO. 04-23-13B CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC I, LLC, OR ITS SUCCESSORS IN INTEREST**

Motion: _____ Second: _____ Vote: _____

- 17. CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319 (b) (2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY, CITY ADMINISTRATOR AND CITY ENGINEER**

Motion: _____ Second: _____ Vote: _____

RECONVENE INTO OPEN SESSION

- 18. Report by the City Administrator**

- 19. Future Meeting/Event Reminders:**

- May 4 - Citywide Garage Sale
- May 9th 7:00 PM – City Council Meeting
- May 15th Noon – Senior Lunch
- May 16th 7:00 PM – City Council Work Session – 2014 Budget
- May 11 - Citywide Cleanup
- May 23rd 7:00 PM - City Council Meeting
- May 27th – City Offices Closed for Memorial Day
- Week of May 27th – Trash Pick Up on FRIDAY

- 20. Adjourn** Motion: _____ Second: _____ Vote: _____

Immediately following the City Council meeting, the City of Edgerton will host a reception to recognize the outgoing and incoming elected officials.

**City of Edgerton, Kansas
Minutes of City Council Regular Session
April 11, 2013**

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on April 11, 2013. The meeting convened at 7:00 p.m. with Mayor Donald Roberts presiding, and City Clerk Janeice L. Rawles recording.

Councilmembers in attendance: Clay Longanecker
 Glyn Powers
 Heidi Wiseman
 Jody Brown

Council members absent Frances Cross

Staff in attendance: City Administrator Beth Linn
 Administrative Services Director, Anna-Marie Keena
 Public Works Superintendent Michael Mabrey

Consultants in attendance: Captain Shaine Pennington, Johnson County Sheriff
 City Attorney Patrick Reavey

ROLL CALL

Mayor Roberts called the roll of the Governing Body.
With a quorum present, the meeting commenced.

WELCOME AND PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Motion by Powers, second by Brown, to approve the consent agenda.

Motion carried 4-0-0.

PUBLIC COMMENTS

Edgerton Elementary representatives gave a presentation about the Fun Run taking place on the 25th of April. It is a two mile run starting at the Edgerton Elementary School.

State Representative Bill Sutton gave a legislative update

DECLARATIONS BY COUNCIL MEMBERS

None at this time

Discussion regarding raising of chickens within the city limits

Set on the next agenda

BUSINESS REQUIRING ACTION

An adjustment to the premium for the corporate insurance with EMC for the period April 1, 2013 to March 31, 2013 was considered.

Kevin O'Brian with Reilly EMC was present to discuss the changes in values on the insurance.

Motion by Wiseman, seconded by Longanecker to approve the adjustment to the premium for the corporate insurance with EMC.

Motion carried 4-0-0

Purchase of a Mini Excavator was considered.

Motion by Longanecker, seconded by Wiseman to approve the purchase of a Mini Excavator.

Motion carried 4-0-0

Agenda addition

Old 56 Highway Car Show donation for trophies was considered.

Motion by Powers, seconded by Brown to sponsor a trophy for the car show.

Motion carried 4-0-0

REPORT BY CITY ADMINISTRATOR

Presentation of the 2014 Budget calendar

REPORT BY MAYOR

Shared with all present the Thank you poster from the Girl Scouts

EXECUTIVE SESSION

Motion by Wiseman, seconded by Longanecker to recess into executive session for 20 minutes, pursuant to K.S.A. 75-4319 (b) (2) for consultation with an attorney deemed privileged in the attorney-client relationship to include city attorney, city administrator and city engineer.

Motion carried 4-0-0

The meeting recessed at 8:50 pm.

The meeting reconvened at 9:10 pm.

Mayor Roberts announced that no votes were taken and no decisions were made during the executive session. The discussion was limited to the subject stated.

FUTURE MEETING/EVENT REMINDERS:

Following the regular council meeting on the 25th of April, there will be a special reception for Glyn Powers,

ADJOURN

Motion by Longanecker, second by Powers, to adjourn.

Motion carried 4-0-0

The meeting adjourned at 9:10 p.m.

Janeice L. Rawles, CMC

Approved by the Governing Body on XXXXXXXXXXXXXXXX

AGENDA ITEM INFORMATION FORM

Agenda Item: Discussion Regarding Raising of Chickens within the City Limits

Department: Public Works

Background/Description of Item: During a previous work session, Council member Cross requested a discussion item be added to a future city council agenda regarding the keeping and raising of chickens within the city limits. Section 2-106 of Article 1 of Chapter 2 of the Edgerton City Code regulates the keeping of animals and fowl. This section of the City Code has been enclosed for your reference.

Currently, the City Code allows the keeping of fowl with the following requirements:

- Persons wanting to keep fowl (including chickens) first obtain a permit
- A limit of five (5) fowl per acre
- That permit must be authorized by the governing body and issued by the city clerk
- No charge for a permit
- Permit expire after one year
- Must not be detrimental to the public welfare or to the rights or property owners whose property lines are within 200 feet of the property line where animals will be kept

The City Code also allows for those persons that do not meet the criteria above that wish to keep fowl may request a variance from the Planning Commission. The application for a variance may be for an excess in number of fowl or a different area of keeping of the fowl. The Planning Commission shall review any application for a variance. In addition, the applicant is required to notify at least fourteen (14) days in advance via certified mail with return receipt all owners of property located within 200 feet of any property line upon which any fowl will be kept of the date and time in which said variance request is to be reviewed by the Planning Commission.

The Planning Commission shall make recommendations to the Governing Body as to whether a variance should or should not be granted and may further recommend any additional conditions or restrictions that should be imposed as a condition to the granting of a variance. The Governing Body may, upon such terms and conditions as it deems necessary, grant a variance from the code provisions

Enclosed with this memo are a few examples of how other cities in Johnson County regulate the keeping of fowl.

Enclosure: Chapter II Edgerton City Code: Animals (excerpt)
Examples from Other Johnson County Municipalities

Related Ordinance(s) or Statute(s): Edgerton City Code Chapter II, Article 1

Recommendation:

Funding Source: N/A

Prepared by: Beth Linn, City Administrator
Date: April 8, 2013

CHAPTER II. ANIMALS

Article 1. Animals and Fowl Generally

Article 2. Dogs

ARTICLE 1. ANIMALS AND FOWL GENERALLY

2-101. DEFINITIONS. For the purpose of this chapter, the following words shall have the following meanings.

(a) Animal, as used in this chapter, means all vertebrate animals such as, but not limited to, bovine cattle, horses and other equines, hogs, goats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons and other fowl, dogs, cats, or wild mammals, reptiles, fish or birds that have been tamed, domesticated or captivated.

(b) Animal Control Officer means any city police officers or any properly designated city employee who is authorized to enforce the provisions of the chapter.

(c) At Large: An animal shall be deemed to be at-large if not secured by a leash or lead, unless the animal shall be on the premises of the owner and under the control of a responsible person and obedient to that person's commands.

(d) Owner means any person, partnership or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

(e) Pit Bull Dogs means:

- (1) The bull terrier breed of dog;
- (2) Staffordshire bull terrier breed of dog;
- (3) The American pit bull terrier breed of dog;
- (4) The American Staffordshire terrier breed of dog;
- (5) Dogs of mixed breed or of other breeds than above listed

which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;

(6) Any dog which has the appearance and characteristics of being predominantly bull terrier; Staffordshire bull terrier, American pit bull terrier, American Staffordshire terriers; any other breed commonly known as terriers; or a combination of any of these breeds.

(f) Veterinarian shall mean a veterinarian duly licensed to practice the profession by the State of Kansas and maintaining an office in the State of Kansas.

(g) Dog Pound means a location upon property owned by the city, or at any other place as may be designated by the governing body of the city, for the purpose of impounding and keeping dogs collected by the city, its agents and employees.

(h) Harborer or Keeper means any person who allows or permits any animal or fowl to habitually remain or to be lodged or fed within or upon the premises of such person.

(i) Fowl shall include, but shall not be limited to, chickens, ducks, geese, turkeys, guineas and pigeons.

(j) Person shall mean any person, firm, partnership, association or corporation.

(k) Own shall mean and include own, keep, harbor, shelter, manage, possess, or have a part interest in any animal or fowl. If a minor owns an animal or fowl subject to the provisions of this chapter, the head of the household of which such minor is a member shall be deemed to own the animal or fowl for the purposes of this chapter. (Ord. 887, 2010; Ord. 855, 2009; Ord. 556, 1986)

2-102. REGISTRATION; VACCINATION; TAX. (a) Every owner of any dog or cat over six months of age shall register his or her name with the name, sex and description of each dog and cat so owned with the city clerk.

(b) Upon registration, the owner shall present a completed certificate of immunization against rabies from a licensed veterinarian, dated within the preceding six months for a one year rabies certificate or dated within 30 months for a three-year rabies certificate. No registration shall follow without evidence of this document.

(c) The city clerk shall collect an annual tax of \$5 for each dog and/or cat registered.

(d) The owner or harborer of any dog or cat shall, at the time of applying for a license, present to the city clerk a certificate from a licensed veterinarian showing that a male dog or cat has been neutered or a female dog or cat has been spayed, if the dog or cat has been neutered or spayed.

(e) The license year shall be from January 1st through December 31st of each year. The fee shall be payable before April 1st of each year without penalty.

License fees as enumerated hereinabove may be prorated for newly acquired dogs or cats and dogs and cats owned by a person or persons moving to and establishing a home in Edgerton during a calendar year. Every owner or harborer of dogs and cats who shall fail to register and license the same prior to the 1st day of April of each licensing year shall pay in addition to the license fee hereinabove provided a penalty fee for late registration of \$1 for each month the fee remains unpaid. (Ord. 887, 2010; Ord. 878, 2010; Ord. 872, 2009; Ord. 673, 1996; Ord. 556, 1986)

2-103. DOG TAGS. It shall be the duty of the city clerk or designated agent, upon receipt of the license tax hereinbefore required, to keep in a book suitable for the registration of dogs, the time of the registration, the name of owner or keeper, the number of the registration and the amount paid therefor, and shall deliver to the owner or keeper of the dog a certificate in writing, stating that the person has registered the dog and the number by which the dog is registered, and shall also deliver to the owner or keeper of the dog a tag with the registration number and the licensed year thereon, which shall be by

the owner or keeper attached to the collar to be used on the dog so registered. When it shall be made to appear to the city clerk that any tag has become lost, he or she shall, upon presentation of the certificate, issue a duplicate of such tag upon the payment of \$1 fee. It shall be unlawful for any person to take off or remove the city license tag from any dog belonging to another, or remove the strap or collar on which the same is fastened. (Ord. 556, 1986)

2-104. VISITING DOGS. The provisions of this article with respect to registration shall not apply to any dog owned by any person visiting or temporarily remaining within the city for less than 30 days. However, such dogs shall be kept under restraint by the owner thereof at all times. (Ord. 556, 1986)

2-105. ANNUAL NOTICE PUBLISHED. Each year on or before the 15th day of March, it shall be the duty of the city clerk to publish a notice of the requirements of this article in the official city paper. Such notice may be published one or more times and shall notify owners or harborers of dogs and cats in the city that the annual dog/cat tax will be due and payable on or before April 1 following. Such other information as is pertinent may be included in the notice. (Ord. 887, 2010; Ord. 878, 2010; Ord. 872, 2009; Ord. 673, 1996; Ord. 556, 1986)

2-106. KEEPING ANIMALS AND FOWL; REVIEW BY PLANNING COMMISSION AND COUNCIL; PERMIT REQUIRED.

(a) It shall be unlawful for the owner, lessee, occupant or any person in possession of any premises located within the city to possess, maintain, harbor, shelter or otherwise keep any horse, swine, cattle, sheep, goat, or fowl or permit to be maintained thereon any stable, shed, pen, coop, or any other place where any animal is kept without first having received a permit for the keeping of the same.

(b). The city clerk shall, as directed by the governing body, issue a permit to any person seeking to keep any of the animals described in subsection (a) hereof.

(c). The governing body may authorize the city clerk to issue a permit allowing any person to keep any of the aforesaid animals only if it finds that the presence of such animals would not create a nuisance or that it would not be otherwise detrimental to the public welfare or to the rights or property of property owners whose property lines are within 200 feet of the property line upon which said animals will be kept.

(d). Except as otherwise provided herein, no permit issued hereunder shall permit the holder of the same to keep animals or fowl in excess of the following limits:

- (1) Animals – one per acre;
- (2) Fowl – five per acre.

(e). Any person seeking to keep animals or fowl in excess of the number, or in an area different, from that described in subsection (d) above, shall first

make application for a variance from the provisions herein to the Edgerton City Planning Commission. The Planning Commission shall review any application for a variance. Prior to its review, the person(s) seeking a variance from the provisions of subsection (d) shall notify, all owners of any real property located within 200 feet of any property line upon which any animal or fowl is sought to be kept of the date and time in which said variance request is to be reviewed by the Planning Commission. Notice shall be furnished to said property owners in writing by way of certified mail, postage prepaid, and proof thereof shall be furnished to the Planning Commission prior to its review of the variance application. Said notice shall be mailed at least fourteen (14) days prior to the date said variance request is reviewed by the Planning Commission. The Planning Commission shall make recommendations to the Governing Body as to whether a variance should or should not be granted and may further recommend any additional conditions or restrictions that should be imposed as a condition to the granting of a variance.

(f). The Governing Body may, upon such terms and conditions as it deems necessary, grant a variance from the provisions of subsection (d) herein only after having found that there has been compliance with the provisions of subsection (e) herein. No variance shall be issued unless, and until, the Governing Body makes the same findings as set forth in subsection (c) herein.

(g). Permits and variances shall be valid for one year from the date of issuance. No fees shall be assessed for a permit issued hereunder. The Governing Body may, upon a finding that animals or fowl are being kept or maintained in violation of any of the provisions of this chapter suspend or revoke any permit, or variance, issued hereunder.

(h). The provisions hereunder shall not apply to the maintaining of a stockyard or sales barn for the loading, unloading, temporary detention and sale animals for fowl; provided such stockyard or sales barn is otherwise in compliance with all applicable federal, state and local laws pertaining to the carrying on of its business. (Ord. 589, 1989; Ord. 556, 1986; Ord. 450, 1977)

2-107. SAME; NUISANCE. Any person who maintains any animal or fowl in any building, pen or enclosure on his or her premises which is not maintained, kept in a state of repair, clean, sanitary and free from filth, debris, garbage and offensive odors at all times or, because of the animal or fowl, becomes unsightly or offensive to those residing in the vicinity shall be deemed to maintain a nuisance. Such nuisance shall be abated pursuant to the procedure set forth in Chapter 8 of this code. (Ord. 739, 2002; Ord. 556, 1986)

2-108. ANIMALS; KEEPING PROHIBITED. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the city:

(a) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal (including but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats).

(b) Any animal having poisonous bites.

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Lenexa Kansas Chicken Ordinance

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Are Chickens Allowed in this location	Yes
Max Chickens Allowed	Depends on your zoning
Roosters Allowed	Yes
Permit Required	No
Coop Restrictions	No corral, shelter or containment area may be within 100 feet of any adjacent dwelling, other than that of the owner of such livestock; within 100 feet from the front lot line or front building line, whichever is greater; and within 25 feet of any side or rear property line.
City/Organization Contact name	City of Lenexa, KS http://www.ci.lenexa.ks.us/government.html 12350 W 87th St Parkway Lenexa, KS 913-477-7500
Additional Information	Keeping poultry goes according to zoning. You can check your address to see what zoning it falls under via this map, the City of Lenexa provides: http://www.ci.lenexa.ks.us/gis/PDF/Zoning.pdf Section 3-2-H-1 KEEPING OF LIVESTOCK AND POULTRY; NUMBER LIMITED; If you live in Zoning area AG: If you own less than 1 acre you cannot keep any poultry If you own 1-3 acres you are allowed 4 poultry per acre not to exceed 12 poultry. If you own 3+ acres no limit in the amount of poultry you can keep. If you live in Zoning area RE or RPE: If you own less than 1 acre, you cannot keep any poultry. If you own 1-3 acres you are allowed 4 poultry per acre not to exceed 12 poultry. If you own 3+acres you are allowed a maximum of 12 poultry. All other Zoning Districts - regardless of how many lots you own, you cannot keep poultry. A special livestock permit will be required to keep any poultry outside of the numeric lot size, so long as the request is based upon pre-existing conditions, topography or other unique site conditions .
Link for more Information	http://www.ci.lenexa.ks.us/LenexaCode/CityCodes.html
Information Last Updated	2010-04-26 22:05:34

NOTE:

This information was submitted by a member of our [chicken forum](#). Please make sure to double check that this information is accurate before you proceed with raising chickens. You can read more info about checking local laws [here](#)..

Comments (1)



CluckyCharms

11/30/12 at 1:02pm

Thank you very much.

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www.backyardchickens.com/a/lenexa-kansas-chicken-ordinance

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BackYard Chickens > Laws and Ordinances > Overland Park Kansas Chicken Ordinance

Overland Park Kansas Chicken Ordinance

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Overland Park Kansas Chicken Ordinance

Are Chickens Allowed in this location	Yes
Max Chickens Allowed	No limit if kept on more than 3 acres of land
Roosters Allowed	Yes
Permit Required	No
Coop Restrictions	None
City/Organization Contact name	Unknown
Additional Information	No limit to the amount of chickens you can keep on 3 acres or more. However, if you have less than 3 acres you will need a special use permit to keep chickens. Overland Park Municipal Code Section 18.390.140 Animals: Domestic animals may be kept, and farm animals such as horses ponies, cows and chickens may be kept except that on a lot or tract of less than three acres in size a special use permit is required for the keeping of farm animals.
Link for more Information	http://www.opkansas.org/Overland-Park-Municipal-Code
Information Last Updated	2010-04-26 21:19:08

NOTE: This information was submitted by a member of our [chicken forum](#). Please make sure to double check that this information is accurate before you proceed with raising chickens. You can read more info about checking local laws [here](#)..

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Comments

There are no comments yet

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Uncle Sam Expects You To Keep Hens and Raise Chickens!!

The Basics Of Raising Chickens - Raising Chickens 101

Free range? Yea or nay?

www.backyardchickens.com/a/overland-park-kansas-chicken-ordinance

1/3



City of Roeland Park

4600 W. 51st Street
Roeland Park, KS 66205
Phone: 913-722-2600



- ❖ Chickens must be kept in a clean, safe, and healthy enclosure. Enclosures shall consist of a coop and may also include a run. Any run must be attached to the coop.
- ❖ Chickens must be kept in the covered enclosure at all times; and it shall be rodent - and predator-proof.
- ❖ All Coops, Runs, and Chicken Tractors shall be constructed of sturdy wire or wooden fencing.
- ❖ All Coops shall be inspected and approved by the Building Inspector.
- ❖ Enclosures may only be located in the rear yard of the property, as defined in Chapter 16.
- ❖ Coop must be located at least ten (10) feet from the property line and at least forty (40) feet from any adjacent residential dwelling, church, school, or place of business.

Coops & Enclosures

(1) Each Coop must be built with a minimum of 12 square feet per chicken, not to exceed 85 square feet total (2 square feet of inside area per chicken).

(2) The Coop shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked. Opening windows and vents must be covered with predator- and bird-proof wire of less than one-inch openings.

(3) All Coops, Runs, and Tractors shall be designed so as to be easily maintained.

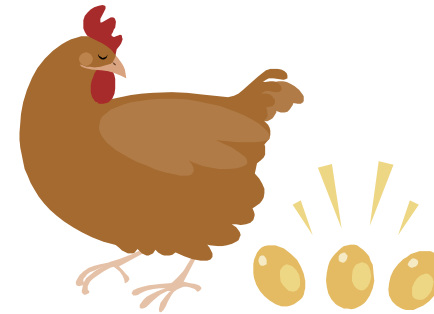
(4) The Coop, Run, and Chicken Tractor shall be constructed with durable materials that will hold up to the weather and environment.

(5) Used materials (reclaimed material) for enclosures must be approved by the Building Inspector as referenced in the adopted International Residential Code. The use of scrap, waste board, sheet metal, or similar materials is prohibited.

(6) Chicken Runs and Tractors must be located at least 10 feet from the property line.



City of Roeland Park

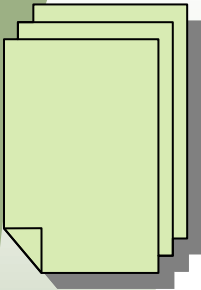


Coop
Permit
Fee
Support

Keeping Backyard Hens

Special Permit Application

Any person wishing to keep chickens in the City must obtain a special permit from the City Council prior to acquiring chickens.



Special Permit for Keeping Chickens

- No roosters allowed.
- Maximum of 6 chickens of 16 weeks of age or older or 1 clutch (8) chicks per tract of land regardless of how many dwelling units are on the tract.
- Strict guidelines for the placement and appearance/size of structure.
- Inspection by Building Inspector/Code Official.
- Special Permit approval by City Council.
- Neighbors will be notified of permit request.
- Chickens will not be running in yard.
- The property must be occupied by the person requesting the permit.



Licensing and Permit Application Fee

- Application fee \$80.00 valid for 1 year.
- Renewal fee \$20.00 (must be submitted prior to the expiration date of the previous permit)
- Renewal applications will be reviewed by the City Clerk for approval.

Revocation of Special Permit

The City Council may refuse to renew or revoke a special permit if, following a public hearing, it finds any of the following:

- (1) The premises are being maintained in violation of any applicable law of the State of Kansas, or of the City.
- (2) The premises are being maintained so as to be a public nuisance.
- (3) The premises are being maintained so as to be detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity.

ENFORCEMENT

- Lack of care, illness issues, and abuse complaints will be handled through Code Enforcement and/or Police.
- No chickens are allowed to run at-large.

NO ROOSTERS



Questions or concerns should be directed to:
Mike Flickinger, Building Inspector
Debra Mootz, City Clerk
913-722-2600

Definitions

COOP: means a structure for housing poultry during non-daylight hours

ENCLOSURE: means fenced areas that restrain the animals to a particular premises

CHICKEN TRACTOR: means a moveable chicken enclosure

CHICKEN RUN: means an enclosed area in which animals are allowed to move around

Support Information

WWW.MYCITYHENS.COM

mycityhens@gmail.com



CITY OF EDGERTON, KANSAS

COUNCIL AGENDA ITEM

Council Meeting Date: April 25, 2013

Agenda Item: Consent to Assignment of a Master Resolution of Intent

Subject: Industrial Revenue Bonds for the Logistics Park-Kansas City

Summary:

The City has previously adopted a Master Resolution of Intent (Resolution No. 07-08-10A) for the issuance of up to \$500,000,000 in industrial revenue bonds for the benefit of The Allen Group-Kansas City, LLC (“TAG”) to construct and equip projects to be located within the Logistics Park-Kansas City. TAG has assigned its right to develop the projects to Edgerton Land Holding Company, LLC (“Edgerton Land”). The Master Resolution of Intent may be assigned only with the consent of the City. This Resolution evidences the City’s consent of the Master Resolution of Intent from TAG to Edgerton Land so that Edgerton Land may continue to develop projects within the Logistics Park.

RESOLUTION NO. 04-25-13A

A RESOLUTION CONSENTING TO THE ASSIGNMENT OF A MASTER RESOLUTION OF INTENT EVIDENCING THE CITY'S INTENT TO ISSUE ITS INDUSTRIAL REVENUE BONDS FOR THE LOGISTICS PARK -- KANSAS CITY PROJECT

WHEREAS, the City of Edgerton, Kansas (the "City"), desires to promote, stimulate and develop the general welfare and economic prosperity of the City and its inhabitants and to further promote, stimulate and develop the general welfare and economic prosperity of the state of Kansas; and

WHEREAS, the City is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the "Act"), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act and to lease such facilities to private persons or entities; and

WHEREAS, The Allen Group – Kansas City, LLC, a Delaware limited liability company ("TAG"), has previously requested the City to issue its industrial revenue bonds in multiple series, the aggregate principal amount of all series not to exceed \$500,000,000 (the "Bonds"), for the purpose of financing the cost of acquiring, constructing, improving and equipping facilities within The Logistics Park-Kansas City to be located adjacent to the intermodal facility being constructed by the BNSF Railway Company, a Delaware Company ("BNSF"), including real estate, buildings, improvements and equipment for industrial warehouses, distribution, flex and storage facilities and other supporting commercial uses (collectively, the "Logistics Park Projects"), located on approximately 560 acres of land surrounded by 191st Street to the south, Waverly Road to the east and 56 Highway to the west, and a parcel of land located on the northeast corner of 183rd Street and Waverly Road, all within the City, and to lease the Logistics Park Projects to TAG all pursuant to the Act; and

WHEREAS, the Logistics Park Projects are expected to be constructed in phases with one or more buildings and facilities being constructed and financed at a time; and

WHEREAS, the City adopted Resolution No. 07-08-0A on July 8, 2010 (the "Master Resolution of Intent") evidencing the intent of the City to issue the Bonds for the purpose of financing the cost of acquiring, constructing, improving and equipping the Logistics Park Projects; and

WHEREAS, TAG has assigned its right to develop the Logistics Park Projects to Edgerton Land Holding Company, LLC, a Kansas limited liability company ("Edgerton Land"); and

WHEREAS, **Section 7** of the Master Resolution of Intent permits TAG to assign all of its interest in the Master Resolution of Intent with the consent of the City; and

WHEREAS, TAG has requested that the City consent to the assignment of all of its interest in the Master Resolution of Intent to Edgerton Land, or its successors or assigns;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, AS FOLLOWS:

Section 1. Consent to Assignment. The Governing Body of the City consents to the assignment of all of TAG's interest in the Master Resolution of Intent to Edgerton Land.

Section 2. Execution of Documents. The Mayor of the City is hereby authorized and directed to execute a document evidencing the assignment of the Master Resolution of Intent from TAG to Edgerton Land and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution, for and on behalf of and as the act and deed of the City. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City to such documents and other instruments as may be necessary.

Section 3. Master Resolution of Intent to Remain in Effect. Except as amended by this Resolution, the terms and provisions of the Master Resolution of Intent shall remain in full force and effect.

Section 4. Further Action. SA Legal Advisors LC, Bond Counsel for the City, and officers and employees of the City, are authorized to work with the purchaser of each series of the Bonds, Edgerton Land, their respective counsel and others, to prepare for submission to and final action by the City all documents necessary to effect the authorization, issuance and sale of each series of the Bonds and other actions contemplated under the Master Resolution of Intent.

Section 5. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the City Council of the City.

ADOPTED April 25, 2013.

CITY OF EDGERTON, KANSAS

(Seal)

Mayor

ATTEST:

City Clerk

CITY OF EDGERTON, KANSAS

COUNCIL AGENDA ITEM

Council Meeting Date: April 25, 2013

Agenda Item: Public Hearing
Partial Assignment of Resolution of Intent

Subject: Property Tax Abatement for ELHC I, LLC Project

Hearing Notice Published: April 17, 2013 in the *Gardner News*

Summary:

The City has received an application for property tax abatement from ELHC I, LLC. ELHC I desires to construct an approximately 500,000 sq. ft. spec warehouse and distribution facility to be located on approximately 30 acres of land at the northwest corner of 191st Street and Waverley Road in Edgerton, Kansas. In order for the City to grant property tax abatement, the City must first hold a public hearing, consider the cost-benefit report and then approve a partial assignment of the Master Resolution of Intent.

Public Hearing

A notice of the public hearing has been published at least seven days prior to the date of this meeting. Written notice of the public hearing has also been provided to the County and the School District. The Council should take comments from the public.

Cost-Benefit Report

Steve Robb from Municipal Consultants has prepared a cost-benefit report for the proposed project. The City should consider the cost-benefit report and ask any questions the Council may have about the report.

Partial Assignment of Resolution of Intent

The City previously adopted a Master Resolution of Intent (Resolution No. 07-08-10A) on July 8, 2010 for the benefit of The Allen Group - KC for constructing various projects in the Logistics Park-Kansas City, and provided for the issuance of up to \$500,000,000 in industrial revenue bonds. The Allen Group-KC has assigned its interest in the Master Resolution of Intent to Edgerton Land Holding Company, LLC ("Edgerton Land"). The Master Resolution of Intent allows Edgerton Land to assign portions of the Master Resolution of Intent for various companies that locate within the park. The partial assignment of the Master Resolution of Intent assigns \$25,000,000 of the Master Resolution of Intent to ELHC I for the purpose of constructing its project.

RESOLUTION NO. 04-25-13B

**RESOLUTION CONSENTING TO THE PARTIAL ASSIGNMENT OF A
RESOLUTION OF INTENT FROM EDGERTON LAND HOLDING COMPANY,
LLC TO ELHC I, LLC, OR ITS SUCCESSORS IN INTEREST**

WHEREAS, the City of Edgerton, Kansas (the “City”), desires to promote, stimulate and develop the general welfare and economic prosperity of the City and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the City is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the City adopted Resolution No. 07-08-10A on July 8, 2010 (the “Resolution of Intent”) determining the intent of the City to issue its industrial revenue bonds in multiple series, the aggregate amount of all series not to exceed \$500,000,000 (the “Bonds”), to finance the costs of acquiring, constructing, reconstructing, improving and equipping the Logistics Park Projects (as defined in the Resolution of Intent) for the benefit of The Allen Group - Kansas City, LLC (“TAG”); and

WHEREAS, TAG, with the consent of the City, assigned its interest in the Resolution of Intent to Edgerton Land Holding Company, LLC (the “Developer”)

WHEREAS, Section 7 of the Resolution of Intent permits the Developer, with the consent of the City, to assign a portion of its interest in the Resolution of Intent to another entity, thereby conferring on such entity the benefits of the Resolution of Intent and the proceedings related thereto; and

WHEREAS, the Developer desires to assign \$25,000,000 of its interest in the Resolution of Intent to ELHC I, LLC, a Kansas limited liability company (the “Company”), for the purposes of permitting the Company to acquire, construct and equip a commercial project, consisting of a an approximately 500,000 sq. ft. warehouse and distribution facility (the “ELHC Project”), to be located on approximately 30 acres of land at the northwest corner of 191st Street and Waverley Road in Edgerton, Kansas; and

WHEREAS, the City desires to consent to such partial assignment of the Resolution of Intent to the Company.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, AS FOLLOWS:

Section 1. Partial Assignment of Resolution of Intent. The Governing Body of the City hereby consents to the assignment by the Developer of \$25,000,000 of the Developer’s interest in the Resolution of Intent to the Company for the purposes of completing the ELHC Project, which is a Logistics Park Project. The City agrees that the Company will now be entitled to the benefits of the Resolution of Intent to the same extent and on the same terms as the Developer with respect to the ELHC Project.

Section 2. Authorization to Proceed. The Company is authorized to proceed with the acquiring, constructing and equipping of the ELHC Project, and to advance such funds as may be necessary to accomplish such purposes, and, to the extent permitted by law, the City will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 3. Benefit of Resolution. This Resolution will inure to the benefit of the City and the Company. The Company may, with the prior written consent of the City, assign its interest in this Resolution and the Resolution of Intent to another entity, and such assignee will be entitled to the benefits of this Resolution, the Resolution of Intent and the proceedings related hereto.

Section 4. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the City.

ADOPTED this 25th day of April, 2013.

CITY OF EDGERTON, KANSAS

[SEAL]

By: _____
Mayor

ATTEST:

City Clerk